

**GM-1**

Submitted on: 7/22/2021 5:50:21 AM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Trever Asam	Individual	Support	No

Comments: I am writing in strong support of Mr. Gluck's nomination. I am an attorney in private practice at the law firm of Cades Schutte and have known Mr. Gluck for 16 years. Throughout that time, I have always found him to be intelligent and thoughtful. In his recent role at the State Ethics Commission, I have often reached out to Mr. Gluck for guidance and assistance in an uncertain area of the law. Mr. Gluck has always approached these questions with the goal of developing a culture of compliance and understanding of the ethics code, rather than trying to use the ethics law as a weapon. I have not always agreed with his conclusions, but I have always respected the thought and intent behind them. He is a great attorney and will make a great judge. Perhaps more importantly, however, he is also an exceptional human and the type of person that we need on the bench. Thank you, Trever Asam

Holly F.B. Berlin  
[hollyfbberlin@gmail.com](mailto:hollyfbberlin@gmail.com)  
(808) 728-5520

July 27, 2021

To the Committee on Judiciary:

I write in strong support of Daniel M. Gluck's nomination to the Intermediate Court of Appeals. I have known Dan for over ten years—first as a colleague at the ACLU of Hawai'i, and then as a mentor and friend. He is an asset to our legal community. Voting yes on his confirmation would be to the benefit of all your constituents.

Dan has been a leader in the community for many years. Dan's resumé speaks to his commitment to public interest work. As part of this, he also cares deeply about diversifying the bench and bar to include opportunities for individuals from underrepresented groups. I was born and raised in Waialua and graduated from Kahuku High School in 2009. It is because of Dan's mentorship and guidance that I am now an attorney myself, having recently served as a law clerk at the Hawai'i Supreme Court. As a judge, Dan would continue to nurture and inspire the next generation of lawyers. Leadership from the bench in this manner is vital but not often discussed in selecting new jurists.

Dan's many other skills also make him an ideal candidate for a judgeship. First, he is a brilliant legal thinker. We rely on judges to read and synthesize an enormous amount of material, including the parties' briefs and prior judicial opinions, and then apply the law to the facts of each case. Having seen Dan's legal work firsthand, particularly his ability to quickly learn a new area of law, I trust him completely with this difficult task. Judges must be lifelong learners because each case presents new issues. Dan will put in the work and do it well, with his signature enthusiasm and intellectual curiosity.

Second, Dan is a thoughtful person who treats everyone with respect. ICA judges hold power to interpret the law—not just for litigants before them, but for all who live in our state. I know that Dan would take this responsibility seriously because I have seen how much he cares about fairness, truth, and the dignity of every individual.

In sum, I urge the committee to vote yes on Dan's nomination to allow him to continue his public service from the bench. Thank you for your time and attention to this important matter.

Sincerely,



Holly F.B. Berlin

## Testimony of Jacquie Esser to the Senate Committee on Judiciary

July 27, 2021

GM1: TESTIMONY IN SUPPORT OF THE CONFIRMATION TO THE INTERMEDIATE COURT OF APPEALS AS ASSOCIATE JUDGE, GUBERNATORIAL NOMINEE, DANIEL M. GLUCK

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

I am writing in **strong support** of the confirmation of Gubernatorial Nominee **Daniel Gluck** to the Intermediate Court of Appeals.

I have known Dan Gluck for over thirteen years and in that time have come to know him well and respect him very much. I first met Dan Gluck in 2008 while a legal extern at the ACLU of Hawai'i where Dan Gluck worked as the Senior Staff Attorney at the time. He has remained a friend and mentor ever since.

Dan Gluck is one of the most intelligent, diligent, decisive, and compassionate people I know. His intellect is keen, his breadth of knowledge impressive, and his commitment to service and justice deep. He is also a dedicated family man with a strong sense of community.

In my opinion, Dan Gluck will be an outstanding asset to the ICA.

Thank you for the opportunity to testify on this measure.

**GM-1**

Submitted on: 7/22/2021 1:03:48 PM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Pankaj Bhanot	Individual	Support	No

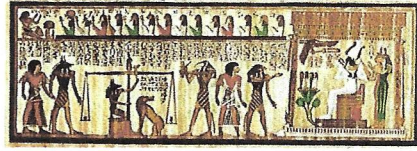
Comments: Aloha Chair Rhoads, Vice Chair Keohokalole and members of the Senate Committee on Judiciary! My name is Pankaj Bhanot and I am testifying as an individual citizen and resident of our Aloha State. Thank you for the opportunity to testify in strong support of Mr. Daniel Gluck's nomination to the Intermediate Court of Appeals (ICA) as Associate Judge for a term of ten (10) years. I fully understand the concerns raised by many in our community about Dan's qualification to sit on the ICA bench. The concerns include: (1) Mr. Gluck's legal career pathway has not resulted in as much litigation and appellate experience as others on the list provided to the Governor; (2) the Governor has picked the only white male on the list; (3) the Hawai'i appellate courts have not had native Hawaiians or Filipinos seated for some time and do not reflect the diversity of our community; and/or (4) Mr. Gluck is not from Hawai'i. As a person of color, I am fully aware and agree that all our branches of government should reflect the make-up of our community. On the other hand, our Communities also include qualified and good white males and females and they are as committed to our Aloha State as any other person living and working in Hawaii. We have examples of that across the board in our public and private sector. There are also many people of color, who were not born or raised in Hawaii (for example myself), who have made Hawaii their home and selflessly served Hawaii and its people for decades. Dan has done the same for a long time. Dan works and lives with his wife and children in Honolulu full-time since 2003. Dan's inclusion in the list of qualified individuals fit to serve on the ICA through Hawai'i's merit-based appointment process signifies that he is qualified for the office. I have to believe that the process of selection was rigorous and fair. If the process is flawed or rigged, then we have to do something to correct the problem. As a US Citizen and resident of Hawaii, and as a fourth generation lawyer, I understand the value of practicing law. Practice of law, as you well know, does not exclusively include trial experience. It is also not the only criteria for judicial appointments at any level. In our country, we have countless examples of judges being appointed to various levels of judicial appointments, including the US Supreme Court, where the nominee/appointees trial or appellate level experience was limited or negligible. One of the most brilliant legal minds of our country, Justice Elena Kagan, was appointed as the Associate Justice of the US Supreme Court and she had a negligible record of trial or appellate experience. She worked on 5 legal cases, which never went to trial. She was also appointed as the US Solicitor General with no experience of appearing before the Supreme Court. Justice Kagan has turned out to be a brilliant jurist. What Justice Kagan has is an excellent legal mind and judicial temperament, which makes her a great jurist. In my humble opinion, what a good judge needs is a legal acumen and judicial temperament, which Dan possesses in bulk. Dan, just like Justice Kagan, has the legal



education, legal experience of interpreting, analyzing, and applying substantive law while he served and continuing to serve our State in various capacities. Dan practiced law at Hawaii Ethics Commission, UH Refugee and Immigration Law Clinic, Volunteer Legal Services of Hawaii, ACLU, Mediation Center of Hawaii, Adjunct Professor of law at the UH, Litigation Associate with Alston Hunt, Floyd and Ing, and while clerking for Judge J. Michael Seabright and Justice James E. Duffy Sr. All the legal cases he dealt with while serving in various capacities included all aspects of law a trial or appellate attorney will go through. His legal experience clearly shows that he is fully capable of analyzing, interpreting and applying substantive law to any legal matter/situation and has judicial temperament to be compassionate, decisive, open-minded, sensitive, courteous, patient, independent from bias and committed to equal justice. Dan will make an excellent judge. I request this Committee and full Senate to give Dan a fair consideration based on the totality of his legal experience, judicial temperament, and contribution to our Aloha State and confirm his appointment as Associate Judge of the ICA. Thank you for the opportunity to testify.

# DAPHNE E. BARBEE

ATTORNEY AT LAW  
CENTURY SQUARE, SUITE 1908  
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July 23, 2021

The Honorable Karl Rhoads Senator  
Chair of the Judiciary Committee  
And the Judiciary Committee  
Hawaii State Legislature  
Honolulu, Hawaii 96813

RE: Daniel M, Gluck Intermediate Court of Appeals Nomination by Governor David Ige

Dear Senator Rhoades and Judiciary Committee Members:

I am writing in support of Daniel Gluck's nomination as an Intermediate Court of Appeals Judge. I am very happy he was nominated by Governor Ige for this position. Dan Gluck is a thinker and a doer. He does excellent research and listens to all opinions before rendering his own decision on matters. I met him while he was the ACLU attorney. As an ACLU attorney he helped various groups, such as the African American Lawyers Association, Common Cause, N.A.A.C.P. in seeking racial justice and advocated for assistance for the homeless, for immigration rights, and civil rights for the less fortunate during a time when there was a rolling back on immigration rights and civil rights. As an ACLU attorney he wrote Amicus Briefs for inmates who were over incarcerated past their release dates in prisons and for their right to marry and against racial profiling. He is very committed and concerned about justice and civil rights in Hawaii. Please confirm him as an Intermediate Court of Appeals Judge.

Sincerely,

Handwritten signature of Daphne E. Barbee Wooten in blue ink.

Daphne E. Barbee Wooten  
Attorney at Law

MEMO TO: COMMITTEE ON JUDICIARY

DATE: July 23, 2021

FROM: Susan DeGuzman

SUBJECT: **TESTIMONY IN SUPPORT OF DANIEL M. GLUCK**  
Candidate for the Intermediate Court of Appeals (ICA)

CONFIRMATION HEARING: Tuesday, July 27, 2021; 11:00 a.m.

HONORABLE MEMBERS OF THE COMMITTEE ON JUDICIARY:

Thank you for the opportunity to write in support of DANIEL M. GLUCK, gubernatorial nominee to the Intermediate Court of Appeals. I first met Dan in 2003 when he joined the Hawaii Supreme Court as a law clerk to Associate Justice James E. Duffy, Jr., and I was working as Executive Secretary to Chief Justice Ronald T. Y. Moon. Dan and I did not work closely together because he was the law clerk for another justice. However, from what I was able to observe throughout his two years with Justice Duffy, I found him to be friendly, always “upbeat,” and courteous. Over the next ten years, I would see Dan occasionally at Judiciary and other law-related functions where we would “catch up.”

Then, in 2016, I had the opportunity to work closely with Dan for nearly four years, during my second term as a commissioner on the Hawaii State Ethics Commission (HSEC), which ended in June 2020. I would see Dan at least once a month during our commission meetings, but would regularly interact with him (either in person or on the phone) between our monthly meetings. While serving as Chair of the Commission (2015-2017), our interactions were more frequent and especially during the time when the Commission undertook the task of recrafting the HSEC’s Administrative Rules, which was spearheaded by Dan -- a monumental task indeed.

At our first commission meeting after Dan was selected as HSEC’s Executive Director, I was extremely impressed by Dan’s “preparedness,” especially when it came to our adjudicatory agenda. Hawaii’s ethics and lobbyist laws are part of what I consider “specialty” laws (that is, laws within a specific arena that most lawyers would not be well-versed in unless they practiced in that specific area, like workers’ compensation, for example). It was apparent that Dan had done his “homework (i.e., that he had studied the ethics and lobbyist laws, including prior opinions issued by the Commission) prior to his first meeting with us.

In my opinion, what makes Dan particularly suited for a position with the Intermediate Court of Appeals is the fact that Dan is an excellent writer. The various materials he has presented to the Commission for consideration in adjudicating cases (e.g., internal case memoranda, formal and informal draft opinions, ethics charges, settlement documents, etc.) have been clear, concise, and thorough. The formal and informal opinions presented to the Commission for consideration were well-reasoned.

I believe what is most noteworthy about Dan is his “people skills.” When Dan first came onboard as Executive Director, a few “bridges” had been harmed with regard to the relationship between the Commission and the Legislature. Additionally, morale in the Commission office was quite low. In just a few short months, the relationship between the HSEC and the legislators was much improved due to his direct efforts. As importantly, the positive change in office morale was a blessing to witness.

I can say -- without reservation -- that Dan possesses the appropriate judicial temperament for any judicial position. Having worked at the Judiciary for over 28 years, I have experienced many different “judicial personalities” -- some of whom became afflicted with “Black Robe Syndrome.” I do not believe Dan will be so afflicted! I have observed Dan in some tense exchanges with others, and he has always remained calm, respectful of the opinions of others (even when he disagreed), and maintained a high level of professionalism and civility. Even when being challenged (and sometimes “attacked”), he listens carefully to the position of others, asks questions politely, listens to responses respectfully, and articulates his reasoning cogently. Dan is courteous, friendly, and always willing to lend a helping hand -- no matter what the task. If I were to use one word to describe Dan, it would be “gentleman.”

In closing, I have no doubt that Dan will be a great asset to the Judiciary (although I am saddened at the prospect of losing him as Executive Director of the HSEC). To paraphrase an old saying: “HSEC’s loss is the Judiciary’s gain!” But, in the end, the people of Hawaii are the true beneficiaries.

Again, mahalo for the opportunity to comment on an outstanding candidate!

# IVAN M. LUI-KWAN

Pacific Guardian Center, Makai Tower  
733 Bishop Street, Suite 1900  
Honolulu, Hawaii 96813

July 23, 2021

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

RE: Support for the Nomination of Daniel M. Gluck  
Intermediate Court of Appeals, State of Hawai'i

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

I write in support of the nomination of Daniel M. Gluck ("Nominee") to the Intermediate Court of Appeals ("ICA") for the following reasons:

**Qualified Judges are Critical to Delivery of Justice based on Fairness and to Maintenance of a Healthy Community in Hawaii.** As an attorney licensed in Hawaii over the past fifty years, it has become clear to me that delivery of justice in our courts based on fairness has a clear nexus to the maintenance of a healthy community in Hawaii. The vision of a healthy community is one in which all Hawaii residents have access to good health, adequate education, fulfilled employment, comfortable housing and a safe and pleasing physical environment. Judges who are qualified and committed to fairness are essential to an effective judicial system which protects the rights of Hawaii's citizens. An effective and legitimate judicial system enables our residents with the opportunity to thrive in a healthy community.

**The Nominee is Highly Qualified to Serve as a Judge on the ICA.** There are a number of factors which lead to the conclusion that the Nominee is highly qualified to serve on the ICA.

1. Very significant is the fact that the Nominee has chosen a career path dedicated to public service. This is demonstrated by his choices to work at the United States Department of Justice, the United States Attorney's Office and the Hawai'i State Ethics Commission. The Nominee's commitment to public service shows where his heart is.


The Honorable Karl Rhoads, Chair  
The Honorable Jarrett Keohokalole, Vice Chair  
Members of the Senate Committee on Judiciary  
July 23, 2021  
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2. The Nominee's experience demonstrates his substantial exposure to the judicial system and to the operations of the justice system. Such experience includes his litigation work at the ACLU of Hawai'i, at the Richardson School of Law as an adjunct professor, and at the Alston Hunt law firm as a litigation associate. What is particularly impressive to me is his clerkships on the Hawai'i Supreme Court for Justice Duffy and at the United States District Court for Judge Seabright. My clerkship for Chief Justice William Richardson when I graduated from law school has had a lasting positive impact on my path as a lawyer over the past fifty years. That one year of clerkship provided me with valuable insights into the operations of the justice system in Hawaii.

I would like to state that my testimony in support of the Nominee is based **solely** on my effort to making life better for the people of Hawaii through having judges in our justice system who are qualified and who are committed to serving the people of Hawaii.

Mahalo nui for allowing me to provide this testimony.

Aloha nui loa,



Ivan M. Lui-Kwan

July 25, 2021

Committee on Judiciary  
Attn: Senator Karl Rhoads, Chair

**Re: Testimony In Support of Confirmation of Daniel Gluck**

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

I write to you in **strong support** of the confirmation of Daniel Gluck as Associate Judge on the Intermediate Court of Appeals.

I am a practicing attorney on Maui, and I have known Dan since 2006, when we were both law clerks together at the United States District Court for the District of Hawai'i. I believe that Dan would make an excellent judge on the Intermediate Court of Appeals.

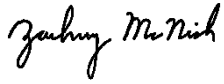
There are three key points that I would like to make in my testimony:

- 1. Dan is well qualified for this position.** I am aware that some questions have been raised with respect to Dan's qualifications. While Dan's work has not resulted in as many reported cases or court appearances as others that could have been nominated by the Governor, it would be a mistake to think that Dan is not qualified for this position. Dan has a deep understanding and knowledge of the law. He has clerked for judges at both the trial court and appellate court levels. He has worked in private practice as a civil litigator at a large Hawai'i firm, brought lawsuits on behalf of the less privilege as legal director of the ACLU, and now brings enforcement actions and recommends sentences as general counsel and executive director of the Hawai'i State Ethics Commission. I know of few others who have such a breadth of legal experience across multiple areas. This breadth of experience is what we should want in our appellate judges to assist them in viewing issues from multiple angles, through multiple lenses.
- 2. Dan is one of the fairest people I know.** I have been friends with Dan for well over ten years now and without question, Dan is one of the fairest, most impartial people I know. As a judge, he will treat those who come before him fairly, with respect, and without bias or pre-judgment.
- 3. The work that Dan has done for Hawaii, over the past 18 years should matter more than his ethnicity.** I understand that some oppose Dan's confirmation because Hawai'i's appellate courts lack Native Hawaiian and Filipino judges. I agree that we need to strive to make our appellate courts better reflect the racial and ethnic diversity of Hawai'i. But I think it would be error to not confirm Dan on this basis. I urge you to look at what Dan has done in Hawai'i and for Hawai'i over the 18 years he has lived here. He has fought for the least privileged among

us. He has volunteered his time as an advocate and a mediator. He has chosen to work for our government in a job protecting the public trust. His demonstrated commitment to the people of Hawai'i should matter more than his ethnicity in determining whether you confirm him to the Intermediate Court of Appeals.

Thank you for your consideration of my testimony.

Sincerely,

A handwritten signature in black ink that reads "Zachary McNish". The signature is written in a cursive, flowing style.

Zachary McNish



**GM-1**

Submitted on: 7/25/2021 9:26:45 AM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
William Mouat	Individual	Support	No

Comments: Hello, Daniel Gluck is a nominee for the Intermediate Court of Appeals. To get to it: Mr. Gluck is the best person I know. I've been lucky to call him a friend for more than 25 years, and in that time I've yet to find anyone who is more thoughtful, earnest, fair, kind, patient, courageous, firm, trustworthy, and contemplative. My short list of judges would start and end with him. Marveling at his career success has become standard practice for me. But he's more than those qualities. He inspired my career (I became a lawyer largely because of Mr. Gluck), emboldened me to become a father, and has helped shape my views on a number of nuanced social and political topics. Better yet, spending time with him and his family over the years has brought me great joy. I am certain that Mr. Gluck's presence on the Intermediate Court of Appeals will be enormously beneficial for Hawai'i. Respectfully, William Mouat

July 25, 2021

Honorable Senator Karl Rhoads, Chair, Senate Committee on Judiciary,  
and Members Thereof

Via Videoconference for Hearing on July 27, 2021 at 11:00 a.m.

Re: *Testimony in Strong Support of the consideration and confirmation to the Intermediate Court of Appeals as Associate Judge, Gubernatorial Nominee, Daniel M. Gluck*

Dear Chair Rhoads and Members of the Senate Committee on Judiciary:

My name is Lois Perrin and I served as the Legal Director/Of Counsel for the American Civil Liberties Union of Hawaii (“ACLU”) from 2004 until 2016. I write in strong support of the consideration and confirmation for Daniel M. Gluck to the Intermediate Court of Appeals (“ICA”) as an Associate Judge.

Prior to elaborating on Mr. Gluck’s myriad of professional achievements and dedication to social justice, I wanted to speak to Mr. Gluck’s affection and dedication to the State of Hawaii.

Mr. Gluck first came to the island of Oahu in the summer of 2001, from Harvard Law School, to serve as a legal intern in the United States Attorney’s Office. After falling in love with the islands and the culture of Hawaii, Mr. Gluck returned to Hawaii in 2003 after graduation from law school to serve as a law clerk to the Honorable James E. Duffy (Ret.) of the Hawaii Supreme Court. Mr. Gluck and his then partner and now spouse, Deborah Zysman, decided to make Hawaii their permanent home and have been in Honolulu for approximately 18 years. Mr. Gluck and Ms. Zysman have settled into Hawaii, had two children born in Honolulu (both of whom attend Hawaii public schools) and have fully integrated themselves and their family into the local community.

From the professional side, Mr. Gluck is an exceptional attorney. His work and work ethic are superlative, and he will be a brilliant judge. The State of Hawaii will be proud to have him as a judge on the ICA.

I had the great fortune of working with Mr. Gluck on a daily basis from the summer of 2007 until the Spring of 2016. He is simply the best attorney with whom I have ever worked. During my 20-year career, I served as a law clerk to the Honorable Alan C. Kay, U.S. District Court Judge for the District of Hawaii and as an associate at both Sidley & Austin and Morrison & Foerster, both internationally renowned global law firms. In private practice, I specialized in civil litigation and then in civil appeals. During my legal career, I appeared before the United States Supreme Court in 2002 and I argued before the Hawaii Supreme Court in 2005.

Mr. Gluck joined the ACLU as the Senior Staff attorney in the summer of 2007. Although he was fairly junior at the time, his qualifications were superb. After graduating from Harvard Law School, Mr. Gluck clerked for Hawaii Supreme Court Justice James E. Duffy (Ret.) and then for Judge J. Michael Seabright, U.S. District Court Judge for the District of Hawaii. Thereafter Mr. Gluck entered private practice as an associate at Alston, Hunt, Floyd & Ing (working primarily

Hon. Senator Karl Rhoads, Chair, Senate Committee on Judiciary  
and Members Thereof

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with Paul Alston). As I spoke with each of these esteemed judges and attorneys during the reference phase, one thing was evident – the recommendations were overwhelmingly positive, and each person noted his expectation that Mr. Gluck would grow and develop into a formidable and effective lawyer.

When Mr. Gluck arrived at the office, it was quickly apparent that his work product was better than that of most mid-level and upper-level associates with whom I had worked: his legal memoranda and briefs were clear, concise, well-organized, and well-researched. He worked quickly and with minimal direction. His instincts were excellent, and he was able to grasp the big picture of the ACLU of Hawaii's mission without getting bogged down in details.

Over the next nine years, Mr. Gluck and I worked on scores of civil liberties matters in civil litigation and appeals, case development, informal resolution of issues, lobbying and grass roots organizing. Highlights of this time included our extensive lobbying and organizing work on the Hawaii Marriage Equality Act of 2013 (S.B. 1), litigation involving: (1) Title IX (Baldwin High School); (2) mandatory teacher drug testing; (3) motions to suppress in several separate immigration cases (of which at least two required full evidentiary hearings); and (4) an amicus brief in the Ninth Circuit regarding the use of TASER guns. We also embarked upon a multitude of missions to increase the visibility of the ACLU of Hawaii by appearing in various press events and educational fora. Mr. Gluck also personally supervised dozens of ACLU volunteers and legal interns over the years.

What is most impressive about Mr. Gluck is that he excelled in each of these areas, which is not easy. There are very different skill sets that are needed to master litigation, community organizing, community presence and lobbying. Mr. Gluck proved to be a leader in each of these areas.

From personal experience I can attest that being a civil rights attorney with the ACLU of Hawaii is met with almost uniform intrigue and often skepticism. Some people are 100% on board with the ACLU's mission, some question every position taken by the ACLU, some just want an arena in which to argue or in which to bond. With regard to client development and relationships, an ACLU attorney is like no other. Some cases require clients with very little personal interaction (such as challenging the constitutionality of a passed law). Others require daily handholding (such as working with those individuals who have been subjected to discriminatory practices based on their race, status, religion or practices). Often clients in the latter category require more emotional and pragmatic support. In all of these cases, an ACLU attorney must be both centered and grounded with an ability to actually listen to the client and not just hear them.

In this regard, Mr. Gluck was exceptional. He is patient (much more so than I ever was), unassuming, giving and has the ability with his gentle nature to put people at ease. I have seen him get involved and manage disputes amongst clients, counsel and community advocates (and opponents). On each occasion Mr. Gluck handled the situation calmly and with respect but was

Hon. Senator Karl Rhoads, Chair, Senate Committee on Judiciary  
and Members Thereof

July 25, 2021

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able to utilize his professional expertise to drive the conflict towards an amicable resolution. In sum, his judicial temperament would be exceptional.

Mr. Gluck is a treasure – not just as a jurist but as a person. He is bright, funny, kind and intellectually curious. He is talented and widely respected. I consider myself to be lucky to have had the honor of working with him daily for nearly a decade. Mr. Gluck's dedicated work in the public interest sector, his transition to government and his keen love of the law make him an exceptional candidate for the bench.

Thank you for this opportunity to testify. I will also register to testify via videoconference for the hearing on July 27, 2021.

Sincerely,

Lois Perrin

# DAVIS·LEVIN LIVINGSTON

ATTORNEYS

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MATTHEW C. WINTER  
mwinter@DavisLevin.com

July 25, 2021

NEIGHBOR ISLANDS  
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Hawai'i: 326-3200  
Kaua'i: 245-6100

Committee on Judiciary and Labor  
Senator Karl Rhoads, Chair  
Senator Jarrett Keohokalole, Vice Chair  
Hawai'i State Legislature  
Thirtieth Legislature, Interim 2020

**Re: 31st Legislature, 2021 Re: GM1 – Testimony in Support of the Nomination of Daniel M. Gluck to be Associate Justice to the Intermediate Court of Appeals**

Dear Committee Members:

I write to provide testimony in strong support of Daniel Gluck's nomination to be our next Associate Justice to the Hawai'i Intermediate Court of Appeals. I have known Dan for the past twelve years, and I have had the opportunity to work alongside Dan on several civil rights cases filed in Hawai'i. I have seen him work up a case, file and argue complex motions in court, and lead a litigation team. Through my work with Dan, I quickly realized that he is an incredibly talented lawyer and litigator. His success is driven by this talent in combination with his deep sincerity and passion for justice. He will be an incredible Associate Justice.

Dan has tremendous support in the legal community and our community as a whole. He is a legal scholar, a teacher, and a family man. He is outspoken about issues in our community and has devoted his career to public service with the goal of educating and protecting the people of Hawai'i. He will bring this background to the Hawai'i Intermediate Court of Appeals; and with it, advance our judiciary while protecting the community he serves.

Dan's greatest gift is his personality, and I am lucky enough to call him a friend. Those who have met or worked with Dan can attest to his good character, humility, and professionalism. These traits will enable Dan to build bridges where they might not exist and explain the law to those who so need its help. This, alongside Dan's background in public service, civil rights litigation, and work as the Executive Director of the Hawai'i State Ethics Commission will make him a tremendous asset to the Intermediate Court of Appeals.

If you have any questions, please do not hesitate to contact me.

Sincerely,

DAVIS LEVIN LIVINGSTON



Matthew C. Winter

Testifier: Page Ogata

Hawaii State Senate, Judiciary Committee

Re: Nomination of Daniel Gluck to the Intermediate Court of Appeal

Aloha Senators Rhoads, Keohokalole, Acasio, Gabbard, Fevella, Lee, and Mercado-Kim,

I am submitting testimony in opposition to Intermediate Court of Appeals (“ICA”) nominee Daniel Gluck. While Mr. Gluck meets the qualifications for the position, including his education and years of legal practice, Mr. Gluck is less qualified than many of the other nominees to this prestigious position.

I have no reason to doubt that Mr. Gluck is a kind and generous person and an accomplished administrator but making good decisions as an appellate court judge takes more than that. Making decisions that are both intelligent and easily applicable to the lower courts takes practical experience that can only come with years of reading and writing appellate briefs, appearing in court, or ruling on evidentiary objections or motions. Mr. Gluck’s resume is woefully deficient in those vitally important areas.

The ICA is the workhorse of the appellate courts, and every decision made by the ICA affects the way that the trial courts and trial attorneys address cases. The Supreme Court accepting only a small percentage of appellate decisions issued by the ICA, so it is vital that ICA decisions be practical and well thought out. If the ICA is not filled with judges with real world experience, an increasing number of “ivory tower” decisions will be made, with little consideration of how trial attorneys and trial courts will be able to implement those decisions.

On a personal note, as the parent of young Hawaiian children, I would like to encourage them, especially my daughter, to believe that they can achieve anything. However, the continued nomination and confirmation of people such as Mr. Gluck to such powerful positions sends the continued message to children like mine that being a politically connected White male is more important than hard work and building an impressive resume.

I thank you for considering my testimony.

**GM-1**

Submitted on: 7/25/2021 2:18:37 PM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dr. Jamaica H. Osorio	Individual	Oppose	No

Comments: Aloha kākou, I am writing this testimony is full opposition to the nomination of Daniel Gluck to the Hawai'i Intermediate Court of Appeals (ICA). I share my opposition with the specific concern that this nomination represents yet another attempt by the state of Hawai'i to bypass Kanaka Maoli and women of color leadership and expertise. In this particular instance the Kanaka Maoli (and other) candidates far supersede the experience held by Gluck. By every meaningful metric, Gluck is clearly the least experienced of all finalists. In fact the only thing that does distinguish Gluck on this list is that he is the only candidate whos appealant experice is accounted for in single digits. Gluck's inexperience should be enough to disqualify him in a field of such supremely qualified candidates. However, there are additional issues that are major causes for concern. Across Gov. Ige's tenure, his prejudices are clear. 71% of all of his appointments have been men, and 71% have been white/asian Settlers. Currently, there are no Kanaka, no Filipino, no Pacific Islander, nor Black judges at the Hawai'i Supreme Court or Intermediate Court of Appeals. And it has been 20 years since we had a Kanaka on the Hawai'i Supreme Court and 30 years for the ICA. And yet, Ige has chosen Gluck as his nomination even as a far more experienced and appropriate field of candidates has been presented to him. With the critical role the ICA plays in the Hawai'i judiciary, our community deserves a court that is not only represented by highly experienced and qualified individuals; we also deserve a court that is representative of our people. There are few avenues to properly address the interest of our native Hawaiian population via the legislative branch. This is not surprising considering that Hawaiians make up less than 10% of the legislature, while making up over 20% of our population. This empty seat in the ICA represents an opportunity to work towards ensuring that at the very least our judiciary be more representative of our people. Please do the right thing and honor the expertise of the other, much more qualified candidates for this position, and deny the confirmation of Gluck Nomination. Mahalo, Dr. Jamaica Osorio Assistant Professor Indigenous & Native Hawaiian Politics Department of Political Science University of Hawai'i, Mānoa

**Larry Geller**  
Honolulu, HI 96817

GM1  
JDC  
Tuesday, June 27, 2021  
11:00 a.m.  
Via Zoom

**COMMITTEE ON JUDICIARY**

Senator Karl Rhoads, Chair

Senator Jarrett Keohokalole, Vice Chair

July 25, 2021

**Re: GM1: Confirmation to the Intermediate Court of Appeals as Associate Judge, Gubernatorial Nominee, Daniel M. Gluck**

**Return recommendation to the Governor**

Dear Sen. Rhoads, Sen. Keohokalole and members of the Committee:

The Governor's nomination has stirred reasonable hopes in the community that your committee will decline to accept his choice and return the nomination for another selection.

This appointment is an opportunity to foster diversity among the justices that will be missed if Dan Gluck should be confirmed. There is no reason at all to find fault with the nominee to understand the opportunity presented by sending the nomination back to the Governor.

Among the other candidates are one with Filipino ancestry and women of Hawaiian ancestry. All appear to be qualified to serve on the ICA. In fact, it can be argued that several of these would have much more trial experience than the nominee.

I urge the Committee to be responsive to the arguments raised and to return this nomination to the Governor for a second try.

Larry Geller  
Honolulu



TESTIMONY OF BOB TOYOFUKU IN SUPPORT OF THE NOMINATION OF  
DANIEL M. GLUCK AS AN ASSOCIATE JUDGE TO THE INTERMEDIATE  
COURT OF APPEALS

July 27, 2021

To: Chairman Karl Rhoads and Members of the Senate Committee on Judiciary:

My name is Bob Toyofuku and I am an attorney licensed to practice law in the State of Hawaii. I am testifying in strong support of Daniel Gluck to be an Associate Judge on the Intermediate Court of Appeals (ICA). I have known Dan for over 15 years and had several opportunities to interact with him when he was with the American Civil Liberties Union (ACLU) and more recently in his position as Executive Director of the Hawaii Ethics Commission.

Some of the basic criteria considered by the Judicial Selection Commission as well as by the Hawaii State Bar Association when attorneys are requested to submit comments on a nomination for a position as a judge to the Hawaii State Judiciary are the following: integrity, diligence and decisiveness, legal knowledge and ability, judicial temperament, compassion and fairness, intelligence and wisdom, and public service. My opinion is that Daniel Gluck scores at the highest level in all these categories.

In particular, he has always exhibited the highest degree of integrity in his various positions, whether at the ACLU or the Hawaii State Ethics Commission. He is an extremely diligent worker, an excellent listener, and gets along well with others. These attributes will serve him well on the ICA. Further, his various career positions and community involvement provides him with a unique background to be an effective appellate judge.

An appellate court like the ICA considers and corrects any errors made at the trial court and either clarifies or reasserts law in published opinions. Reading vast amounts of information that is submitted in a case on appeal and writing opinions to be published are two primary duties for an appellate judge and I feel that Dan is ideal for this. Also, I found Dan to always be fair in his dealings with others.

I wholeheartedly support his nomination for the ICA and urge his confirmation by this committee and by the Hawaii State Senate. Thank you for the opportunity to submit this testimony.

July 25, 2021

***Via Electronic Submission***

Hawai'i Senate  
State Capitol  
415 S Beretania St,  
Honolulu, HI 96813

Re: *Testimony In Support of Confirmation of Daniel Gluck to Intermediate Court of Appeals*

Dear Senators:

I write in support of the confirmation of Daniel Gluck. I am an attorney practicing in the area of complex commercial litigation and am a partner at the law firm Dentons US LLP in its Honolulu office. I have known Dan since 2005, when we both served as law clerks for judges of the United States District Court for the District of Hawai'i. I and my law firm were also co-counsel with Dan in 2015 and 2016 when he was the legal director of the ACLU on a major civil rights case, so I have had a chance to observe his abilities as a lawyer firsthand. I believe Dan is a person of the utmost integrity. As a lawyer, he has supreme analytical skills and intelligence. I cannot think of many individuals who would be better suited to be a judge of the Intermediate Court of Appeals. It would be an extreme loss for this state's judiciary if Dan is not confirmed.

A criticism I have heard of Dan's nomination is that he does not have sufficient trial or litigation experience to serve on the Court of Appeals. That criticism is neither fair nor accurate. The measure that I have seen used is the number of cases he has litigated, which is an extraordinarily misleading metric. A critical skill needed for an appellate judge is the ability to analyze complex legal issues. Litigators with complex legal practices simply litigate fewer cases by number than lawyers who handle simple and routine matters. For example, the major civil rights case on which I was co-counsel with Dan involved extremely novel legal and factual issues, and my firm and the ACLU together spent approximately 1,000 hours on that one case. That is much more valuable experience for an appellate judge than handling 500 routine cases over insignificant matters that take a couple hours each. I have personally been present in depositions when Dan has questioned witnesses under oath, and I can assure you he has substantial skills and experience in litigation.

I strongly urge you to do the right thing and confirm Dan Gluck to the Intermediate Court of Appeals.

Very truly yours,

/s/ Nickolas A. Kacprowski

Nickolas A. Kacprowski  
Partner

**GM-1**

Submitted on: 7/25/2021 8:16:54 PM

Testimony for JDC on 7/27/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dawn Spurlin	Individual	Support	No

Comments: Senator Karl Rhoads, Chair Senator Jarrett Keohokalole, Vice Chair Committee on Judiciary The Senate State Capitol Honolulu, Hawaii 96813 Dear Chair Rhoads, Vice Chair Keohokalole, and Committee Members: Thank you for the opportunity to provide testimony in support of the nomination of Daniel M. Gluck as an Associate Judge to the State of Hawaii, Intermediate Court of Appeals (â€œICAâ€• ) In my capacity as Deputy Corporation Counsel for the City and County of Honolulu, I have worked on numerous matters involving Dan's former employer, the ACLU since 2009. Although the City and the ACLU disagreed over various matters, throughout the various proceeding, Mr. Gluck conducted himself in a very professional manner and remained cordial even during stressful periods. The most noteworthy of Mr. Gluck's many skills is his breadth of knowledge and practice in the area of constitutional law and his ability to collaborate and work with legal counsel. We both recognized that my client and his clients clearly maintained different beliefs and perceptions of what constituted minimum public rights; however, throughout all of the proceedings we were able to resolve our differences to the mutual benefit of both of our clients. Mr. Gluck strongly advocated for his clients, many of whom were homeless or disadvantaged, with the end goal of attaining a mutually agreeable solution for both parties. His skill as a creative thinker along with his abilities to see the "big picture" facilitated resolution of contentious issues thus minimizing financial hardship on all parties. Mr. Gluck's appointment as the Executive Director of the Hawaii State Ethics Commission came as no surprise because his appointment clearly is a reflection of his honesty, truthfulness, character, integrity and citizenship. In all of the matters that I worked on with Mr. Gluck, his conduct exemplified his character; therefore, there was never a question concerning his integrity or the truthfulness of his statements. I highly recommend Mr. Gluck and I believe he is the ideal candidate for the position on the ICA because of his legal expertise, his work ethic and desire to improve the overall educational standards of fellow attorneys. Mr. Gluck always came to meetings and proceedings well prepared. It was apparent during the discussions, that he had made the effort to gain a working knowledge of the legal issues and underlying subject matter. Outside of direct participation in a matter, Mr. Gluck was always willing to discuss complex legal issues of concern. What I found most beneficial was his ability to evaluate issues from a practical broad scope perspective in light of his wealth of knowledge and experience. Mr. Gluck would truly be a welcome addition to the appellate bench. Should you have any questions or wish to discuss my recommendation, please feel free to contact me at 768-5296. Sincerely, Dawn D. M. Spurlin

My name is Kenneth M. Walczak, I am Of Counsel for the firm Lewis & Llewellyn in San Francisco, and I write to enthusiastically support the nomination of Daniel M. Gluck for Associate Judge of the Intermediate Court of Appeals.

With apologies for the informality, I will refer to Mr. Gluck as “Dan,” the name I have called him for the nearly 20 years we have known one another.

I genuinely think there is no one in America who exhibits the qualities of an excellent jurist more than Dan. Dan is careful, thorough, experienced, and extremely smart. Even more importantly, he is fair-minded, patient, and generous of spirit. Dan may be one of the most patient, even-tempered people I know. Over the course of eighteen years litigating cases in federal and state courts, I have learned there is no quality more important in a judge.

Dan and I were law school classmates, and colleagues on the Board of Directors of the Harvard Legal Aid Bureau, the country’s oldest student-run legal practice organization. (Dan served a term as Bureau President.) Through that experience, I quickly came to see Dan as a leader, a decisionmaker, and a person on whom anyone and everyone could rely to do the right thing.

Years after graduation, I had the pleasure of litigating a case alongside Dan, while he was managing litigation for the American Civil Liberties Union. My firm, Rosen Bien Galvan & Grunfeld, represented the family of a Hawai’i man who died, tragically and wrongfully, in the custody of a private prison on the mainland. We filed suit in federal court to hold the prison corporation responsible for causing the man’s death, and Dan and the ACLU worked side-by-side with us to prepare the case for trial.

I worked very closely with Dan on that case, over a period of several months. It is one of the experiences of which I am most proud. Over many hours drafting pleadings and motions, preparing for and conducting depositions, and honing our legal strategy, I learned firsthand that Dan is a keen strategist, an exceptionally hard worker, and a fierce courtroom advocate. To this day, there is no one I would rather have as my co-counsel for an important case.

Litigation is hard work, and the pressures it brings can be intense. Thankfully Dan has retained all of the qualities I came to associate with him back at Harvard, including his thoughtful, even-keeled disposition, and his dedication to diving deep into an issue to find the best solution. I am certain that the people of Hawai’i would benefit greatly from those qualities if he is confirmed to the Intermediate Court of Appeals.

In sum, Dan's intelligence, his work ethic, and his commitment to justice are all extraordinary. But his temperament—perhaps the most essential quality for a judge to possess, and yet a quality that is sometimes overlooked, or given too little weight in the vetting process—really shines above all else. I know that as a judge, Dan would treat attorneys and their clients fairly and even-handedly, and that he would review every case and argument thoroughly and with the amount of scrutiny it deserves.

Because I have seen Dan exhibit those qualities for two decades, I can say without hesitation that he is exceptionally well-suited for the position to which he has been nominated.

Thank you for your time, and for allowing me to testify.

July 26, 2021

Committee on Judiciary  
Attn: Senator Karl Rhoads, Chair

Re: **Testimony In Support of Confirmation of Daniel Gluck**

Aloha e Chair Rhoads, Vice Chari Keohokalole, and Members of the Committee:

I am writing to you in **strong support** of the confirmation of Daniel Gluck as Associate Judge on the Intermediate Court of Appeals.

I have known Dan well since 2007 and he is one our most selfless public servants. Dan has an unparalleled sense of integrity. Time and again, I have seen him show generosity and commitment to our people and communities. In his broad legal career, he has helped people experiencing houselessness, harassment and discrimination. I have always known him to care deeply about ensuring everyone is given a voice, treated with dignity and has equitable access to justice in today's legal system. I believe these are qualities we want in all our public figures – but especially judges.

Mahalo nui a me ka ha'aha'a,

Kilikina M. Mahi



July 26, 2021

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

From: Liann Ebesugawa

Re: STRONG SUPPORT OF GM1 Intermediate Court of Appeals,  
Gubernatorial Nominee, DANIEL M. GLUCK

Hearing: Tuesday, July 27, 2021, 11:00 a.m., Video Conference

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

I write this letter in strong support of Daniel M. Gluck's nomination to the Intermediate Court of Appeals.

I have known Dan for eighteen (18) years. We first met as law clerks at the Hawaii Supreme Court. We have remained friends since then and I have the utmost respect for him. Dan is an exceptionally bright and hard working individual but what makes him so special is not just his keen intellect and work ethic but the compassion and integrity with which he lives his life and serves his community.

I have also had the pleasure of working with Dan when he served as legal director of the ACLU Hawaii. When I served as President of the Japanese American Citizens League Hawaii Chapter, we worked closely with the ACLU on several critical community issues. Dan has an extraordinary ability to understand and explain both in writing and orally, complex legal issues and work within communities to find compassionate and effective solutions. Additionally, over the years of working with Dan, he has continually demonstrated that he is a person of impeccable character and sound judgment.

I cannot say enough about how much I respect Dan. He is truly a person of principle for which his life's work of service to the community demonstrates. As an attorney for the last eighteen (18) years, I believe that Dan's appointment to the Intermediate Court of Appeals will add to the integrity of the judicial system.

I urge your approval of Daniel M. Gluck's nomination. It is individuals like Dan who will serve the bench well as not only as an exemplar citizen but as a jurists with the highest moral character and integrity.

Thank you for the opportunity to submit testimony in strong support.

Liann Ebesugawa



July 26, 2021

**SUBMITTED VIA LEGISLATURE'S WEBSITE**

Hon. Karl Rhoads, Senator  
Senate Committee on Judiciary  
State Capitol  
Honolulu, Hawaii 96813

Re: Support for Daniel Gluck for the  
Intermediate Court of Appeals (GM 1)

Dear Chair Rhoads and Members of the Committee:

I have written to provide my strongest support for Daniel Gluck, Esq., the Governor's nominee for the Intermediate Court of Appeals. I have known Dan for many years and am familiar with his work. He is intelligent, hard-working, and insightful. He is analytical about the law but never loses sight of the law's impact on real people.

Dan is an exceptionally strong nominee for the ICA. I have been an appellate practitioner before the State appellate courts for seventeen years and am very familiar with the role in which the ICA serves; the rules of appellate procedure which govern every step of its proceedings; and the heavy workload under which the Court operates. An ICA judge must be able to navigate through voluminous records on appeal using only the paper filings; to understand and apply the differing appellate standards of review, given the issues presented on appeal; and to manage the disposition of appeals on the merits as well as the reams of appellate procedural motions routinely filed before the ICA. This work will require ceaseless attention to detail; the ability to work well with shifting groups of colleagues on the ICA merits and motions panels; and devotion to the ICA's mission. Dan possesses all of these qualities, along with the intelligence and sharp legal mind that will, I am sure, make him into an excellent judge.

Finally, I know Dan to be a longstanding public servant and the kind of lawyer who will strive to meet the important role that the Judiciary places upon their shoulders. I urge you to support his confirmation to the ICA.

Very truly yours,

*/s/ Deirdre Marie-Iha*  
Deirdre Marie-Iha

July 26, 2021

TO: Senate Judicial Committee  
Hawai'i State Senate

FROM: Jill Leilani Nunokawa, Esq.  
HSBA #4830, Admitted in 1988

RE: Testimony Against Governor's Nomination for the ICA (No)

WHEN: Tuesday, July 27, 2021 at 11:00 a.m. via videoconference

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

I am deeply grateful for your service and willingness to listen and learn from the spectrum of opinion regarding Governor Ige's nomination to the Intermediate Court of Appeals (ICA). I would also like to thank our Governor for insisting and ensuring that our democratic process moves forward, notwithstanding his ability to withdraw his nomination. This discussion and vibrant debate must begin now, in the 21st century, in order for us to have any hopes of a just and civil society, without further polarization, deep gaps of inequality, and unmanageable division in our beloved communities of diversity.

When the list of nominations was released for the ICA opening, I asked many of my attorney friends who they thought would be chosen by the Governor. Without a skipping a beat and in unison of response, "Dan Gluck." How is this possible given the diverse and highly qualified nominees, I thought? How could this decision be so absolute, unanimous, and accurate? The resurgence of memories of Hawai'i's history flooded my consciousness. The illegal overthrow of the sovereign nation of Hawai'i, the controversial Republic of Hawai'i, the 60-year Territorial period where judges were appointed by powers in Washington D.C., the "Big Five" dominance, and the truth kept rolling in like a mighty wave of injustice. I could not remain silent on this crucial decision. However, many of my colleagues will remain silent because of retaliation and retribution in the court, business and political sectors. We are Hawai'i, and yet we remain tethered and choked by the power, control and dominion of our history and the history of our nation. There are power players attempting to suppress and intimidate this very proceeding – an emboldened example of the systemic suppression of the will of the people in order to maintain status quo.

Former Associate Justice James Duffy once told the graduating class from the William S. Richardson School of Law, "Lawyers should be healers, we're supposed to be healing our community not harming it." I was present in the crowd, representing the Richardson School of Law's Alumni Association, as its President. Our State of Hawai'i's only Law School was poignantly and appropriately named after our first and only Native Hawaiian Chief Justice of the Hawai'i Supreme Court. It is in this context I situate my written testimony, which will be lengthy given the fact that my oral voice will be limited to two (2) minutes during the videoconference hearing.

1. Systemic, Institutional, and Generational Discrimination and Injustice.
2. Making Decisions within the broader historical context upon which our state derives its power, authority, and consciousness.
3. The Seeping, Souring and Unsustainable realities as shown in the socio-economic harms to our people.
4. The Distrust and Disassociation from the Justice System: Another Broken Trust
5. The Rhetoric of Power Politics that are based on Denial, Distraction and Corruption
6. Building a Just and Equitable Civil Society, One Decision at a Time.

It would be disingenuous at a minimum and grossly inaccurate to begin to write a revisionist history of Hawai'i that suggested colonization has not deeply harmed our communities. As President Lyndon Johnson stated, when signing the affirmative action executive order, "You do not take a person who, for years, has been hobbled by chains and liberate him, bring him up to the starting line of a race and then say, 'you are free to compete with all the others' and still justly believe that you have been completely fair." In a mere 56 years after the signing of the affirmative action executive order, our country has never been more divided over a plethora of social wounds since the Civil War. We are at the crossroads of humanity and we have fundamental choices to make. Today is one of those historic choices. It sets the tone, takes the temperature, and either begins a healing process through acknowledgment, awareness, excavation, and evolution or continues business as usual, the ongoing harm in and to our community by denying the yolk of colonization and its beneficiaries of entitlement and ego-centered development.

I humbly write and encourage this committee and the Hawai'i State Senate to search within and with genuine knowledge of the harms in your communities. You represent the third branch of government in a democratic society. In your honest experience, do you believe we've reached a race-gender-class neutral Hawai'i? We are Hawai'i, but who are we? What are we doing? How do we sustain our precious natural and human resources? How do we protect and ensure traditional and customary practices? What legacy are we choosing: Harming or Healing?

I have been part of many initiatives, committees, and employments to address the lack of access to justice in the court and educational systems in Hawai'i. I terminated my employment at the State Office of the Public Defender because I had lost hope that the judicial system would address the egregious policies and mean-spirited decisions that continued to criminalize being poor, people of color, marginalized members of society, and being Hawaiian. The statistics and realities were deplorable, and I could no longer manage the toll on my body, mind and spirit. I chose to return to my alma mater in hopes of addressing deeper public policy issues regarding systemic and institutional oppression. I have spent almost 25 years as the University of Hawai'i at Manoa's Civil Rights Specialist and have failed to meet my own standards of making a difference. I have learned and accepted that it takes more than one to both raise community awareness and to advocate for truth, justice and equality. This is something our pioneering leaders knew.

Today, we continue to see outbreaks of justification to ignore colonization, corruption and unconscious decision making. It usually breaks down to; "he's a nice guy," "that's my friend," "no make waves," "suffer in silence," "that's just the way it is." "No can do nothing", "what you expect?" "Da system stay broken," not to mention retaliation and vindictive behavior.

WE are Hawai'i and we can do better than business as usual, suffering in silence, and accepting that status quo is just the way it is. We are in a time of great change, whether climate crisis or cutting-edge technology, and we must adapt accordingly and appropriately.

This means fixing the broken and harmful systems of oppression, obstinance and obstacles.

Hence, I plead this case to the last bastion of hope in our democratic process. The ultimate "checks and balances" in the perceived and promoted system of justice. The time has come to implement Dr. King's famous pronouncement, "Until Justice Rolls Down Like Water and Righteousness Like a Mighty Stream" in thought, practice and integration for all peoples.

In speaking truth to the current power structure, it cannot be denied that nepotism has played a significant role in Governor Ige's selection. A form of favoritism that is exasperated in the context of colonization. The Governor's attorney general is an extremely close Harvard Law School friend of the nominee. The former Associate Justice, previously quoted, was both the former employer of the nominee and the close confidante of the Governor on judicial selections. Transparency is the bedrock of a healthy and thriving democracy and the absence is the threat to our free and democratic state.

The impact and chilling effect to the legal community and the larger communities is far reaching, unconscionable and unfair. It has the appearance of propriety when in fact it is shibai and a gross misrepresentation of the truth. Five (5) other qualified candidates actually applied, were interviewed by the Governor and believed they had "chance" to be fairly and justly selected to serve on the second highest court in Hawai'i. What a cruel game of power politics, especially when the person selected actually has the least trial experience, appellate practice and knowledge of appellate review!

There are clear, convincing and obvious reasons that women of color, Native Hawaiians and other disenfranchised groups do not apply for and are not selected for judicial vacancies. This decision will greatly impact future choices of applicants. It is time to begin the healing process and demand that integrity and transparency be an integral part of the process. We must build trust in the judicial system, not undermine it.

Were the other finalists really in a fair and impartial competition with this nominee? The answer is a cracking to our code of ethics, NO. To ignore process, is to ignore people. To completely disregard the legal standards of procedure and substance are the tools to dismantle all respect and belief in the justice system by the public.

Now, we come to the final arbitrator in the public sector of service regarding this nominee. We have read recent articles, testimonies and standards of review outlining the differences in experience and quality of work needed for the Intermediate Court of Appeals specifically.

Yet, public outcry and moral oversight is not enough.

We turn to this committee and the State Senate to do what it has done before, overturn the Governor's misguided and biased decisions. Fairness and kuleana call upon each to make your decision in the context of your community, the framework of healing and the knowledge of historic colonization and its ongoing insidious and crippling grip on truth, justice and equality.

I ask you to vote no on the Governor's nomination to the ICA and send a riveting, resounding and resonating message that the Hawai'i State Senate is not playing politics over people, values judicial selection procedures and substantive knowledge and that nepotism does not rule the day.

It is a new day, a new dawn and we must choose healing over harm in each decision we make. Our future generations will grow and learn from what we do today.

I thank you for your courage, consideration and consciousness.



# SIERRA CLUB OF HAWAI'I

## SENATE COMMITTEE ON THE JUDICIARY

July 27, 2021 11 AM Via Video Conference

### In **OPPOSITION** to **GM1**: Nomination of Daniel Gluck to the Intermediate Court of Appeals

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Aloha Chair Rhoads, Vice Chair Keohokālole, and members of the Judiciary Committee,

On behalf of the Sierra Club of Hawai'i, please accept my testimony in opposition to GM1, Governor Ige's nomination of Daniel Gluck to the Intermediate Court of Appeals. It is gravely alarming that Governor Ige chose to nominate the least qualified and sole White<sup>1</sup> male candidate on the list of six attorneys presented to him by the judicial selection commission. As further discussed herein, it is our assessment that that the nominee is not qualified to serve the people of Hawai'i in this capacity.

Two preliminary personal comments:

First, I feel compelled to highlight that the nominee is an excellent attorney; he is smart, fair and genuinely nice, and a personal friend of mine, as well as several members of the Sierra Club of Hawai'i. We are grateful to Mr. Gluck for his work over the years as Justice Duffy's law clerk, Director of the American Civil Liberties Union, and especially as Director of the State Ethics Commission to improve Hawai'i.

Unfortunately, Governor Ige has done an immense disservice to Mr. Gluck and the people of Hawai'i by nominating Mr. Gluck to a position for which he is not qualified.

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<sup>1</sup> Appiah, K. "The Case for Capitalizing the *B* in Black," The Atlantic, June 8, 2020, <https://www.theatlantic.com/ideas/archive/2020/06/time-to-capitalize-blackand-white/613159/> (last accessed July 26, 2020). Argues that "*the detachment of 'White' as a proper noun allows White people to sit out of conversations about race and removes accountability from White people's and White institutions' involvement in racism.*"

Second, I have the great privilege of personally knowing several of the candidates on the list for nomination to the Intermediate Court of Appeals, as do many others at the Sierra Club. I attended law school with some of them, work alongside many, and socialize with others. All of the candidates that I know on the list are excellent attorneys, and fair and genuinely nice people. I can say that the political beliefs and principles of several of these candidates -- who have more experience in the courtroom and in the community -- are very similar to Mr. Gluck's beliefs and principles. This nomination is not a question of ideology or political philosophy.

The primary observable distinguishing characteristics between the nominee and all of the more qualified and rooted candidates are race and gender identity. And that is not acceptable. As our testimony and that of many others demonstrates, Hawai'i is suffering from White male supremacy. The nomination of the least qualified White male over several other far more qualified candidates of color, 3 of whom identify as female, is only one example of an objective racist policy decision that must be immediately interrupted.

### **More Experience in the Courtroom and in the Community Means Better Decisions**

Effective enforcement of our laws requires extensive experience with the law both as a practitioner and a citizen. Experience -- professional and lived experience -- is critical to being an effective judge because we believe that understanding the challenges of living in this island society is an essential prerequisite to parsing the nuances of difficult situations and passing judgement on the choices of our neighbors. How can we expect a judge to uphold our values if he has little experience living them?

To understand the immense importance of experience in the community and in the courtroom to the qualifications of a judge in Hawai'i nei, the jurisprudence of the famed Chief Justice William S. Richardson is instructive. Chief Justice Richardson authored some of the most seminal court decisions in Hawai'i's history that are bedrock law to this day. As C.J. Richardson himself reflected:

*Hawai'i has a unique legal system, a system of laws that was originally built on an ancient and traditional culture. While that ancient culture has largely been displaced, nevertheless many of the underlying guiding principles remained. During the years after the illegal overthrow of the Hawaiian Kingdom in 1893 and through Hawai'i's territorial period, the*

*decisions of our highest court reflected a primarily Western orientation and sensibility that wasn't a comfortable fit with Hawai'i's indigenous people and its immigrant population. We set about returning control of interpreting the law to those with deep roots in and profound love for Hawai'i. The result can be found in the decisions of our Supreme Court beginning after Statehood. Thus, we made a conscious effort to look to Hawaiian custom and tradition in deciding our cases – and consistent with Hawaiian practice, our court held that the beaches were free to all, that access to the mountains and shoreline must be provided to the people, and that water resources could not be privately owned.*

As just one example of the importance of experience in court rulings, think about how much you enjoy going to the beach. From his personal experience growing up in Hawai'i and not being allowed on certain beaches above the high water mark, C.J. Richardson knew that ensuring public access to the shoreline was absolutely critical to every aspect of our daily lives. In a series of rulings,<sup>2</sup> C.J. Richardson applied U.S., English Common, and Hawaiian Kingdom law to sort out complex issues of private property rights and traditional and customary Native Hawaiian practices that had not been directly decided before in Hawai'i. *Ask yourself: how different life in Hawai'i would be today if a judge comfortable with the privately owned beaches of the East Coast had influenced those decisions?*

### **Nominee Lacks Sufficient Experience in the Courtroom and in the Community**

The Sierra Club is particularly concerned about the nominee's limited experience in the context of protecting Hawai'i's irreplaceable natural environment and the traditional and customary rights and practices that depend on it. These concerns also happen to be constitutional mandates in Hawai'i and distinct areas of law. As climate change forces dramatic changes in our environment and our relationship with it, the appellate courts will be grappling with new, unique situations that require fresh interpretation and application of our longstanding values and unique laws. This is one critical area where real world experience with life in Hawai'i, as well as mastery of our unique environmental and Native Hawaiian laws makes a significant difference. There are at

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<sup>2</sup> C.J. Richardson authored the opinion on several seminal cases ensuring public access to the shoreline, including *In re Ashford*, 50 Haw. 314 (1968), *In re Kelley*, 50 Haw. 567 (1968), *Palama v. Sheehan*, 50 Haw. 298 (1968), *County of Hawai'i v. Sotomura*, 55 Haw. 176 (1973), *State ex rel. Kobayashi v. Zimring*, 58 Haw. 106 (1977), *In re Kamakana*, 58 Haw. 632 (1978), *Ahuna v. Department of Hawaiian Home Lands*, 64 Haw. 327 (1982), *Kalipi v. Hawaiian Trust Co.*, 66 Haw. 1 (1982), *Robinson v. Ariyoshi*, 65 Haw. 641 (1982), *Reppun v. Board of Water Supply*, 65 Haw. 531 (1982).



least two candidates on the list for nomination that have mastered these areas of law and could meet this pressing challenge without training wheels.

The nominee lacks experience with life in Hawai'i sufficient to serve as an appellate judge. All of the other candidates on the judicial selection commission list have spent a meaningful portion of their lives in Hawai'i, went to school here, and have multi-generational ties to this land and its unique traditions and cultures. Indeed, several of the candidates are Hawaiian, and of mixed ancestry, reflecting the broader diversity of the islands. They are "of Hawai'i" in a way that the nominee cannot yet be because he moved to the Hawaiian Islands relatively recently.

In addition to his lack of lived experience here, the nominee's professional experience is not as extensive as the other candidates. The statistics comparing the nominee's in-courtroom experience to that of the other candidates has been circulating among lawyers and lawmakers for several weeks. The disparity in experience is so severe, however, that it warrants repeated review and reflection.

Comparison of Litigation Experience for Six Candidates Presented to Governor Ige for Nomination to the ICA<sup>3</sup>

Candidates	ICA Appeals	Direct S.Ct. Appeals	Special Writs	Writs of Cert.	Total Appellate Cases	Circuit Court Cases	Total Cases, All Courts
Daniel Gluck	5	1	1	1	8	5	13
Lance Collins	52	6	7	10	75	103	178
Taryn Gifford	139	0	2	35	176	192	368
Judge Summer Kupau-Odo	43	0	2	20	65	135	200
Sonja McCullen	219	0	2	90	311	32	343
Malia Schrek	14	0	0	7	21	90	111

<sup>3</sup> Source: Public data from Hawai'i State Judiciary eCourt Kōkua website: [https://www.courts.state.hi.us/legal\\_references/records/jims\\_system\\_availability](https://www.courts.state.hi.us/legal_references/records/jims_system_availability)

This chart shows that the nominee is named on the pleadings in 13 cases total in Hawai'i State courts, 8 of those at the appellate level. While all of the other candidates have litigated well over 100 cases. Most notably, the three Native Hawaiian women, Meses. McCullen and Gifford have handled over 300 cases and Ms. Kupau-Odo handled 200 and currently serves as a judge at the trial court level. Claims that the other candidates on the ICA short list have higher case numbers because they deal only in criminal law is not true. Mr. Collins and Ms. Schrek have civil practices and the number of cases they have handled dwarfs the nominee's. Like the nominee, both Meses. Kupau-Odo and McCullen clerked at the Hawai'i Supreme Court, and they have civil *and* criminal litigation experience. What more could these highly qualified candidates do to earn an appointment to the appellate court? At bottom, the nominee does not have anywhere near the in-court experience of the other candidates.

**“Denial is the heartbeat of racism”**

Diverse representation is critical to the health of our democracy. Our system of laws is grounded in an imaginary yet fundamental social contract between the governing and the governed. This is a delicate relationship that requires constant tending to ensure it endures. When the governed feel those governing are not fulfilling on their side of the social contract, the sense of justice and fairness that underpins our democracy erodes. When we, the governed, see ourselves leading our judicial system, and know that the justice system understands and reflects our lived reality, court decisions are more respected and our democracy is made stronger.

Sadly, our appellate courts today do not look like the majority of our community, even though they did better reflect our diversity about 20 years ago. It would be one thing if the nominee's nomination was being made in the context of an appellate court system not already dominated by White males, but that unfortunately is not the current situation.

Governor Ige's Judicial Appointments<sup>4</sup>  
(2014 to 2021)

	White or AJA	Male
Term 1	61%	69%
Term 2	82%	73%
Overall	71%	71%

<sup>4</sup> Source: [https://ballotpedia.org/Judges\\_appointed\\_by\\_David\\_Ige](https://ballotpedia.org/Judges_appointed_by_David_Ige) (last accessed July 26, 2021)

This chart shows that over the course of his two terms in office Governor Ige has increasingly nominated men of Caucasian and Japanese ancestry to fill vacancies on the court.

Comparison of Judicial Appointments  
(2014 to 2021)<sup>5</sup>

	C.J. Reckewald	Ige
Male	44%	71%
White/AJA	50%	71%
Chinese	9%	8%
Korean	6%	4%
Filipino	6%	4%
Hawaiian	25%	13%
Black	3%	0%

This chart compares the judicial nominating tendencies of Chief Justice Reckewald and Governor Ige, over a similar period of time. This chart demonstrates that it is possible to identify and promote competent, diverse attorneys to the bench.

Governor Ige’s dismal track record in judicial nominations contributes to the growing chasm between the kind of people governed by laws and the kind of people enforcing the laws.

Demographics: Overall Population Compared to Judges & Justices<sup>6</sup>

	White	Filipino	AJA	Hawaiian	Male
Hawai'i Overall	41.6%	25.1	23.0%	21.3%	50%
Appellate Court	50%	0%	50%	0%	50%
Circuit Court	31%	6.9%	34.5%	14%	69%

<sup>5</sup> Source: Public data from Hawai'i State Judiciary website, <https://www.courts.state.hi.us/our-judges> (last accesses July 26, 2021).

<sup>6</sup> Source: State Data Book 2019: White/Black/Amlnd Table 1.32; AsianTable 1.36; Haw/Pacls Table 1.37. See also, *id.*

This chart shows that while our community is a mix of many different kinds of ethnicities and cultures, and evenly divided between men and women, our court system is lead primarily by White and Japanese-American men.

These comparisons illuminate the context for your decision on this particular nomination. We are living in a system where highly qualified non-White females are not being confirmed to the court at the same rate as men, who are White or Japanese-American. This is a problem. The solution is not “claim to be not racist while denying an opportunity to other more qualified, unrepresented candidates;” the solution is “take immediate action to rectify inequality every time it is identified.”

In “How to be an Anti-Racist,” we learn that there is no neutrality in the racism struggle. The author, Ibram Kendi, explains that the racist/non-racist moniker has evolved from a descriptive word to a state of being, so much so that it has become a way of reinforcing racist policies, which in turn triggers racist behaviors, which lead to racist ideas in individuals. Kendi says, “the opposite of racist is not not-racist. It is anti-racist. The claim of non-racist neutrality is a mask for racism.”<sup>7</sup>

*As Lyndon B. Johnson said in 1965, “you do not take a person who, for years, has been hobbled by chains and liberate him, bring him up to the starting line of a race and then say, ‘You are free to compete with all the others,’ and still justly believe that you have been completely fair.”*

- How to be an Anti-Racist

White male supremacy is an insidious, invisible disease plaguing our society, and especially the systems of justice in the U.S. It took the brutal killing of George Floyd to open many eyes to this reality.

It is a myth that Hawai‘i is immune to White male supremacy -- a myth that those who benefit from it perpetuate -- and the injustices that continue to accompany this invisible infection. Indeed, the State of Hawai‘i’s origins are a textbook example of White male supremacy.<sup>8</sup> From the overthrow of the independent Hawaiian Kingdom by White male businessmen securing tax breaks on sugar exports, to the brutal conditions of plantation labor (that are often glossed over), to an annexation negotiated by White male politicians thousands of miles away, to Hawai‘i’s first dozen governors not elected but

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<sup>7</sup> Kendi, I. How to be an anti-racist, (One, World Publishing, 2019), page 18.

<sup>8</sup> Hawai‘i High School Curriculum on the modern history of Hawai‘i, <https://www.hawaiipublicschools.org/DOE%20Forms/Social%20Studies/HCSSSModHistHawaii.pdf> (last accessed July 26, 2021).

installed by the White male presidents of the U.S., to our current governor denying positions of authority to highly qualified Hawaiian women, today we are all living out the consequences of generations of White male supremacy.

Curing this ailment requires considerable effort and discomfort, but it is absolutely critical for the proper functioning of our society. The cure starts with interrupting every example of White male supremacy the moment it comes to light. And as the Sierra Club reckons with its own racist policies, we are learning that the only way to counter White male supremacy is by consistently identifying it, calling it out, and then immediately correcting for it.

Governor Ige's decision to nominate an unqualified White male over five other demonstrably more qualified candidates, including women and people of color, is an example of White male supremacy that must be corrected. Rejecting this nomination today not only provides opportunity for greater diversity, and more experience on the appellate court, it helps to fortify our representative democracy.

Thank you for this opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to read "M. J. d." with a stylized flourish at the end.

Marti Townsend  
Director  
Sierra Club of Hawai'i

## LAW OFFICE OF CRYSTAL GLENDON, LLLC

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July 26, 2021

Senator Karl Rhoads  
Chair, Senate Committee on Judiciary  
State of Hawai'i Senate  
State Capitol, Room 204  
Honolulu, Hawai'i 96813

Re: GM No. 1, Nomination of Daniel Gluck to the Intermediate Court of Appeals

Dear Chair Rhoads, Vice Chair Keohokālole and Members of the Senate Committee on Judiciary:

Thank you for this opportunity to express my concerns about Governor Ige's nominee to the Intermediate Court of Appeals, Mr. Daniel Gluck.

I am a Native Hawaiian trial attorney. Like many other Hawaiians of my generation, I am the first attorney in my family. My Hawaiian grandfather used to introduce me as his granddaughter, our family's only lawyer. With this comes incredible kuleana. This is one of the reasons why I began a career in public service in 2004 with the Office of the Public Defender. I felt the kuleana to serve the underrepresented population of our islands, most of whom are Native Hawaiian. I then opened a private law practice in 2019 where I continue to take on pro bono cases for Native Hawaiians and Hawaiian causes. I have been appearing before the judges of the District Court, Family Court, Circuit Court and Federal Court for the bulk of my career. What I have found over the past 17 years, after appearing before dozens of judges, is that the judges with the most practical courtroom, trial and litigation experience make the best jurists at all levels of the judiciary.

I am disappointed, to say the least, with Governor Ige's decision to nominate Mr. Gluck to the ICA. To be clear, I do not know Mr. Gluck nor have anything against him personally. In fact, it is my understanding that he is a nice man. But that is not enough for me, because I have learned of his background demonstrates that, while he certainly checks qualification boxes, he is the least qualified candidate for this job. In my opinion, the most qualified candidates are the three Native Hawaiian female attorneys who were overlooked by Governor Ige to give Mr. Gluck the nod for this important, 10-year position. I am sure you have seen the case numbers for each nominee; the stark contrast in the numbers is astounding. As a litigator who handles both criminal and civil

cases, who has done jury trials, judge trials, contested hearings, sentencings, depositions, mediations and the like, I cannot express confidence in a judge who does not have tremendous experience in the courtroom or appellate advocacy. Mr. Gluck has a total of 13 cases handled before the Circuit and Appellate Courts in the State of Hawai'i. He's been in a courtroom less than I was for the first 6 months I practiced law. He has been a law clerk and an administrator for the duration of his legal career. He chose this path that took him out of the courtroom while others on the list chose the path that put them in many different courtrooms and before the appellate courts, honing their craft day in and day out. For these three women on the list, they each chose public service jobs where they had to be in a trial courtroom or arguing to a higher court almost every day, advocating, fighting, learning the rules of evidence and the application of statutes and caselaw through hands-on practice. There is no substitute for doing the work. The governor's selection of a man who has a fraction of their experience sends a loud and clear message: your experience doesn't matter. Why is that? Why didn't one of the three more qualified candidates get the job? Because they are women? Because they are Hawaiian? Because they are Hawaiian women? Because they are not a man?

As a Native Hawaiian trial attorney, I'll say this. Representation matters. When I take on cases for clients who have a similar background as me, it makes a difference. They don't have to explain their mo'okū'auhau or why their family is dysfunctional. I get it because I've walked in their shoes. When I look at Hawai'i's appellate bench that deals with a diverse array of issues, including many critical Native Hawaiian issues, I see no people who look like me or the clients I represent. What message does that send to Hawaiians? To minorities? To know that there hasn't been a Native Hawaiian on any appellate bench for the last 21 years, longer than I've practiced law, what does that tell me?

When I see three Native Hawaiian women who were passed over for someone less qualified than them, the message is loud and clear.

One more thing. Women work for the government because it is a place we can have families. And this is certainly not to downplay the experiences or struggles of women in private practice. I know both sides. I didn't move to private practice until my kids were older – and I'll be the first to say this: this practice of law is demanding if you want to be a mother and a litigator. It is so hard to balance it all – the billable hours, the demanding clients, the caseload, the late hours, the kids, sports, birthdays, homework, dinner. Everything.

I have three children. I had them all while I was a Felony Trials Deputy with the Office of the Public Defender. While I was in trial before, during and after I had each of my children, I also had three months of maternity leave for each baby and enough co-workers to help cover my caseload while I was gone. And let me tell you – three months is not enough time off to have a baby, recover and be ready to come back to work while leaving my infant at home – but there are women in private practice who either have less time off or simply don't return to the workforce when they start having children.

A lot of women work for the government for this very reason. Because you can find some semblance of balance to have a family. To downplay the experience of women who come from a government, public service background where they happen to amass incredible courtroom, trial and appellate experience along the way, is one more way to keep qualified women out of the Judiciary and off the bench. And I can't say it enough - representation matters. Much like Hawaiian and other minority voices matter, women's voices matter. And, I for one, want my daughter and your daughter, and every girl out there, to see women in leadership, at the front of the board room, on the front page of the newspaper, at the front of the courtroom, and, yes, sitting in a black robe as a Judge or Justice.

Thank you for your generous time and consideration. It is my hope that you make diversity on the bench a reality and not just a feel-good catchphrase. Decline to support Mr. Gluck's nomination. This will be good start to addressing the diversity of Hawai'i's Judiciary while recognizing that the best candidate for the ICA position was not who Governor Ige selected.

Mahalo nui loa,



Crystal K. Glendon



**GM-1**

Submitted on: 7/26/2021 10:00:56 AM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Shana (Logan) Kukila	Testifying for Hawaii County Committee on the Status of Women	Comments Only	No

Comments: The appointment of judges for a society must properly reflect the values and the demographics of the citizens they are to govern. In Hawaii, this means greater native Hawaiian representation on the bench and in the courtrooms.

**TESTIMONY IN SUPPORT OF DAN GLUCK'S NOMINATION TO ICA  
SENATE COMMITTEE ON JUDICIARY**

Hearing Date: July 27, 2021 at 11:00 a.m.

To: Chair Rhoads and Members of the Judiciary Committee

From: Liza Ryan Gill, Coordinator, Hawai'i Coalition for Immigrant Rights

Dear Chair Rhoads and Members of the Committee,

We would like to show our **STRONG SUPPORT** for the nomination of Daniel M. Gluck to the Intermediate Court of Appeals as Associate Judge. Mr. Gluck has shown his commitment to the most marginalized people of Hawai'i through his service at the ACLU, the state Ethics Commission, and volunteer work with the UH Immigration Law Clinic.

His outstanding record, doggedness in the pursuit of justice, and compassion for the vulnerable are invaluable traits for a judge and will benefit the court. He has shown time and again that he can be trusted to hold the powerful to account and understand the unique cultures and challenges that our diverse communities face.

As a coalition of immigrant-serving and immigrant-led organizations across the state, we believe that ethnic, cultural, and linguistic diversity are critical to the long-term success of the court and would be delighted to see more candidates from immigrant communities on the bench. However, we have witnessed Mr. Gluck's commitment to inclusive values and are confident that his nomination is an opportunity to move in the right direction while we make progress in elevating judges that reflect the beautiful diversity of our state.

Mahalo for your consideration,



Liza Ryan Gill

Co-founder, Coordinator

Hawai'i Coalition for Immigrant Rights

**TRISHA Y. NAKAMURA, ESQ.**  
P.O. Box 61619, Honolulu, Hawai'i 96839

To: The Honorable Karl Rhoads, Chair  
The Honorable Jarrett Keohokalole, Vice Chair  
Members of the Senate Committee on Judiciary  
Date: July 26, 2021 Hrg: July 27, 2021 at 11:00 a.m.  
Re: GM 1; Strong Support for the Nomination of Daniel Gluck to the Hawai'i Intermediate  
Court of Appeals

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I share my strongest support of Daniel Gluck for the Hawai'i Intermediate Court of Appeals as an Associate Judge. I have known Dan since at least 2008 when we met through a mutual non-attorney friend, through my days as a Deputy Public Defender ("DPD") in 2011 to now, as the Director of Career Services at the William S. Richardson School of Law. (Please note this letter is sent in my personal capacity and does not represent the views of the Law School or University of Hawai'i at Manoa.) In the time I've known Dan, he has been a whip at the law, deep believer in the Constitution, and someone of the highest integrity.

**SKILLED PRACTITIONER & UNDERSTANDS THE LAWS**

While Dan was at the ACLU and I was at the Office of the Public Defender, we would occasionally have conversations about the criminal justice and mental health systems. Dan was unapologetic about advocating for the most marginalized and voiceless people—those jailed, incarcerated, and houseless. He would think tactically about policy, contemplating legal strategies or vehicles to bring about change. He had an understanding about the varied legal systems at play, from the Judiciary to various governmental agencies and how their unique rules and the appellate standards would interface with the types of cases that could be brought about. It was clear he filed suits with clear intention, mindful that each case could result in bad outcomes at the appellate courts; it was also clear he understood and valued the right guaranteed in the Constitution to take one's case to trial. His awareness of the complexities of how the law works in practice as well as his intelligence will make him great on the ICA where caseloads are high and cases cover a wide range of issues.

**DEDICATED PUBLIC SERVANT AND FAMILY MAN**

Dan has given his legal career in Hawai'i to the public, starting out with clerkships at the federal and State levels to his work for the ACLU and now at the State Ethics Commission. The work is thankless and requires one to be strong in their foundation and the law. Dan's work has never been about Dan or the ego. He takes on work that a democracy depends on: looking at the laws and employing them to allow for fairness and accountability. In addition to this work, he has volunteered when I have asked him help prepare Richardson law students for interviews despite his already busy schedule. Dan is the guy who picks tangerines in December and drops it off so my family can use it for the kagami mochi display. Dan is also the guy who cooks for his family and volunteers for his daughter's Girl Scout events.

**IMPECCABLE HUMILITY AND INTEGRITY**

The ICA requires someone who can work hard and also work collegially with five other judges. Dan has impeccable humility and integrity. I share a vignette to showcase how he lives out his commitments. I learned how deep Dan's commitment was to environmentalism nearly 10 years ago when he brought his own Tupperware to a gathering held at a restaurant. (Bringing your own utensils and re-usables was not in vogue then.) This gesture reflected him unashamedly walking the talk. He will bring this sense of doing what is right, what is necessary, and what impacts the future to the bench when making decision that impact people. Ultimately, Dan will be mindful of the place and people and will understand that the decisions he make impact everyone. Mahalo.

**GM-1**

Submitted on: 7/26/2021 10:26:37 AM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Candace Fujikane	Individual	Oppose	No

Comments: I oppose the appointment of Daniel Gluck in the context of a larger pattern of racial and gender inequality. State legislators share our concern that Gov. Ige’s judiciary appointments have been 71% male and 71% white or Japanese. The candidates for the ICA vacancy include three Hawaiian women attorneys with far more trial experience in the appellate and Supreme courts. One is a district court judge. Gluck is the only white male out of a list of six candidates, and he has the least trial experience of them all. We are not questioning Gluck’s integrity nor whether he is a good attorney; we instead focus on experience and the need for diversity. Court records show that Gluck has served 5 circuit court cases and 8 appellate cases, while Hawaiian attorneys Taryn Gifford has served in 192 circuit and 176 appellate cases; Summer Kupau-Odo served in 135 circuit and 65 appellate cases; and Sonja McCullen served in 32 circuit and 311 appellate cases. When presented with a clear opportunity to balance the court so it is more reflective of Hawaii’s diversity, Gov. Ige’s decision reflects the ongoing perpetuation of a system of white and Asian power and privilege. This is not the first time legislators have raised concerns about Ige’s judicial appointments. The last appointment by Ige to the ICA was made to a Japanese nominee, his high school classmate and former campaign manager. Gluck’s appointment is a part of a longer history and pattern of racially and gender-biased actions that impede justice. Laws and legal decisions change with the values of a society, and that is why diversity in the judiciary is key to a more just society. Judicial decision-making must be based on a personal understanding of Hawaii’s unique history, cultures, worldviews, and values. There are no Hawaiian, Filipino, Pacific Islander, or Black judges at the Hawaii’s Supreme Court or Intermediate Court of Appeals. It has been 20 years since there has been a Hawaiian justice on the Supreme Court and 30 years since a Hawaiian nominee has been appointed to the ICA. We call on leaders to assure that this appointment and the ones that Ige will make during the rest of his term work to remedy these glaring inequities. We only have to look at the Hawaii State Legislature to see these inequalities: that 65 percent is dominated by Asians, while 25 percent is made up of white settlers and only 10 percent by Kānaka Maoli, despite the fact that Kānaka Maoli are 20 percent of the general population. Hawaiian leadership is key to correcting historically-rooted injustices, to protecting Hawaii’s lands and waters and our richly diverse communities.

**SENATE COMMITTEE ON JUDICIARY  
ATTN: CHAIR KARL RHOADS & VICE CHAIR JARRETT KEOHOKALOLE**

**Testimony Opposing GM 1**

**Nominating Daniel M. Gluck to Hawai‘i’s Intermediate Court of Appeals**

**July 27, 2021, 11:00 a.m.**

**Via Videoconference**

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

In my individual capacity as a member of the Hawai‘i bar and legal community for 20+ years (both as a legal practitioner and a law professor), and as a Kanaka Maoli woman whose people have had the great privilege of stewarding these islands since time immemorial, I urge this Committee and the Senate to **reject Daniel Gluck’s nomination to the Intermediate Court of Appeals**. The Senate has important kuleana in this constitutionally mandated confirmation process, and I implore you to embrace that kuleana.

At the outset, we must acknowledge the difficulty of this situation, which none of us have asked for or want to be in. As a matter of culture, upbringing, and lifestyle, many in Hawai‘i tend to avoid conflict and suppress or internalize their sense of unfairness or injustice. That’s just local style. As a little brown girl, I was often urged to ho‘omanawanui and ho‘omalimali – be patient and keep quiet. This pressure becomes inordinately more intense in the context of a judicial nomination. For every single person who may step forward in this public setting, I know there are many, many others who do not feel safe to speak out and have decided to hold back for personal, political, or professional reasons. This applies to attorneys in particular; so many of us have concerns, but are unwilling to speak up, in part, because they believe the outcome is predetermined. Mahalo to those who showed up despite these challenges and risks – and we should also honor those who have decided they could not, but who are with us in spirit.

First, I join the chorus of opposition based on the **nominee’s lack of qualifications and experience** – and further emphasize that such qualifications and experience should include **grounding in Hawai‘i’s unique history, culture, and values that are directly reflected in our laws, beginning with our Constitution**. The laws of this land expressly incorporate Indigenous principles and understandings. These include, for example: Hawai‘i Constitution article XI, § 1 (Hawai‘i’s public trust doctrine) and article XII, § 7 (Native Hawaiian rights), and Hawai‘i Revised Statutes § 1-1 (Hawai‘i’s common law); § 5-7.5 (Aloha Spirit); and § 7-1 (kuleana rights). As a legal practitioner and educator of law in Hawai‘i, I believe that all practicing attorneys and judicial candidates should have working knowledge of these Hawai‘i-rooted legal principles, as our laws in Hawai‘i are different, period. But more universally and perhaps more importantly, the best candidates should have sufficient **professional and lived experience in Hawai‘i** to understand where these principles come from, and why they are so important to all who call our archipelago home. The nominee lacks legal practice experience in general, as well as this necessary Hawai‘i-based experience. This lack of experience, indeed, is only more eye-opening when compared to the numerous other candidates on the list who have demonstrably more experience on all of these fronts.

To illustrate why such Hawai‘i-based experience is vital, remember our beloved Chief Justice William Shaw Richardson, who was Native Hawaiian. As CJ would recount to later generations of lawyers – including me – he and other people of color had to go to the continent for their legal educations, after which they returned to Hawai‘i to practice in a legal community separated into a de facto “uptown bar” of white attorneys and “downtown bar” of attorneys of color. When opportunities opened up for CJ and others to be appointed to leadership positions including the judicial bench, some questioned his experience. When it was revealed that he had handled approximately one thousand cases in his legal career, folks began criticizing the kinds of cases that he handled. But when finally allowed to serve in such positions of authority, CJ and his colleagues reformed and transformed Hawai‘i law by uplifting Hawai‘i-based culture, traditions, and values as the law of this land. Without this change – without Hawai‘i-based judges with Hawai‘i-based experience making legal decisions for the people of Hawai‘i – many of our most cherished legal principles, spanning from rights to public beaches and shoreline access, to protections of public trust lands and water resources, to rights to exercise Native Hawaiian traditional and customary practices, would not be recognized, but rather would have been subsumed and subordinated under uniform Western principles and understandings of “property” and other liberal individualist “rights.”

This leads to my second, interrelated point – which is that **diversity is also an essential qualification and prerequisite for judicial appointments**, and that the current nomination exposes and exacerbates the **lack of diversity in Hawai‘i’s appellate courts far beyond a crisis and breaking point**. Justice Sonia Sotomayor was right when she observed that “a wise Latina woman with the richness of her experiences” indeed brings an essential perspective to the highest court of a country in which Latinx people comprise almost 20% of the population. While this comment raised the ire and opposition of conservative white male U.S. senators, it can and should be understandable to all of us who value what makes our Hawai‘i community and democracy truly special.

Our highest courts should reflect the full richness and collective wisdom of Hawai‘i’s people, including a millennia of Indigenous biocultural knowledge. Indeed, several decades ago, when I was attending law school, Hawai‘i’s appellate courts were the shining model of diversity, including a Native Hawaiian, a Japanese-American woman, one or two Filipinos, a white (Jewish) male, and a Korean-American Chief Justice. Along the way, this balance has become seriously skewed, such that the entire appellate bench is either white or Japanese-American, and the current nominee would make a majority of the appellate judges white, and a near majority white males. Currently, there is not a single Native Hawaiian, Filipino, Pacific Islander, or Black judge in Hawai‘i’s appellate courts, even though these communities collectively comprise well over 40% of the state’s population. There has not been a Native Hawaiian justice on the Hawai‘i Supreme Court for 20 years, and no Native Hawaiian judge on the ICA for almost 30 years. I believe that the only Native Hawaiian woman on the Hawai‘i Supreme Court was Kekāuluohi, who served until 1845.

This lack of balanced representation on Hawai‘i’s highest courts is nothing short of a travesty of justice and a failure of the judicial appointment process. Yet what makes this situation so much more unbearable is that the current list of candidates included numerous

women of Native Hawaiian ancestry and a Filipino community member, all of whom are, by any fair and objective measure, more qualified based on actual experience practicing in Hawai‘i courts, including the ICA. Even giving the nominee the complete benefit of the doubt that he presumably “must be minimally qualified” just by being included on the list, the Governor’s failure to recognize the fundamental importance of diversity, and his decision to extend the long-running systemic biases and barriers against underrepresented candidates, is simply unfathomable and unacceptable. **It undercuts public confidence and faith in our judicial system and undervalues the importance of practice experience in the law and lived experience in Hawai‘i.** It also **sends a devastatingly wrong message to people of color, and Native Hawaiian women in particular.**

As someone who has experienced first-hand being overlooked and undervalued because I identify as female and Native Hawaiian, as someone who has always had to work harder for equal or less recognition, promotion, or compensation, and as someone who has also had to bear the burden of explaining this reality to often-well-meaning but uncomprehending white people, I cannot emphasize enough what a disservice and injustice this nomination does to present and prospective underrepresented candidates, as well as our overall legal community, judicial system, and democracy. I have never aspired to judicial office, so I cannot fully appreciate what it takes for women from underrepresented communities to make the time and investment to work toward and apply for these positions. Surely, many women, if they can overcome the structural barriers of juggling the double duties of both career and family aspirations, tend to self-select out of applying because they internalize these societal biases and wonder whether they are ready, capable, or qualified. The lack of women applicants and appointees has been a publicly reported and discussed problem, with Governor Ige stating that he encourages more women to apply. Yet after those women of color did apply for this ICA position, his pick of the only white male on the list loudly slams the door on the numerous more qualified, underrepresented candidates, doing untold further damage to the broader community’s interest and faith in the process, and setting all of us as a society back who knows how far and for how long.

Whether or not this decision stemmed from intentional or unconscious bias is beside the point. The damage is the same. **To remedy systemic bias, we must acknowledge the problem and take intentional steps to remedy the situation. Now.** Similarly, the argument that diversity and equity are broader issues that do not relate to this individual nominee’s qualifications also misses the mark and, in fact, enables and perpetuates the problem of systemic bias and white male privilege – which includes the privilege to disown and disassociate from this broader problem. Meanwhile, the burden of bearing the brunt of these problems, and the burden of even pointing out and explaining the problem, must predominantly fall on women and people of color who are brave enough to step up and speak out. Mahalo to all those who have done that in these proceedings.

Finally, I urge this Committee and the Senate to avoid and reject any excuse that would diminish or abdicate the Senate’s role in independently deciding whether to confirm or reject this nominee. The 1978 Constitutional Convention purposefully adopted the current system in which the Governor picks from a list of candidates, and the Senate independently decides whether it agrees with the Governor – through a process of elimination if necessary. The constitutional delegates recognized that the judicial selection commission’s list and the governor’s appointment

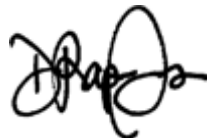
involve “little or no public input,” whereas Senate confirmation is “an **additional check . . .** where the reviewer [i.e., the Senate] **is ultimately responsible to the people**” since “[t]he senate is elected by the general voting population.” 2 Proceedings of the Constitutional Convention of Hawai‘i of 1978, at 361, 364 (1980) (emphasis added). Thus, “**senate confirmation acts to provide such input and give the public confidence in the judicial selection process. The senate represents the people, and thus senate confirmation assures accountability.**” *Id.* at 364 (emphasis added). Specifically, it was recognized that, under this adopted system, “**when the nominating commission gives a list of six names, the governor then selects one, and if the senate rejects that one, the governor then has to go back and take another one from the list.**” *Id.* (emphasis added).

In short, the Senate has a constitutional duty to ensure that the nominee is the best pick from the entire list, to uphold the constitutional separation of powers and the integrity of the independent third branch of the government in the judiciary. To “defer” to the Governor’s decision is to willfully abdicate the Senate’s constitutionally mandated role and affirmatively condone this injustice.

In sum, I urge this Committee and the Senate to **‘auamo (shoulder) your important kuleana in our constitutional democracy and reject this nomination.** Again, I appreciate this may be a difficult or uncomfortable decision, but staying comfortable in the face of injustice negates any chance of change. Ultimately, I would encourage the nominee himself to try to understand the needless division and harm that his nomination is causing, become a true ally to people of color including Native Hawaiians, and **graciously step aside for this time** (while pursuing other future opportunities) **and open the door for other qualified, underrepresented candidates.** This would be the easiest and most pono way forward for everyone. Turning a blind eye to this injustice, however, is not pono and serves no one.

Mahalo for your time and consideration.

Me ka ha‘aha‘a,



D. Kapua‘ala Sproat

e: [kapua.sproat@gmail.com](mailto:kapua.sproat@gmail.com)



**GM-1**

Submitted on: 7/26/2021 10:45:57 AM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
David Kauila Kopper	Individual	Oppose	No

Comments: I oppose this nomination based on a lack of minimal qualifications.

**GM-1**

Submitted on: 7/26/2021 10:58:23 AM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jennifer Yamanuha	Individual	Comments Only	No

Comments: Aloha Legislators, My testimony is in strong support of GM1, Submitting for consideration and confirmation to the Intermediate Court of Appeals as Associate Judge, Gubernatorial Nominee, DANIEL M. GLUCK, for a term of 10 years. Dan’s professional service has been a valuable contribution to the people of Hawai‘i, driven by hard work, integrity, and aloha. I am sure his well-proven track record of advocating for and protecting civil rights and ethical protections will be well detailed by other testifiers, together with his inclusive leadership style and talent for enriching the lives of those fortunate enough to have worked alongside him. I am here to testify to the consistency of Dan’s character. I left Hawai‘i in 2000 to attend Harvard Law School. As an alumni of Hawai‘i’s public school system, including the University of Hawai‘i at Manoa, the opportunity to participate in a renowned private university graduate program felt both incredible and a bit daunting. Students hailed from all over the nation and the world, from impressive lineages including well-known political figures, CEOs of business enterprises, famed academics, and other leaders. In the first year, we were split into 5 sections of about 100 students each. Dan and I were in Section 2, and I liked him right away. In the classroom, he was charismatic and engaging - full of life and insightful questions. In response to Socratic inquisitions, he was a vigorous thinker led by curiosity and passion for exploring the fine points of complicated concepts. As a classmate, he was kind, easy to talk to, and generous with his time. Dan stood apart from the intensely competitive dynamic of some of the other students, and was consistently upbeat, easygoing, and encouraging of others. Like myself, Dan comes from a working class background, and I think it shows in the practical, modest, and down-to-earth way he interacts with people from all walks of life. I appreciated his genuine approachability and openness, as well as his luminous mind. After living on the mainland for a decade after law school, I returned home to Hawai‘i and was surprised to find that Dan had established himself in the Honolulu legal community – a rare instance of reverse brain drain. Tapping him on the shoulder at a fundraiser, I started, “you probably don’t remember me, but” and was cut off by his huge warm smile and exclamation of my name. We quickly reconnected, and since then, Dan has become a meaningful and supportive colleague and friend. Despite his full plate, he has always been available when we needed to bounce a challenging situation off of him, or when we just needed to talk. Last year he took the time to speak to a group of students I was mentoring who wanted to learn more about law and his role in fighting laws that resulted in harsh treatment of the homeless. Twenty years after I first encountered Dan, he remains brilliant, kind, and giving, and is a great inspiration to me. I am convinced there is no better candidate to serve as an appellate judge. Sincerely, Jennifer Yamanuha

**HEARING OF THE SENATE COMMITTEE ON JUDICIARY**

**ATTN: CHAIR KARL RHOADS & VICE CHAIR JARRETT KEOHOKALOLE**

**Testimony Opposing GM 1**

**Nominating Daniel M. Gluck to Hawai'i's Intermediate Court of Appeals**

**July 27, 2021, 11:00 a.m.  
Via Videoconference**

Aloha Chair Rhoads, Vice Chair Keohokalole, and Members of the Committee on Judiciary:

My name is Elena Bryant and I write to you today in **opposition** to GM1, submitting gubernatorial nominee, Daniel M. Gluck, for consideration and confirmation to the Intermediate Court of Appeals (“ICA”) as Associate Judge for a term of ten years. I am writing to you today in my personal capacity as member of the Hawai'i State Bar Association since 2011 with a variety of legal experiences and more importantly, as a *wahine* and a *Kānaka Maoli* legal practitioner.

As an attorney in Hawai'i who appears in court, including the ICA, it is very difficult to oppose a judicial nominee. I submit this testimony today, however, because this nomination will have significant ramifications on our judicial system and the availability and quality of justice in our community. I have not had the opportunity to work with the current nominee, nor do I know him personally. While I have heard that he is a great person, the issues presented by this nomination are much bigger and more important than any particular candidate. This is not about Daniel Gluck, rather, it is about a broken system. With several Hawai'i Supreme Court vacancies on the horizon, I urge the Senate to take a stance *now* and send a clear message to the current and future Governors of our State that we will no longer tolerate a system of white and Asian power and privilege while people of color continue to be underrepresented in our judicial bench.

Throughout my professional legal career, I have served as a law clerk for three years at the Intermediate Court of Appeals and for nearly two years at the United States District Court for the District of Hawai'i. During this time, I learned that the differences between appellate practice and trial court practice were stark. After nearly five years of clerkship experience at both the appellate and trial court levels, I was employed by Hartley & McGehee, LLC, as a trial court litigator in the Hawai'i Family Courts. During my four plus years with Hartley & McGehee, I handled dozens of active cases before both seasoned family court judges and judges with relatively no experience in the Family Court, the latter of which often unnecessarily complicated matters for clients and attorneys on both sides of the aisle. I am currently employed as an Associate Attorney with Earthjustice's Mid-Pacific Office. Our office appears in cases before both state and federal trial and appellate courts, as well as administrative agency practice.

Based on this variety of legal experience, my opposition to Mr. Gluck's nomination is two-fold: (1) Senate confirmation of this nominee will set a dangerous precedent in terms of the minimum threshold of legal experience required for our State's highest courts, and (2) it will perpetuate the lack of balanced representation and diversity on our appellate court bench. The

current nominee simply does not meet the minimum qualifications members of the bar expect from ICA judges.

### **Actual Practice Experience is an Essential Qualification.**

Substantial experience actually practicing law is an essential qualification for serving as an appellate judge. Based on data from the Judiciary's eCourt Kōkua website, Mr. Gluck's name has appeared in 13 state court cases, including 8 appellate cases before the ICA or Hawai'i Supreme Court. This is the practice equivalent to an entry-level associate. This doesn't rise to the level of expertise needed on Hawai'i's second highest court.

The ICA is known as the "workhorse" of the judicial system, hearing nearly all appeals from trial courts and administrative agencies from across the State. My experience as a law clerk on the ICA confirms that there is no shortage of work and being that there are only six judges who sit in panels of three, it is imperative that those judges are able to hit the ground running and understand the real-world impacts of their rulings on the legal practice, as well as on people's lives and communities' ways of life across the state. That requires a basic level of practice experience in Hawai'i courts and communities that this nominee lacks.

Based on my own experience, the most effective and well-rounded judges are those that have been practitioners. This fosters not only a mutual respect between the bar and the bench but ensures a certain level of practice experience. It is one thing to have a legal education, but it is another to know and understand how black letter law works in the actual practice of law. Being an appellate judge requires more than just an application of rules of law, it requires review of the decisions of other judges – identifying trial errors and reviewing judicial rulings. This is something that cannot be taught in books but can only be learned through lived experience. The short list is brimming with experienced practitioners who understand the substantive and procedural aspects of Hawai'i's unique cultures and laws – who have handled dozens or even hundreds of cases in the appellate court system – all of which were overlooked by the Governor.

By confirming this nominee, the Senate would be setting a dangerous precedent of what the minimum qualifications are for an appointment to our state's highest courts. It would undermine public confidence in our judicial system among legal practitioners and the broader community. It is especially offensive to practicing attorneys who have put in their time and will not have to appear before and have their cases decided by someone who has not.

### **The lack of diverse representation on Hawai'i's appellate bench is a travesty of justice.**

*"Ultimately, the judicial branch will better serve the people of this state when it truly mirrors our diversity." - Governor David Ige, 2018<sup>i</sup>*

Currently there are no Hawaiians, Filipinos, Blacks, or Pacific Islanders on the appellate bench. It has been over 20 years since a Native Hawaiian has been appointed to serve on the Hawai'i Supreme Court and nearly 30 years since a Native Hawaiian has been appointed to serve on the ICA. Moreover, a Native Hawaiian woman has not been on the Hawai'i Supreme Court

since 1845. Despite these alarming facts, Governor Ige bypassed three highly qualified Native Hawaiian women and one Filipino candidate on the short list for this ICA appointment.

Our system is broken and confirming this nomination would only rubberstamp Governor Ige's biases, who has continually passed over more qualified people of color, including several Native Hawaiian women. This sends an entirely wrong message to current and future candidates and the public, including underrepresented communities. Our courts must reflect the diversity of lived experience in Hawai'i. People need to feel that the judges making rulings affecting our lives understand the perspectives of all of Hawai'i's people and our unique culture and values. For a judgeship in Hawai'i, lived experience is just as important as practice experience.

A major concern with the current nominee is his lack of lived experience. Native Hawaiian issues are often in the appellate courts, and we need judges with actual practice experience *and lived experience* that represents the diversity of Hawai'i's people and culture. How can a judge determine if a defendant's conduct is appropriate or acceptable, or whether a traditional and customary right should be affirmed if he or she has no experience or understanding of those practices? Some level of lived experience and knowledge of our community's diverse and rich practices are necessary qualities for any candidate to Hawai'i's highest courts and there is widespread concern that this nominee lacks the requisite lived experience.

Our Senators have a key role – and an important kuleana – in confirming or rejecting judicial nominations. The Senate is not merely a rubberstamp of the Governor's whims, but it has both the independent duty and the power to make an informed assessment as to each nominee before it. Please embrace your important and independent role and reject this nomination.

Mahalo for your time and consideration,

/s/ Elena Bryant

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<sup>i</sup> Quote taken from *Why Aren't There More Women Judges In Hawai'i?* by Terri Langford, Honolulu Civil Beat, September 20, 2018, available at <https://www.civilbeat.org/2018/09/why-arent-there-more-women-judges-in-hawaii/>.

July 26, 2021

The Senate  
The Thirty-First Legislature, Interim of 2021  
Committee on Judiciary  
Attention: Senator Karl Rhoads, Chairperson  
Senator Jarrett Keohokalole, Vice Chair

Welina ke aloha,

I write this testimony to express my concern about the lack of representation on the higher courts for Native Hawaiian women. This past week, three very qualified, very professional Native Hawaiian women were side-stepped for a position on the Intermediate Court of Appeals.

In my fourteen years of practice, there has not been a single Native Hawaiian woman elevated to the higher courts. To my knowledge, there has never been a Native Hawaiian woman on the appellate courts. We now have three viable candidates who have the experience, skill, and ability to become outstanding ICA judges. But instead of sending this Committee a celebratory letter in favor of any one of them, I am forced to write a letter lamenting the fact that none of them were selected.

70% or more of Governor Ige's appointments have been White or Asian men. To be frank, this is a very poor record on diversity and inclusion. When reviewing just the numbers and the body of the work of the candidates, I believe Taryn Gifford, Summer Kupau-Odo, and Sonja McCullen are factually more experienced, more well-rounded, and better practiced than the individual selected. And therefore, I also believe that this most recent appointment is an example of the forced exclusion of Native Hawaiian women from the upper echelons on the practice of law. This is the opposite of progress, and brings into sharp focus the problems that women of color face when applying for such positions. When Governor Ige rejected each of these women, he also rejected me. He rejected my mother, my aunts, my sisters, my daughters. He rejected all of us because women like us are nowhere to be seen on this bench.

Inclusion should be a priority--- inclusion for women, and inclusion for the cultural perspective that Native Hawaiian attorneys provide. The bench should look like our larger community. Judges, and especially appellate judges, are responsible for making decisions that are foundational to our lives. Elevating people with various backgrounds is critically important if our goal is to have a well-rounded and knowledgeable bench.

For these reasons, this distinguished Committee should vote against confirming the current nominee.

Me ka 'oia'i'o,



Kelli Keahiahi Lee Ponce

Council Chair  
Alice L. Lee

Vice-Chair  
Keani N.W. Rawlins-Fernandez

Presiding Officer Pro Tempore  
Tasha Kama

Councilmembers  
Gabe Johnson  
Kelly Takaya King  
Michael J. Molina  
Tamara Paltin  
Shane M. Sinenci  
Yuki Lei K. Sugimura



Director of Council Services  
Traci N. T. Fujita, Esq.

**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.MauiCounty.us](http://www.MauiCounty.us)

July 26, 2021

Senate Committee on Judiciary  
Tuesday, July 27, 2021  
11:00 a.m.

**SUBJECT: STRONG OPPOSITION OF GM1, CONFIRMATION OF DANIEL GLUCK TO THE INTERMEDIATE COURT OF APPEALS**

Aloha e Chair Rhodes, Vice-Chair Keohokalole, and honorable JDC committee members,

Mahalo for this opportunity to testify in my individual capacity as the Council Vice-Chair of the Maui County Council. I am in STRONG OPPOSITION of GM1, the governor's nomination of Daniel Gluck to the Intermediate Court of Appeals and ask that you vote to recommend disapproval.

As a councilmember, I always strive to choose the most qualified applicants that come before us, because that is what our people deserve. It's not in our collective best interest and is too low a bar to simply confirm "a qualified applicant." Our people deserve the *most* qualified applicant.

There are no requirements or guidelines that determine candidates qualifications. You have kuleana to decide who is the most qualified in this moment. The person who was qualified 10 years ago, may not be held to the same ideals today, we must evolve our thinking as our society evolves.

What the Senate does is more than merely check boxes. If it was solely about checking boxes, an HR person could accomplish that task. Rather, this process was designed for people who were elected by popular vote in their district to ensure that the voices that you represent are included in your decisions - in *this* decision.

Testimony to the Senate JDC Committee: Opposition to GM1  
July 26, 2021  
Page 2 of 2

You may hear people attempting to dismiss this advocacy for the most qualified candidate about race. On my end, this is not about race. This is about 'ike kūpuna. It is about worldview and perspective being factored into important, long-lasting decisions that affect all of us.

However, I ask you to question whether on the other end, perhaps it is about race. It has been over 20 years since a native Hawaiian has been appointed to serve on the Hawai'i Supreme Court and nearly 30 years since a native Hawaiian has been appointed to serve on the ICA. How many times was a native Hawaiian the most qualified candidate and deprived of that opportunity? How many times have Hawaiians and other disenfranchised, underrepresented communities been sidelined?!

Obviously, the political system isn't broken. To assert that it was broken, would imply these kind of decisions are incidental. Instead, I ask you to challenge your analysis on this. I assert that the system is not broken, it's working exactly as it was designed to, for those in power to remain in power. What I'm saying is that this system is not necessarily working to keep any group down, rather, it's to keep certain groups up.

Imagine claiming to be a champion for those who this system has oppresses, while simultaneously standing in the way of justice for the people claiming to be a champion for.

Mahalo to Senator San Buenaventura and Senator Keohokalole for speaking to the injustice of this nomination in the Honolulu Star-Advertiser! I understand that many of you are attorneys and took an oath to be zealous advocates. Please be zealous advocates for us today and make the courageous decision to vote no on this nomination.

Furthermore, I urge Governor David Ige and Mr. Gluck to do the right thing and withdraw from this process. Mahalo for this opportunity to testify!

Mahalo,



KEANI RAWLINS-FERNANDEZ, JD, MBA  
Council Vice-Chair



**LATE**

SENATE COMMITTEE ON JUDICIARY

Testimony Opposing GM1

Submitting for consideration and confirmation to the Intermediate Court of Appeals as Associate Judge, Gubernatorial Nominee, DANIEL M. GLUCK, for a term of ten years.

July 27, 2021

11:00 a.m.

Via Videoconference

Senator Karl Rhoads, Chair

Senator Jarrett Keohokalole, Vice Chair

Camille Kalama, Esq.

Opposition to GM1

Aloha mai Chair Rhoads, Vice Chair Keohokalole and members of the Senate Judiciary Committee, my name is Camille Kalama and I submit this testimony in opposition to GM1 and ask you to vote against the nomination of Daniel M. Gluck to the Hawaii Intermediate Court of Appeals.

As a Native Hawaiian attorney who served Chief Justice Ronald T.Y. Moon and litigated Native Hawaiian rights and resources issues over the last 15 years before Hawaii administrative agencies district, circuit, and Appellate courts as well as administrative agencies. In all that time, there has never been a sitting Native Hawaiian appellate judge. Indeed, there has not been a Native Hawaiian judge on the Intermediate Court of Appeals for 30 years, double the time I have been in practice. The last time there was a Native Hawaiian wahine Supreme Court Justice was in 1845 when Kekāuluohi, Kuhina Nui of the Kingdom of Hawai'i, passed away. In this case there were three Native Hawaiian women to choose from with far more experience in the Hawai'i courts than the nominee. Confirming the nomination only serves to reinforce its apparent intention to uphold a system that excludes Native Hawaiians positions of power and the ability to even participate in decisions that impact our 'āina, resources, and lives.

My opposition today is not about Mr. Gluck as a person. It is impossible to ignore the stark difference in his experience as compared to his fellow candidates. When considered in context with the heightened attention to the importance of diversity and representation by decision makers and those who wield power over our communities, not just here in Hawai'i but across America and in the world at this time in this day, Mr. Gluck's nomination appears to be a bold and unabashed effort to perpetuate systemic and structural racism. When it comes to the judiciary, appearances matter. Context matters. Experience matters.

It is our collective responsibility to call out disparity in the governmental systems and it is my kuleana as an attorney to speak out and on behalf of my community to call for parity. One seat of 11 on the Hawai'i appellate courts for a kanaka maoli, a person with kuleana to this 'āina, to make decisions that impact our lands, resources, and communities is not enough. But confirming this nominee further reinforces the overwhelming disparity. I ask that your

Committee take a courageous stand against this nomination just as those who bore the risks of speaking out in opposition have done.

Mahalo for your consideration.

'O wau iho nō,

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

Camille K. Kalama

[ckalama@gmail.com](mailto:ckalama@gmail.com)

**LATE**

**SENATE COMMITTEE ON JUDICIARY**

July 27, 2021, 11:00 a.m.  
(*Testimony is 2 pages long*)

**TESTIMONY IN STRONG SUPPORT OF GM 1**

Aloha Chair Rhoads and Members of the Committee:

I strongly support the confirmation of Daniel M. Gluck as an Associate Judge to the Intermediate Court of Appeals. My name is Robert D. Harris, Esq. I clerked with Mr. Gluck at the Hawaii Supreme Court in 2002-2003, and have continued to maintain a close friendship for nearly twenty years. As such, I am in a good position to judge his legal skills, ability to work with others, and dedication to fundamental principles such as fairness, equality, and access to justice.

I can personally affirm, without reservation, that Mr. Gluck exhibits the highest professional and personal characteristics of character, conscience, integrity, honesty, and demeanor.

Daniel Gluck would make a brilliant jurist — perhaps a once in a generation appointment. I’ve worked on complex legal issues with him, and have no reservations about his legal skills and analytical capability. He is genuinely curious. He is not afraid to ask questions, to challenge his own assertions, and is eager to hear what others have to say. He takes the time to arrive to a conclusion and makes sure those conclusions are founded in legal precedent, common sense and, importantly, with heart.

Mr. Gluck legal career demonstrates a deep passion and commitment to serving disadvantaged communities and the undeserved. Mr. Gluck easily could have pursued a more typical legal career. Nevertheless, at the ACLU, Mr. Gluck committed himself to helping the homeless and trying to make sure they had a voice in the legislative and legal systems. He currently spends his weekends offering pro bono work to help people in diverse areas of need, such as assisting a single mom seeking asylum in the United States.

Serving disadvantaged communities isn’t glamorous work, and perhaps doesn’t reflect the typical course of someone seeking to become a jurist. It doesn’t result in the largest number of trial cases. But it reflects a sincere “aloha” that would be an invaluable asset to our legal system. Some jurists apply the law with a cold and analytical lens. Mr. Gluck would have the capacity to understand that line of thinking, but be able to craft decisions with genuine heart and compassion for the individuals impacted.

Mahalo for the opportunity to voice my support for Mr. Gluck's nomination. If there is any additional information I can provide that may be helpful, please do not hesitate to let me know.

Sincerely,

/s/ Robert D. Harris

Robert Harris, Esq

# KA LĀHUI HAWAI'I KŌMIKE KALAI'ĀINA

BEFORE THE SENATE JUDICIARY COMMITTEE

JULY 26, 2021

Governor's Message No. 1  
Relating to the Nomination of Daniel M. Gluck to the Court of Appeals as Associate Judge.

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

Ka Lāhui Hawai'i Kōmike Kalai'āina submits the following written testimony in **STRONG OPPOSITION** to Governor's Message no. 1 Nomination of Daniel M. Gluck to the Court of Appeals as Associate Judge for a term of 10 years.

The list of six candidates for the Associate Judge position of the Court of Appeals included three Hawaiian women and one Filipino community member, but the Governor picked the only white male on the list who also has the least experience practicing law before our courts.

Currently, there are no Hawaiians, Filipinos, Blacks, or Pacific Islands on the appeals courts. It has been decades since there has been any judge of the Native Hawaiian descent on Hawai'i's highest courts - about 30 years for the ICA and more than 20 for the Supreme Court. If Gluck is appointed the majority of the ICA judges would be white deciding on issues that are vital for Kanaka Maoli well being that range from water, lands, and traditional and customary rights.

Senator Buenaventura framed the issue perfectly in the Star Advertiser article from July 22, 2021 - why would we settle for someone with so little experience, when we have others with significantly more experience on the ICA short list?

This is a not about Daniel M. Gluck's personality but about his lack of qualifications and more importantly the systemic racism that prevails and works against Kanaka Maoli with his nomination. Ideally we would like to see sitting Justices that reflect the diversity of the broader population of Hawai'i to ensure a fair process for all. Have we learned nothing from history? The time of the white male oligarchy that overthrew a peaceful Hawaiian nation for their own personal financial and political interests is long past. The Black Lives Matter movement has taught us that until there is justice for all races and groups the violence against and criminalization of the most vulnerable in our society will continue.

Its been nearly 129 years since the illegal overthrow of the Hawaiian Kingdom and Kanaka Maoli still own some of the worst socio-economic and health statistics in Hawai'i. The fact that we are still overrepresented in Hawai'i's prisons, jails and juvenile detention facilities and we are still being targeted when practicing our traditional and customary rights proves that racism is still very prevalent in our judicial system.

Me ka oiai'o,

M. Healani Sonoda-Pale  
Public Affairs Officer, Ka Lāhui Hawai'i Kōmike Kalai'āina



# NATIVE HAWAIIAN BAR ASSOCIATION

Aloha mai no, Aloha aku  
Where love is given, love should be  
returned.

Hearing on GM 1

Consideration and Confirmation to the Intermediate Court of Appeals  
as an Associate Judge, Gubernatorial Nominee, DANIEL M. GLUCK,  
for a Term of Ten-Years

Senate Committee on the Judiciary

Tuesday, July 27, 2021

11:00 am Via Videoconference

Aloha and mahalo for the opportunity to provide testimony. I am Summer Lee Haunani Sylva, the President of the Board of the Directors of the Native Hawaiian Bar Association (NHBA). The NHBA is an association of lawyers, judges and other legal professionals of Hawaiian ancestry that seeks to promote excellence, unity, cooperation, education, and the exchange of ideas among its members and in the larger community.

We first acknowledge and mahalo the nominee, Daniel Gluck, for his service as the Legal Director of the American Civil Liberties Union of Hawai'i and his current role as Executive Director and General Counsel of the State Ethics Commission. Nevertheless, the Board of the Directors of the NHBA has several concerns about this nomination that we would like to bring to this Committee's attention:

First, of the six candidates for the Intermediate Court of Appelas (ICA), Mr. Gluck is the least experienced in actual practice before Hawai'i's appellate courts. Several of the other candidates have substantial experience in our appellate courts. One candidate, in the last ten years alone, has argued 20 cases before the Hawai'i Supreme Court (HSC), submitted 70 writs or responses to the HSC, and submitted 166 briefs to the ICA. Another candidate not only has substantial trial experience as a civil and criminal law attorney (litigating 135 cases), she also has been involved in 65 appeals to the HSC and ICA, has practiced in the Federal Courts, and is the only candidate with judicial experience. One of the other candidates, according to information derived from the State Judiciary eCourt Kōkua website, has been involved in 139 appeals to the ICA and 37 writs to the HSC. It is imperative that any new ICA judge be well-versed in both trial court proceedings and the appellate process. Having been involved in only five appeals to the ICA and three cases before the HSC, Mr. Gluck does not appear to possess the extensive appellate and litigation experience of the other candidates nor the experience that is critical for an ICA judge.

Secondly, and crucially important for the NHBA, this nomination does not reflect the diversity of our community. As others have pointed out, there are no Native Hawaiians serving on Hawai'i's appellate courts, with more than twenty years passing since the last Native Hawaiian sat on the HSC. Similarly, there are no Filipinos on the appellate courts, with the last Filipino serving seven years ago. (Moreover, there has never been a Pacific Islander or African-American appointed to the appellate bench.) Our Judiciary, at every level, should truly reflect the diversity and lived experiences of our community.

Indeed, judicial diversity is not just about gender, race, or cultural identity; it's also about class and geography. The majority of our state appellate judges are either from O'ahu or the U.S. continent, while the matters that come before these courts originate in communities throughout our pae 'āina, affecting the lives of many from Hawai'i island to Kaua'i, rural and urban areas alike. We note that several of the candidates on the list submitted to Governor Ige were born and raised on "neighbor" islands and thus offer a different view than those from Honolulu or the U.S. continent. Those diverse perspectives are reflected in their decision-making and necessarily result in a better, richer jurisprudence that promotes public confidence in our judicial system and creates more role models for aspiring attorneys from diverse backgrounds.

In a broader sense, it is imperative that our judges have the lived experiences that demonstrate an understanding of Hawai'i's history, culture, and values. Indeed, as our Supreme Court has made clear, Hawai'i has a unique legal system, built on traditional Hawaiian culture with many of the underlying guiding principles still in place. Thus, our courts, following the lead of Chief Justice William S. Richardson, have made a conscious effort to look to Hawaiian custom and tradition in deciding some of our landmark cases. By approaching cases through that lens, our courts have held "that the beaches are free to all, that access to the mountains and shoreline must be provided to the people, and that water resources [cannot] be privately owned."<sup>\*</sup> It is no accident that this enlightened approach—which expanded not just native Hawaiian rights but the rights of citizens and public trust resource protections—originated from a self-described "local boy from Hawai'i" who graduated from Roosevelt High School, served with the U.S. Army, and was of native Hawaiian, Chinese, and Caucasian descent.

We need appellate judges who are not only exceedingly qualified and experienced for the position, but whose understanding and embrace of Hawai'i's unique culture, history, and landscape will manifest in decision-making that serves and protects the interests of our *entire* community. In this case, affirming judicial diversity means bucking politics and practices that would otherwise seek to advantage a candidate with comparatively underwhelming skills and experience *primarily* because of his race, gender, class, pedigree, and political connections. Those opposing this confirmation are not asking that you lower the bar to achieve judicial diversity but to raise it, and to not disadvantage the other candidates who, if this were a level playing field based on merit, would be awarded for their achievements and not their privileged access to political power brokers in this state.

Mahalo piha for the opportunity to present the testimony of the Board of the Directors of the Native Hawaiian Bar Association, who **STRONGLY OPPOSES GM1** and urge you to kill this measure in the best interest of our community.

Summer L. H. Sylva



President  
Native Hawaiian Bar Association

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<sup>\*</sup> This is from a speech by CJ Richardson - William S. Richardson, ABA Spirit of Excellence Award Acceptance Speech (Miami, Florida, February 10, 2007).

**GM1**

**Submitting for Consideration and Confirmation to the Intermediate Court of Appeals as  
Associate Judge, Gubernatorial Nominee, Daniel M. Gluck, for a Term of Ten Years**  
Senate Committee on Judiciary

July 27, 2021

11:00 AM

Videoconference

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The Council for Native Hawaiian Advancement (CNHA), a member-based 501(c)(3) non-profit organization with a mission to enhance the cultural, economic, political, and community development of Native Hawaiians, **STRONGLY OPPOSES** GM1, which submits for consideration and confirmation to the Intermediate Court of Appeals (ICA) as Associate Judge, Gubernatorial nominee, Daniel M. Gluck, for a term of ten years.

Within the last few years, the United States has undergone a tumultuous transformation in forcefully and often reluctantly evaluating its own defective systems of governance. Historical injustices have and continue to impact people of color, women, and other minority groups disproportionately and disparately. Legal-political doctrines of the highest order that uphold principles of equity and equality remain aspirational only, and they will remain so until systemic and institutionalized prejudice is extinguished with real intention and purpose. Change is being demanded. Lest we be complicit, we cannot be passive or complacent to systems and structures that have procedures and processes that disadvantage exceedingly more qualified and more experienced women of color, as is the case here.

There is no disputing that in the State of Hawai'i, Native Hawaiians are disproportionately represented and disparately impacted at various stages of Hawai'i's criminal justice system. The disparate and more punitive treatment of Native Hawaiians throughout Hawai'i's criminal justice system has resulted in Native Hawaiians going to prison and serving much lengthier sentences at a much higher rate than people of other races/ethnicities. These inequities mirror and correlate with the disproportionately low number of Native Hawaiians in the judiciary, and clearly not for a lack of qualified and experienced candidates. The systemic



inequity on full display here is one of the clearest indicators of institutionalized racism in Hawai'i.

For well over a decade, advocates for Hawai'i's criminal justice reform have understood that a diverse bench is integral to public confidence in the judicial system as a whole. Affirming judicial diversity as a goal requires a commitment to achieving demographic and professional diversity that will bring to bear decision-making that reflects the diverse lived experiences and perspectives of the whole population. In Hawai'i, judges who understand and embrace Native Hawaiian cultural values ensure that Native Hawaiian voices and perspectives are included in jurisprudence that resolves disputes, protects rights, and interprets laws. Hawai'i-based perspectives and understanding are, at minimum, essential qualifications for a judge, especially one serving on Hawai'i's highest courts.

CNHA wishes to emphasize that the gubernatorial candidate was the most inexperienced candidate on the list of ICA candidates with 13 total court cases compared to the triple-digit case numbers of his peers. A white male, who moved to these islands after attending law school, he was nominated above three Native Hawaiian women and one Filipino candidate who have greater experience in both civil and criminal trial and appellate litigation. One is even a sitting judge. Their numbers and achievements don't lie. While CNHA will refrain from commenting on the gubernatorial candidate's personal and professional character, we again emphasize that dismantling systemic/institutionalized racism in the pursuit of racial equality includes achieving enhanced levels of diversity and actual levels of diversity where there is too little or none at all.

It has been 20 years since a Native Hawaiian was appointed to the Hawai'i State Supreme Court, and close to 30 years since a Native Hawaiian was appointed to the ICA. In a state where all higher court judges/justices are either white or Japanese-American, passing over more-qualified Native Hawaiian women for the only white male candidate manifests the kind of settler colonialism responsible for maintaining the institutions of racism that have irreparably harmed the Native Hawaiian community.



**Adopting a noninterventionist tack at this confirmation stage and on these facts abdicates a moral imperative. Refusing to address the differential treatment or disparate impact of not just the Governor’s decisionmaking, but your own, will only legitimize and allow for the reproduction of racial, gender, and class biases that have long contributed to status quo inequities in this state. In sum, declining to weigh in on the Governor’s selection or deferring to politics as usual on a confirmation as consequential as this one would be a disservice to the diverse constituencies who place their trust in you, in us, to actively ensure that qualified and experienced applicants to our state supreme and intermediate appellate courts—no matter their race, gender, class, or proximity to political power or favor—are treated fairly and equally. Period.**

For these reasons, CNHA respectfully requests that this measure be killed. Mahalo nui loa for this opportunity to provide testimony on this measure.

Respectfully,

J. Kūhiō Lewis  
President & CEO  
Council for Native Hawaiian Advancement

**LATE**

**TESTIMONY OF STEVEN H. LEVINSON REGARDING GM1 IN  
SUPPORT OF CONFIRMATION OF GUBERNATORIAL  
NOMINEE DANIEL M. GLUCK TO THE INTERMEDIATE  
COURT OF APPEALS, AS ASSOCIATE JUDGE, FOR A TERM  
OF TEN YEARS**

**July 27, 2021**

Aloha Hawaii Senate Judiciary Committee Chair Rhodes, Vice Chair Keohokalole, and Members Acasio, Fevella, Gabbard, Kim, and Lee. My name is Steven H. Levinson, Associate Justice (Retired), Hawai`i Supreme Court, and I respectfully testify in strong **support** of the Hawaii Senate's confirmation Governor Ige's nomination of **Daniel M. Gluck** to serve as an Associate Judge of the Intermediate Court of Appeals for a term of ten years.

I have known Mr. Gluck for 18 years, ever since he became the first law clerk to my former colleague, Retired Supreme Court Associate Justice James E. Duffy, Jr., in 2003. During that period of time, I have had occasion to get to know and work closely with Mr. Gluck, particularly in his capacities as Justice Duffy's law clerk and as the Senior Staff Attorney and then Legal Director of the American Civil Liberties Union of Hawai`i, on the board of directors of which I sat for almost nine years following my retirement from the Hawai`i Supreme Court. After he left the ACLU of Hawai`i in 2014, I have remained in regular contact with Mr. Gluck as a friend and neighbor. I am generally familiar with his work as Executive Director of and General Counsel to the Hawai`i State Ethics Commission.

In his various legal capacities to date, Mr. Gluck has honed his considerable skills as a tireless scholar, supervisor, researcher and writer, legal analyst, decisionmaker, and assiduous adherent to the highest legal and moral standards demanded by the Hawai`i Rules of Professional Conduct and the Hawai`i Code of Judicial Conduct. Mr.

Gluck possesses the quintessential judicial temperament. He is unbiased, fair-minded, highly intelligent, knowledgeable, unflappable, respectful, courteous, collegial, precise, self-controlled, and indefatigable.

I emphasize the foregoing qualities and attributes because, collectively, they embody the qualities and attributes that are required of the ideal appellate judge. Appellate judges must have the capacity to identify (and know where to find) the law that dispositively governs and determines the correct outcome of the legal dispute that is before them. They must understand the law holistically; that is, they must have the capacity to see the manner in which the panoply of discrete principles that comprise the legal fabric interrelate to one another. That requires discipline and scholarship. Appellate judges are team members, so they must be collegial. They must be adroit negotiators. They must know how to reach agreement as to the proper analysis and must also know how to disagree decorously and respectfully. They must be tireless, because their caseloads are immense and incessant. They must afford their coworkers and the parties and advocates who appear before them the dignity and respect that they deserve.

Mr. Gluck exhibits *all* of the foregoing qualities and attributes.

Although I understand that the quality of applicants for vacant positions in the Hawai`i Judiciary is generally very high (and is certainly superb with respect to the applicants for the present position), some stand out in that denying their applications would do a disservice to the people and State of Hawai`i. Mr. Gluck is such an applicant. Mr. Gluck is one of the rare class of applicants whose service as a judge will indelibly amplify the branch's excellence. He is the kind of person as to whom those who interact with him in the judicial system will say, "I wish all judges were like Judge Gluck."

I humbly urge that this committee pass favorably on Mr. Gluck's nomination to serve as an Associate Judge of the Intermediate Court of

Appeals and that it recommend to the Senate as a whole that Mt. Gluck's nomination be confirmed.

Respectfully,

Steven H. Levinson  
Associate Justice (Retired)  
Hawai'i Supreme Court

**GM-1**

Submitted on: 7/26/2021 5:10:08 PM

Testimony for JDC on 7/27/2021 11:00:00 AM



<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kurt Klein	Individual	Oppose	No

Comments: Dear Chair and committee members, my name is Kurt Klein. I am an attorney licensed to practice in all courts in the State of Hawaii. My practice area is civil litigation, with a focus on commercial law and business disputes. I represent both plaintiffs and defendants in legal disputes that from time to time end up on appeal before the Intermediate Court of Appeals and the Hawaii Supreme Court. My clients are members of the public. If my clients' case ends up on appeal before the ICA, it means that they will and/or have incurred significant legal fees. My clients expect experienced jurists to review the trial court's decision if their case is appealed. I have reviewed Mr. Gluck's credentials and experience and find them to be insufficient. My clients have encouraged me to oppose Mr. Gluck's appointment on the basis of his lack of experience, and I concur in their assessment. ICA judges need to have broad experience in multiple areas of the law. Mr. Gluck's experience in the areas of civil, criminal, probate, family, real property, etc. is almost nonexistent. Not only is Mr. Gluck's courtroom experience insufficient, so too is his experience evaluating appeals, which necessarily involves analyzing the trial court's rulings. In this critical area, Mr. Gluck does not have the experience needed at this time in his career.

**LATE**

**GM-1**

Submitted on: 7/26/2021 6:39:34 PM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Germaine Meyers	Individual	Oppose	No

Comments: I STRONGLY OPPOSE Mr. Gluck's confirmation. Compared to the other nominees on the short list, Mr. Gluck has the least court experience. We deserve the best in our judicial system.

**LATE**

**GM-1**

Submitted on: 7/26/2021 8:54:04 PM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sharla Manley	Individual	Support	No

Comments: Daniel Gluck would be a good intermediate court of appeal judge. He has spent his career dedicated to practicing law in service to the public and in the public interest. When he served with the ACLU Hawaii, he supported the work of Native Hawaiian Legal Corporation by, inter alia, submitting an amicus brief to support the right of prisoners in a Hawaiian religious rights case to correspond with their attorneys. He also represented a Native Hawaiian litigant pro Bono in a quiet title case that sought to appeal his denial of due process. It is true that we do urgently need more diversity and representation in our appellate courts. But it is also true that the nomination to allow Mr. Gluck to join the ICA should be confirmed. -Sharla Manley



**LATE**



**July 26, 2021**

Aloha Chair Rhoads, Vice Chair Keohokalole, and Members of the Senate Judiciary Committee:

The Executive Committee of the Hawaiian Affairs Caucus (HAC) of the Democratic Party of Hawai'i strongly **opposes** the GM-1 nomination of Daniel Gluck to the Intermediate Court of Appeals (ICA) of the State of Hawai'i. We respectfully request that the Senate Judiciary Committee should oppose Governor Ige's nomination and recommend that Governor Ige select another nominee for this very important court appointment.

The Hawaiian Affairs Caucus of the Democratic Party of Hawaii's reason for this opposition is that of the six candidates presented to the Governor for this appointment by the Judicial Selection Commission, Mr. Gluck had the most minimal level of appellate advocacy experience with only eight cases and five Circuit Court cases, whereas Hawaiian attorneys Taryn Gifford has served in 192 circuit and 176 appellate cases; Summer Kupau-Odo served in 135 circuit and 65 appellate cases; and Sonja McCullen served in 32 circuit and 311 appellate cases. We believe the very great differential in appellate advocacy experience between these three women, on the one hand, and Mr. Gluck, on the other, makes Mr. Gluck's nomination disqualifying. In addition, only one of the six potential nominees has judicial experience.

We wish to highlight Summer M.M. Kupau-Odo, a female of Native Hawaiian descent currently serves as a Honolulu District Court Judge. She was confirmed on October 24, 2018. In addition, she has been a Co-Litigation Director and staff attorney for the Native Hawaiian Legal Corporation. Prior to that she served five years as a senior associate attorney at the Earthjustice, Mid-Pacific Office, and before that was a Deputy Public Defender for eight years. She previously served as a law clerk to Associate Justice Simeon R. Acoba, Jr. (ret.) and has served as a mentor for the William S. Richardson School of Law's Environmental Law Program. She is a graduate of the William S. Richardson School of Law and was admitted to the Hawaii State Bar in 2004.

Primarily, we note, with considerable dismay, the demographic imbalance on the ICA at the present time. Currently there are no Native Hawaiian Judges serving at the Hawaii Supreme Court or ICA and, even more disturbing, it has been over 20 years since a native Hawaiian has been appointed to the Hawai'i Supreme Court and nearly 30 years since a native Hawaiian has been appointed to serve on the ICA. The Hawaiian Affairs Caucus Executive Committee believes there are more appropriate candidates who deserve the appointment at the present time.

We recognize the years that Mr. David Gluck has with the State Ethics Commission and advocacy that he has done to shed light on issues that do concern Native Hawaiians and other Minority groups however Mr. Gluck lacks the legal practice and lived experience in Hawai'i held by the other nominees reviewed by Governor Ige. Every other candidate submitted to the Governor had more courtroom experience. Three candidates had participated in over a hundred circuit court cases. Two candidates had argued over a dozen cases before the appellate court. The nominee in front of you today participated in only eight cases on appeal, and made one supreme court oral argument.

Me Ka Mana'o nui,

/s/

Juanita Mahienaena Brown Kawamoto

Luna Ho'omalua (chair)

Hawaiian Affairs Caucus

Democratic Party of Hawaii

Website: [hawaiianaffairs.org](http://hawaiianaffairs.org)

**GM-1**

Submitted on: 7/21/2021 6:50:58 PM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mike Golojuch, Sr.	Individual	Support	No

Comments: I definitely support Daniel Gluck's nomination to the Intermediate Court of Appeals as Associate Judge. I have had the opportunity to work with Dan Gluck on past civil rights issues. I always found him fair and extremely knowledgeable. Dan is an excellent choice to serve as an Associate Judge. Please confirm his nomination. Thank you. Mike Golojuch, Sr.

**GM-1**

Submitted on: 7/22/2021 8:14:14 AM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
James Blaine Rogers	Individual	Support	No

Comments: I have known Dan Gluck for nearly 20 years, during which time I have co-counseled with him at the trial court level. As a trial lawyer who has briefed and argued before the ICA, I know that Dan would be an outstanding fit as a jurist on that court. Dan is brilliant but, more importantly, he is empathetic and kind, with a keen interest in advancing rights for all people. Dan will do what an appellate judge is supposed to do -- apply the law to the facts, while being mindful of context and moving the equity ball forward. I've heard the criticisms. He cannot change who he is and I understand the need for judicial diversity. But Dan's record of achievement on consequential issues such as marriage equality and homelessness speaks to the kind of jurist he will be. And I know plenty of lawyers with more trial court level experience who are not half the attorneys that Dan is. His diverse legal path will serve him and the court well. I urge this committee to confirm Dan Gluck to the ICA.

**GM-1**

Submitted on: 7/22/2021 3:47:10 PM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
R. Brian Black	Individual	Support	No

Comments: Aloha Chair Rhoads, Vice Chair Keohokalole, and Members of the Judiciary Committee, I support the appointment of Dan Gluck as an associate member of the Intermediate Court of Appeals. I have known and worked with Dan for years both when he served the community at the ACLU of Hawaii and at the State Ethics Commission. In each of those roles, he consistently demonstrated the integrity, professionalism, dedication, and intelligence that we should expect from judges on the appellate courts. I have practiced law in multiple jurisdictions across the country in trial and appellate courts for 20 years, and there is no question in my mind that Dan is qualified to sit on the bench and would ensure justice for all of the people of Hawaii. Respectfully, R. Brian Black

**GM-1**

Submitted on: 7/23/2021 4:54:27 AM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jennifer Shimada Hausler	Individual	Support	No

Comments: I support the confirmation of Daniel M. Gluck to the Intermediate Court of Appeals. I am a community volunteer and advocate for those with disabilities, life threatening illnesses, and offer support to the bereaved. I have known Dan Gluck for over 16 years and he has always been willing to assist pro bono, my support group and other non profits I volunteered for. He will be a wonderful addition to the Intermediate Court of Appeals. Mahalo.

July 23, 2021

**BY EFILE**

Chair Karl Rhoads  
Senate Committee on Judiciary  
Hawaii State Senate

**Re: Daniel M. Gluck**

Dear Chair Rhoads:

I am excited that you have the opportunity to confirm Daniel M. Gluck to the Intermediate Court of Appeals. I have known Dan since law school, where we worked together on the board of directors of the Harvard Legal Aid Bureau, a student-led organization that allowed HLS students to serve as lawyers for individuals who could not afford an attorney. Dan was selected by our fellow students to serve as President of the organization. We made the right choice. He had (and has) a stellar intellect that stood out even among a community of bright learners.

But, that is not what made Dan truly special. He had a rare combination of humility and strong interpersonal skills that allowed him to succeed in an essentially impossible leadership position. For many people, especially HLS students, one of the great things about being in your 20s is that you're sure you're right about everything. Those HLS students who were so confident in their own legal ability that they decided to join the Legal Aid Bureau so that they could begin practicing law on day one of their second year of law school suffered from an extreme version of know-it-all-ism. Myself included. Even in his 20s, Dan could not only handle these large personalities -- he convinced us to listen to each other and our clients and to work together. At the dawn of his legal career, Dan's unpretentious and thoughtful manner enabled him to improve the lawyering of the roughly fifty student members of the Legal Aid Bureau.

Dan meant a lot to us and, as a result, many of us remained good friends with him after law school. He has spent his entire career fighting for justice for the people of Hawaii. People pursue judgeships for different reasons. For some, it is about the power to make decisions. For others, it is about prestige or job security. While I can assure the Judiciary Committee that Dan's sole motive is justice for all, the Committee need not take my word for it. Dan's record speaks for itself: at every turn, Dan has pursued opportunities that allow him to do the most good.

Public interest lawyers often spend so much time fighting for human beings that they lose sight of the importance of the rule of law. But, that has never been a problem for Dan. He understands that any damage to the rule of law will, in the long run, harm human beings and their ability to obtain justice.

Chair Karl Rhoads

July 23, 2021

Page 2

In short, Your Honor will not find a better judge than Dan. Irrespective of whether Dan is appointed to this judgeship, he will continue to serve the people of Hawaii. But, the people of Hawaii will be far better off if he serves them on the Intermediate Court of Appeals.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "E Mandel". The signature is written in a cursive style with a large initial "E" and a long, sweeping tail.

Evan Mandel



Clare Connors  
Kailua, HI 96734  
[connorsce@yahoo.com](mailto:connorsce@yahoo.com)

July 23, 2021

The Honorable Karl Rhoads, Chair  
The Honorable Jarrett Keohokalole, Vice Chair  
and Members of the Judiciary Committee  
State Senate  
Hawai'i State Capitol  
Honolulu, Hawai'i 96813  
[JDCommittee@capitol.hawaii.gov](mailto:JDCommittee@capitol.hawaii.gov)

Subject: Testimony in Support of GM 1  
Gubernatorial Nominee, Daniel M. Gluck  
to the Intermediate Court of Appeals as Associate Judge

Dear Chair Rhoads, Vice Chair Keohokalole, and Members of the Judiciary Committee:

I write in **strong support** of Dan Gluck to serve as an Associate Judge on the Hawai'i State Intermediate Court of Appeals. That Mr. Gluck seeks to continue his longstanding career of public service by assuming the solemn role of a judge is a decision to be celebrated. Those of us in the community who have worked with Mr. Gluck can attest to his upstanding moral character, sharp and sound intellect, and compassion for the people of Hawai'i. He is an outstanding nominee and deserving of confirmation.

I first met Mr. Gluck when we were in law school. After I had worked a summer here at home with the U.S. Attorney's Office (USAO), Mr. Gluck approached me at a law school event to learn about my experience and the following summer, he, too, had decided to work with the USAO in Hawai'i. Lucky for us, this was Mr. Gluck's professional introduction to Hawai'i and the beginning of his service to our State – both in government and the nonprofit sector.

After our first meeting, Mr. Gluck and I subsequently worked together as student attorneys with the Harvard Legal Aid Bureau (HLAB). His dedication to our clients and to the work of HLAB was remarkable, and eventually, he became president of HLAB. As student attorneys, we represented low-income clients in housing matters, domestic disputes and other situations where they were in need of much, including legal assistance. Mr. Gluck – with his tempered demeanor and caring countenance – provided vigorous representation on their behalf that consistently led to positive outcomes.

When Mr. Gluck officially moved to Hawai'i with his family, he began his legal career as a law clerk for both the Hawai'i Supreme Court and the United States District Court for the District of Hawaii. He was mentored by respected judicial legal minds and

The Honorable Karl Rhoads, Chair  
The Honorable Jarrett Keohokalole, Vice Chair  
and Members of the Judiciary Committee  
July 23, 2021  
Page 2 of 2

after the clerkships, he entered the courtroom as a litigator representing the American Civil Liberties Union. Here is where I again worked with Mr. Gluck, as he brought lawsuits on behalf of the homeless and others in court. His written work was thoughtful on this issues and excellent on the law. Moreover, because of his ability to work well with opposing sides on complicated matters, highly contested cases were resolved fairly and efficiently. He never acted for personal or political ends but to seek justice, and in doing so, he earned the respect of those who litigated with and against him.

More recently, I have worked with Mr. Gluck in his capacity as the director of the Hawai'i State Ethics Commission. Not only does Mr. Gluck regularly provide guidance about matters related to my work on behalf of the State, we have found innovative ways to partner in our shared commitment to address fraud, waste and abuse statewide. One example of how we have collaborated is by launching and managing an anti-fraud hotline. Matters brought to our attention through this effort are addressed in a coordinated way that pools our respective resources and promotes ethical conduct in government. In all instances, Mr. Gluck is concerned about the long-range implications of his actions and how they create precedent for the future. This capacity to see the larger picture is an important quality for a judge and one that should be sought and valued when deciding who should be seated on our State bench.

There is no doubt that Mr. Gluck would be a tremendous asset to the judiciary. He has that unique ability to examine details with learned competency while displaying a high degree of equanimity and regard for the impact his decisions will have on the lives of people. Our State would be well-served to have Mr. Gluck on this Court and I commend him highly for confirmation by the Senate.

If you should have any questions, please feel free to contact me.

Respectfully,

A handwritten signature in black ink, appearing to read "Clare Connors", with a long horizontal flourish extending to the right.

Clare Connors

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July 23, 2021

[JDL.testimony@capitol.hawaii.gov](mailto:JDL.testimony@capitol.hawaii.gov)

**Special Session : GM1:** Concerning the Appointment of Daniel L. Gluck as Associate Judge of Intermediate Court of Appeals for the State of Hawai'i

Hearing Date: July 27, 2021, at 11:00 a.m.

## **TESTIMONY OF MICHAEL K. LIVINGSTON IN SUPPORT OF GM1**

I submit this testimony in enthusiastic support of the nomination of Daniel L. Gluck to be an Associate Judge of the Intermediate Court of Appeals for the State of Hawai'i ("ICA"). I am a practicing trial attorney, licensed to practice in the Courts of Hawaii, and I have had close professional interactions with Mr. Gluck over the years. Mr. Gluck has all of the qualities needed to be a superb appellate judge.

I have known Mr. Gluck since 2007, when he was hired as Senior Staff Attorney with the American Civil Liberties Union of Hawai'i. During the nine years that Mr. Gluck worked as an ACLU attorney – initially as Senior Staff Attorney and later as the Legal Director – I served as the Chair of the Litigation Committee of the organization. This position afforded the opportunity to work continuously and relatively closely with Mr. Gluck on numerous legal issues and cases. During the past several years (following Mr. Gluck's departure from the ACLU), I have continued to follow Mr. Gluck's legal career but have not worked with him on any legal matters.

In my opinion, Mr. Gluck has the intellectual firepower and work ethic to be a formidable jurist. His analytical skills are highly developed. His writing is clear, precise and literate. He is a skilled collaborator and administrator. And, importantly, he is fair-minded, with unassailable integrity, and is absolutely committed to the rule of law. These qualities help make Mr. Gluck an ideal candidate for the position of Associate Judge on the ICA.

Of particular note is Mr. Gluck's ideal judicial temperament, which has been tested in the highly contentious settings of the State Ethics Commission and the ACLU of Hawai'i. Indeed, Mr. Gluck repeatedly has demonstrated his ability to work effectively with zealous adversaries. I have never seen Mr. Gluck lose his equilibrium or composure.

Finally, I would direct your attention to a few of Mr. Gluck's professional accomplishments that demonstrate the breadth of experience he would bring to the appellate bench:


- He has effectively managed and directed the operations of both the Hawaii State Ethics Commission and the legal program of the American Civil Liberties Union of Hawai‘i – both involving substantial budgets, staff and responsibilities.
- Through Mr. Gluck’s work as Law Clerk for both Justice James Duffy (ret.) and Judge Michael Seabright, as Legal Director for the ACLU of Hawai‘i, and as Executive Director and General Counsel of the State Ethics Commission, he has acquired knowledge and experience in multiple substantive areas, including legal ethics, civil liberties, administrative law, constitutional law, criminal law, civil litigation (including class action litigation). Mr. Gluck’s broad experience and knowledge equip him extremely well to deal with the wide variety of issues that are appealed to the ICA.
- At both the State Ethics Commission and the ACLU, Mr. Gluck oversaw the development of sophisticated management systems – electronic filing systems at the Ethics Commission and a case intake and management system at the ACLU.
- Mr. Gluck has been prominently involved in both legislative drafting and lobbying.

In sum, I enthusiastically recommend Mr. Gluck for appointment as an Associate Judge of the ICA. He is a dedicated and extremely capable public servant, and I believe he would serve with great distinction on the appellate bench.

Thank you for the opportunity to offer these comments.

Sincerely,

**DAVIS LEVIN LIVINGSTON**



Michael K. Livingston

## Testimony in support of Dan Gluck

Ruth Tschumy <ruthdt2444@gmail.com>

Fri 7/23/2021 12:22 PM

To: JDC Committee <JDCCommittee@capitol.hawaii.gov>

I feel fortunate to have worked with Dan Gluck when serving on the Hawaii State Ethics Commission. Dan is an excellent listener, a polite and careful listener, and he solicits all points of view on matters. He is calm in tense situations and patient and respectful in all situations. I highly recommend Dan Gluck and believe he will be an excellent appellate judge.

Thank you for your consideration.

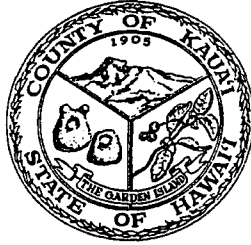
Ruth D. Tschumy

Phone: 808-381-8642

Sent from my iPhone

**COUNTY COUNCIL**

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**Council Services Division**  
4396 Rice Street, Suite 209  
Lihu'e, Kaua'i, Hawai'i 96766

July 23, 2021

**TESTIMONY OF KIPUKAI KUALII  
COUNCILMEMBER, KAUAI COUNTY COUNCIL  
ON**

**GM1, Gubernatorial Nominee Daniel M. Gluck to the  
Intermediate Court of Appeals as Associate Judge  
Senate Committee on Judiciary**

**Tuesday, July 27, 2021**

**11:00 a.m.**

**Via Videoconference**

Dear Chair Rhoads and Members of the Committee:

Thank you for this opportunity to provide testimony in opposition to GM1, Gubernatorial Nominee Daniel M. Gluck to the Intermediate Court of Appeals (ICA) as Associate Judge for a term of ten (10) years. My testimony is submitted in my individual capacity as a Member of the Kaua'i County Council, Chair of the Kaua'i County Council's Housing & Intergovernmental Relations Committee, Vice Chair of the Kaua'i County Council's Finance & Economic Development Committee, Co-Chair of the Sovereign Council of Hawaiian Homestead Associations (SCHHA's) Policy Board, longtime advocate for Department of Hawaiian Home Lands (DHHL) waitlistees, an Anahola homesteader, and an Anahola agricultural lot waitlistee.

As a Native Hawaiian, I take particular interest in this nomination as it will have significant ramifications on our Judiciary and the availability of justice in my community. The current nominee simply does not meet the minimum qualifications that we expect from ICA judges.

Because very few appeals go directly to the Hawai'i Supreme Court, the ICA ends up hearing nearly all appeals from trial courts and administrative agencies from Kaua'i to Hawai'i Island. We have only six judges who sit in panels of three. So, we need those judges to be able to hit the ground running and understand the real-world impacts of their rulings that affect not only the legal practice, but people's lives and communities' ways of life across the *pae 'āina*. That requires a basic level of practice experience that this nominee lacks.

Native Hawaiian issues are often in the appellate courts, and we need judges with actual practice experience, as well as lived experience that represents the diversity of Hawai'i's people and culture. This nominee simply does not have that. Our culture and practices are at stake, and this is too important to not get right.

AN EQUAL OPPORTUNITY EMPLOYER

Chair Rhoads and Members of the Committee  
Senate Committee on Judiciary  
RE: GM1, Gubernatorial Nominee Daniel M. Gluck to the ICA  
July 23, 2021  
Page 2

This nomination is especially offensive to Native Hawaiians who have not had representation on the ICA for thirty years and the Hawai'i Supreme Court for more than twenty. If you confirm this nominee, the Senate will miss an opportunity to greatly improve the make-up of such an important decision-making body in our State. Please embrace your independent role and ensure that Hawai'i's courts reflect our diverse cultures and communities.

Please reject this nomination and require Governor Ige to reconsider the ICA short list which is brimming with experienced practitioners who have worked in Hawai'i's indigenous communities and with our unique laws, including highly-qualified, better-qualified Native Hawaiian and Filipino women.

We cannot ignore that we are living in a time when diversity, equity, and inclusion is more important than ever to our society and our humanity. In this case, any of the short-listed women of color who each possess a higher and more diverse level of actual case experience should be given the chance to bring their expertise and diversity to the ICA. It is the right thing to do for Native Hawaiians, as well as for all the people of Hawai'i!

*Mahalo* for your consideration and for this opportunity to provide testimony. Should you have any questions, please feel free to contact me or Council Services Staff at (808) 241-4188 or via E-mail to [cokcouncil@kauai.gov](mailto:cokcouncil@kauai.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Kipukai Kualii". The signature is fluid and cursive, with a large initial "K" and a long, sweeping underline.

KIPUKAI KUALI'I  
Councilmember, Kaua'i County Council

**GM-1**

Submitted on: 7/23/2021 5:40:21 PM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
David Nakashima	Individual	Support	No

Comments: Senators: Please consider this as strong and unequivocal support for the nomination of Daniel Gluck to the Hawai'i Intermediate Court of Appeals. Daniel worked for me as a young attorney. Even as a young associate Daniel showed a strong intellect coupled with a respect of community and family. In the ensuing years I observed Daniel's professional growth as an attorney while maintaining his integrity and following the rule of law. Daniel will be a wonderful asset to Hawaii's judiciary and the State as an Intermediate Court judge. Thank you.



## Nomination of Daniel Gluck to the Intermediate Court of Appeals

Harry & Carole McCarthy <hcmccarthy62@gmail.com>

Sun 7/25/2021 1:08 PM

To: JDC Committee <JDCCCommittee@capitol.hawaii.gov>

Dear Senator Rhoads,

I write to support the nomination of Daniel Gluck to the Intermediate Court of Appeals. I have become acquainted with Dan through his work as Executive Director of the Hawaii State Ethics Commission . I write only for myself and not on behalf of the Commission.

I was appointed as a commissioner earlier this year and have been very favorably impressed with Dan's leadership and professionalism. During my career, i served as a judge on the King County Superior Court in Seattle for 10 years and before that as an Assistant U.S Attorney for 28 years. That experience shaped my understanding concerning the necessary and desirable qualities that an excellent judge must have. A good judge must be an intelligent, fair minded person who reveres the Rule of Law and creates an environment where the parties are treated fairly and impartially as they present their cases. Courtesy, industry and court efficiency are also among the most important attributes that a good judge must possess.

I believe from my interaction with Dan that he possesses all these necessary qualifications and personal qualities to serve the community well on the Intermediate Court of Appeals. He is intellectually gifted and has a wonderful knowledge of the law, particularly as it affects ethical issues. When I was appointed to the Commission, Dan led my orientation and instructed and mentored me well on the relevant statutes, opinions and memoranda concerning the Commission's work. Dan exhibits a high personal sense of ethics and has an in depth understanding of the applicable statutes and the interpretive opinions that have guided staff and Commission members in their consideration of various ethical issues . Dan is highly regarded by the commissioners and staff for his work ethic and his ability to teach and to guide. I strongly believe that he would be an asset to the court as the court deals with complex legal issues that come before it daily. His collaborative skills shown as the Executive Director of the Commission will also be very beneficial as he works with his judicial colleagues and staff on the court.

I highly recommend Dan Gluck to this important judicial position. He will serve the court and the community with great distinction.

Respectfully submitted,

Harry J. McCarthy

## ICA nomination - Gluck

iyán sandri <isandrihth@yahoo.com>

Sun 7/25/2021 5:48 AM

To: JDC Committee <JDCCommittee@capitol.hawaii.gov>

Hello,

I write to ask you to reconsider the ICA nomination of Daniel Gluck. While a decent candidate, Gluck is the least experienced of the 6 candidates submitted to Governor Ige. Furthermore as the ICA effects many deserve Hawaiians it should have representation of this diversity. Currently there are no Native Hawaiian, Filipino, Black, or Pacific Islander judges on the ICA. Gluck's appointment would not change this, but an appointment of one of the more qualified Hawaiian women (Gifford, Kupau-Odo, or McCullen) would change this.

Again i ask you to reconsider the nomination of Daniel Gluck and ask that the governor nominate one of the more qualified candidates such as Gifford, Kupau-Odo, or McCullen.

thank you

**IYAN BARRERA- SANDRI**

Keoni Kealoha Alvarez

RR3 BOX 1043  
Pahoa, HI 96778  
808-209-2156  
[keonialvarez@gmail.com](mailto:keonialvarez@gmail.com)

**KEONI ALVAREZ  
TESTIMONY:**

Aloha My name is Keoni Aloha Alvarez from the island of Hawai'i. I am a Native Hawaiian producer, director and cameraman. I have been a filmmaker for over 25 years in Hawai'i and I have traveled around pursuing my career.

In 2009 I was the plaintiff in a large case with my film project as an independent filmmaker which I have spent the last two years preparing a documentary about Native Hawaiian burial practices at the time. I have spent countless hours conducting confidential interviews with kupuna (elders), university professors, Kamehameha Schools trustees, Office of Hawaiian Affairs officials, experts from the Bishop Museum, and other community leaders.

In preparing this documentary, I was unwittingly drawn into a legal battle over the construction of Joseph A. Brescia's home on Naue Point on Kauai. Brescia discovered approximately 30 graves on the property and, for the last eight years, has fought with the Kauai/Niihau Island Burial Council, the Kauai Planning Commission, and Kauai residents – ultimately losing his case in the Hawaii Supreme Court.

I met Dan Gluck through American Civil Liberty Union (ACLU) on the island of Oahu. I researched legal assistance and representation for a lawyer to protect unpublished material and interview footage. Dan Gluck immediately listened to my case and then represented me as my attorney at ACLU. He exercised the first "media shield law" passed by the legislature in Hawai'i which protects untraditional journalist unpublished media.

After my court hearing, Judge Watanabe granted me request for a protective order, meaning that I will not be subjected to an invasive deposition and is not required to respond to subpoenas demanding his work product.

The ACLU of Hawaii today announced a victory for all journalists in Hawai'i in the wake of Kauai Circuit Court Judge Kathleen Watanabe's ruling yesterday that Hawaii's new "media shield" law applies to independent filmmaker Keoni Alvarez and that he cannot be forced to reveal his unpublished work or his confidential sources.

Daniel Gluck, ACLU senior staff attorney at the time, stated, "The court has enforced the Legislature's intent. This is a big win for the community because journalists now have the tools needed to distribute information and ideas – crucial for a strong, independent, and free press."

Another ACLU attorney Bickerton said: "Alvarez's unpublished documentary footage is clearly protected by law against disclosure under Hawaii's 'media shield.' The law restricts attorneys from using the subpoena power of the court to compel protected information from journalists. Just as we expect and protect doctor-patient confidentiality because it fosters trust and healthy outcomes, journalists have, under the law, the same right to protect the confidentiality of their sources and unpublished materials.

"This trust allows for a diverse, robust and independent media, which in turn gives us a more accountable and transparent system of government."

I said to the press "As a journalist, I am trying to be as pono as I can in producing this film. I have promised everyone complete confidentiality, and I have promised everyone that the film and the interviews will not be released publicly until everyone in it has had a chance to review, comment, or object. Material that doesn't make it into the final published film is intended to remain confidential."

"The documentary deals with Hawaiian belief systems, burial practices, and issues that many people consider to be kapu," Alvarez continued to say: "If I'm forced to turn over these tapes we'll never be able to do a project like this again – lots of really important Hawaiian cultural preservation work simply won't happen because people will be too afraid to do it. The trust in the journalist will be destroyed."

Daniel Gluck, ACLU senior staff attorney, stated, "Hawaii's media shield law is designed to create an environment in which journalists like Alvarez can take on difficult and sensitive projects without having to fear court actions undermining their integrity. This case is about defending all media voices to make sure that attorneys cannot abuse the court's power – and cannot compromise journalistic integrity – just to 'fish' for information."

I am so happy to have Dan Gluck represent me as my lawyer and he won my case. He has helped me to grow and continue my work as a filmmaker in Hawai'i. This victory gave me the confidence to trust in the legal system and process. He is a great and qualified person to be a judge for Hawai'i. He worked for ACLU for over a decade and had many success in winning many civil rights cases of all issues regarding; races, gender, marriage, religion etc.

Today I can continue to work on my projects with integrity – without fear that I may have to betray the trust of my interview subjects. Without this ruling, people wouldn't trust me and I wouldn't be able to work on really sensitive projects like this one.” Daniel Gluck, ACLU senior staff attorney in 2009 said “The court has enforced the Legislature's intent. This is a big win for the community because journalists now have the tools needed to distribute information and ideas – crucial for a strong, independent, and free press.”

It's been over fifteen years since I met Dan Gluck and it was a pleasure to know him. We still keep in touch and he continues to always be there for me if I or others need legal assistance. I support Dan Gluck to be the next Hawai'i Intermediate Court of Appeals as Associate Judge.

Mahalo nui,  
Keoni Kealoha Alvarez

# DAVIS·LEVIN LIVINGSTON

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MARK S. DAVIS  
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July 23, 2021

NEIGHBOR ISLANDS

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Hawai'i: 326-3200

Kaua'i: 245-6100

## COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chairperson

Senator Jarrett Keohokalole, Vice Chair

Re: Testimony in Support of the Nomination of Daniel Gluck for an  
Associate Judge on the Intermediate Court of Appeals (ICA)

**Hearing: July 27, 2021 at 11:00 a.m.**

Dear Senator Rhoads and Senator Keohokalole:

I am extremely pleased and honored to write this letter on behalf of myself and the other members of my law firm in support of Daniel Gluck and his appointment as an Associate Judge of the ICA.

I have known Dan for many years and perhaps as long as he has lived in Hawaii. I have worked with him on cases. I have discussed with him issues related to social justice and am acutely aware of his analytical skills, research abilities and scholarship. Dan Gluck, a graduate of Harvard Law School is an extraordinarily bright, analytical, and thoughtful lawyer. He is certainly skilled at employing expansive research, and I frankly believe that he has exhibited of an incomparable level of scholarship in his legal work which I believe he will bring to the bench. Dan has a deep sense of social justice, having devoted a substantial part of his career to supporting minority and constitutional rights which was one of the keystones in his practice during his early years with the American Civil Liberties Union. He has had the added experience of working for a larger law firm. He is certainly aware of the exigencies of litigation and civil and criminal disputes and I have little doubt that he would be an extraordinarily bright, judicious, and competent contribution to the Intermediate Court of Appeals. You can rely on him for absolutely the best scholarship and his sense of justice and moral responsibility is very essential to who he is as a person, and I believe who he will be as a judge on the Court of Appeals.

In my opinion, I cannot think of a more competent, smart, and qualified judge for this appointment. He is a person that is extremely sensitive to minority and constitutional rights, and I believe that he will be an excellent contribution to the court.

Respectfully submitted,

DAVIS LEVIN LIVINGSTON

  
Mark S. Davis

MSD:ala

**GM-1**

Submitted on: 7/23/2021 6:44:39 PM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Louis Erteschik	Individual	Support	No

Comments: I am proud to offer strong support for the nomination of Dan Gluck. I have known him for many years and we worked a lot together when he was with the ACLU. He combines a tremendous intellect and understanding of the law with a strong passion for social justice. I believe he would make an outstanding judge

**GM-1**

Submitted on: 7/23/2021 7:40:37 PM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Eric VanderWerf	Individual	Support	No

Comments: I would like to express my strong support for Daniel Gluck as an Associate Judge on the Intermediate Court of Appeals. Mr. Gluck is extremely fair, diligent, and knowledgeable. He would be an excellent judge.



**GM-1**

Submitted on: 7/23/2021 8:31:04 PM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Bronson Kainoa Kiyoshi Azama	Individual	Oppose	No

Comments: Aloha, My name is Bronson Azama and I would like to express my deep concern for the nomination of Daniel Gluck for the position of associate judge on the Intermediate Court of Appeals. As outlined in a recent article published by the Star-Advertiser titled, "Experience, diversity concerns raised on appeals court nominee" it outlines some hefty reasons that the Senate should vote no. It would be wiser to confirm someone onto the court with better experience than Mr. Gluck. Given the talent within the State, I am sure a more experienced nominee could be confirmed by the Senate.

Aloha,

My name is Kaori-Lei Ka'imipono Hanohano. I'm the daughter of Peter Kauhola Hanohano Jr. & Lynn Puanani Costa Miyahira of Waiohuli, Maui.

I submit this testimony on behalf of my family. I'm a mother of eight children. Five I have the honor of raising here in Hawaii and three have returned to my ancestors. I oppose the nomination of Daniel Gluck by Govern Ige who continues to put foreigners before nā 'ōiwi Hawaii, Native Hawaiian people.

This nominee will continue the cycle of oppression and dehumanization of nā 'ōiwi Hawaii. There will be no Hawaii left if we continue to nominate individuals who are foreigners & do not know the history of the Hawaiian people.

I humbly ask that we reevaluate other nominees that have more experience and know the history of Hawaii shared by a Hawaiian scholar and not a foreigner.

Thank you for your time,

Kaori-Lei Ka'imipono Hanohano



# KE ONE O KĀKUHIHEWA

O'ahu Council of the  
Association of Hawaiian Civic Clubs

## SENATE COMMITTEE ON JUDICIARY

Tuesday, July 27, 2021, 11:00 am

Via Video

**GM1:** Submitting for consideration and confirmation to the Intermediate Court of Appeals as Associate Judge, gubernatorial nominee, DANIEL M. GLUCK, for a term of 10 years.

Aloha Chair Rhodes, Vice Chair Keohokalole, and members of the Senate Committee on Judiciary,

Ke One O Kākuhihewa submits testimony in **OPPOSITION** to GM 1, which would confirm Daniel M. Gluck as Associate Judge to the Intermediate Court of Appeals (ICA).

Daniel Gluck lacks the legal practice and lived experience in Hawai'i held by the other nominees reviewed by Governor Ige. Every other candidate submitted to the Governor had more courtroom experience. Three candidates had participated in over a hundred circuit court cases. Two candidates had argued over a dozen cases before the appellate court. The nominee in front of you today participated in only eight cases on appeal, and made one supreme court oral argument.

We also share the same concerns voiced by many others in the community regarding equitable racial and gender representation in our judiciary. At present, there exists no Native Hawaiian, Filipino, Pacific Islander or African American judges at the Hawai'i Supreme Court or the ICA. It has been over 20 years since a Native Hawaiian has been appointed to serve on the Hawai'i Supreme Court and nearly 30 years since a Native Hawaiian has been appointed to serve on the ICA.

BENTON KEALII PANG, PH.D.-  
HAWAIIAN CIVIC CLUB OF  
HONOLULU  
PELEKIKENA

JACOB KA'ŌMAKAOKALĀ AKI-  
KING KAMEHAMEHA HCC  
HOPE PELEKIKENA

GEORGIANA NAVARRO-  
MĀKAHA HCC  
HOPE PELEKIKENA 'ELUA

LEATRICE KAUAHI-HCC OF  
HONOLULU  
PU'UKŪ

ROTH PUAHALA -KING  
KAMEHAMEHA HCC  
PELEKIKENA IHO NEI

TERI LOO-KO'OLAUPOKO HCC  
KĀKAU 'ŌLELO

CHRISTINE "CHRISSEY" ANJO-  
PEARL HARBOR HCC  
HOLE KĀKAU 'ŌLELO

'AHAHUI SIWILA HAWAI'I O  
KAPOLEI  
KALA HOLDEN

ALI'I PAUAHI HCC  
KEHAULANI LUM

'EWA-PU'ULOĀ HCC  
MARLEEN KAU'I SERRAO

HCC OF HONOLULU  
ANITA NAONE

KAILUA HCC  
MAPUANA DE SILVA

KALIHI-PĀLAMA HCC  
JUANITA BROWN  
KAWAMOTO

KING KAMEHAMEHA HCC  
LETANI PELTIER

KO'OLAULOĀ HCC  
RANAE "TESSIE"  
FONOIMOANA

KO'OLAUPOKO HCC  
ROCKY KALUHIWA

LUALUALEI HCC  
SHIRLINE HO

MĀKAHA HCC  
LUANN LANKFORD-  
FABORITO

MAUNALUA HCC  
ROSE KITTY SIMONDS

NA LANI 'EHA HCC  
R. KELANI RAMOS

NĀNAIKAPONO HCC  
JAYCINE HICKS

PAPAKŌLE'A HCC  
KEALII LUM

PEARL HARBOR HCC  
ANTOINETTE LEE

PRINCE KŪHIŌ HCC  
A. MAKANA PARIS

PRINCESS KAHANU HCC  
DREANA KALILI

PRINCESS KAI'ULANI HCC  
RUSTY RODENHURST

QUEEN EMMA HCC  
RAWLETTE P. KRAUT

HCC OF WĀHIAWA  
NOELANI DEVINCENT

HCC OF WAIALUA  
MAKALAPUA CASSON-  
FISHER

WAI'ANA'E HCC  
CYNTHIA ENRIQUEZ

WAIKIKĪ HCC  
DWYNN KAMAI

HCC OF WAIMĀNALO  
LOUANNA KAIO



The nominees reviewed by the Governor included multiple Native Hawaiian women and one Filipino community member. One candidate is a sitting judge, and others are well experienced legal practitioners. The nominees included qualified individuals born and raised on the neighbor islands, and graduates of public and Hawaiian schools with experience working with and in Hawaiian and underserved communities as teachers, advocates, and allies. The list of nominees also included individuals who have studied ancestral Hawaiian knowledge, lived Hawaiian culture, and practiced Native Hawaiian law. Unlike Mr. Gluck, all the nominees reviewed by the Governor were graduates of William S. Richardson School of Law, and thus are products of the honorable legacy of Chief Justice Richardson.

Ke One O Kākuhihewa urges the Committee to **NOT CONFIRM** the appointment of Daniel M. Gluck to fill the vacancy in the Intermediate Court of Appeals.

Ke One O Kakūhihewa is a Native Hawaiian council made up of 24 civic clubs on the island of O‘ahu. Our oldest member, the Hawaiian Civic Club of Honolulu, was established by Prince Jonah Kūhiō Kalaniana‘ole on December 7, 1918.

Sincerely,

A handwritten signature in black ink, appearing to read "Benton Kealii Pang". The signature is fluid and cursive, with the first name being the most prominent.

Benton Kealii Pang, Ph.D.,  
Pelekikena (President)

**GM-1**

Submitted on: 7/24/2021 5:02:44 PM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lisa Lee	Individual	Oppose	No

Comments: I'm not confident in the governor's selection of Mr. Gluck as associate judge for Hawaii's Intermediate Court of Appeals. He does not have much experience in comparison to the other candidates. Only experienced in eight cases. Come on, really? Diversity in the courts is what we need. I'm in opposition of this appointment.

Date: 7/24/2021

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

Re: GM1, Testimony in Support of the Confirmation to the Intermediate Court of Appeals, Judicial Nominee, DANIEL M. GLUCK.

Hearing: Tuesday, July 27, 2021, 11:00 a.m.

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Aloha members of the Senate Committee on the Judiciary,

I am writing to support the confirmation of Daniel Gluck as a Judge on the Intermediate Court of Appeals.

I have known Dan in a personal capacity for over 15 years. Although we overlapped for a few years as undergraduates, it wasn't until around 2003 or 2004 that we became friends while I was practicing law in Honolulu as a young associate in private civil practice. Dan was a Harvard law graduate who clerked for Justice Seabright, which was a little intimidating on paper, but once we spent some time together, I found him to be funny, humble, kind, and charming. He pulls that off while simultaneously being intelligent, driven, and a passionate advocate for equal protection and equal rights for every person.

He seems to combine these qualities effortlessly, but I think that's because it's not an act--he is a fundamentally good person, always concerned with justice and fairness for the marginalized and disenfranchised, and he was motivated to put his money where his mouth is and do something about those concerns, rather than just using his talents to get rich by staying in private practice. Instead, over his legal career Dan has chosen opportunities to be a voice for the historically marginalized and disenfranchised. He knows very well that many laws as written, applied, and enforced have historically harmed some people more than others based on their race, ethnicity, social standing, immigration status, sexuality, etc.

Dan has a brilliant mind, and he loves the cerebral and intellectual challenges that the practice of law can present, but he also has a huge heart, and he never loses sight of the human beings whose lives are affected by how laws are interpreted and applied. In my opinion, both of these qualities are necessary in every appellate judge if we are to build a truly just Hawaii for future generations.

Unfortunately, I never got the opportunity to work with Dan directly in a professional capacity (I was no longer on the ACLU Hawaii board of directors when he came on as the senior staff attorney), so I don't have personal experience with what he's like in the workplace. However, based on his reputation, and our conversations over the years about various legal issues, new caselaw, and pending litigation he was working on, I believe him to be a brilliant legal tactician, a quick study, and a terrific issue spotter. Assuming he writes his opinions as quickly and as well as I expect, Dan is going to be an excellent jurist. Please confirm his appointment to the Intermediate Court of Appeals.

Sincerely,

Sat K. Freedman  
Deputy Public Defender

**GM-1**

Submitted on: 7/24/2021 7:44:28 PM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jonah Bobilin	Individual	Oppose	No

Comments: I am a constituent from Pearl City and I oppose confirming Daniel Gluck to the Intermediate Court of Appeals due to a lack of experience.

Thank you for the opportunity to testify on GM1. My name is Nancy Neuffer. I am testifying in my personal capacity in strong support of the nominee.

I am a staff attorney with the State Ethics Commission and have come to know Mr. Gluck as a result of his tenure as Executive Director. Mr. Gluck has been an outstanding leader for the Commission and I am very confident that he will be huge asset to the Intermediate Court of Appeals.

Mr. Gluck is extremely intelligent and is constantly adding to his legal knowledge. He is hardworking, very fair, and a pleasure to work with.

Throughout his tenure at the Ethics Commission, he has demonstrated strong litigation skills. As Executive Director, he is called upon to prosecute cases, advise the Commission in its role as adjudicator, and also frequently act as a mediator. He excels in all of these roles.

I would personally be sorry to lose him as a colleague, but I very strongly believe that he would make an excellent addition to the ICA.

Thank you very much for the opportunity to testify on Mr. Gluck's nomination.



**GM-1**

Submitted on: 7/24/2021 9:07:00 PM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nicole Cristobal	Individual	Oppose	No

Comments: Dear Senate President Kouchi and Members of the Senate: I oppose Governor Ige's choice for the vacant Supreme Court judge seat and wish to express my concern over the lack of representation of native Hawaiians and women in the judiciary. Thank you for your support in voting no to Ige's nomination. -Nicole Cristobal

**GM-1**

Submitted on: 7/24/2021 9:11:39 PM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Andrew Foy	Individual	Oppose	No

Comments: I oppose the nomination of Daniel Gluck as associate judge of the ICA. Out of a list of 6 other candidates, Gluck was the only white guy and had the least experience. Gov. Ige's career judge appointments reflect a troubling trend - overwhelmingly white & male. The courts need to reflect the community they are judging. Diversity in the courts matter. I oppose Gluck's nomination and strongly recommend Ige nominate one of the Native Hawaiian women who were on the candidates list.

**GM-1**

Submitted on: 7/24/2021 10:09:19 PM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lillie Makaila	Individual	Oppose	No

Comments: Aloha mai kākou. Mahalo for the opportunity to submit testimony on measure GM1 regarding your consideration and confirmation of Gubernatorial nominee Daniel M. Gluck as an Associate Judge to the Intermediate Court of Appeals. I would like to begin my testimony by stating that I have no issue with Mr. Gluck as an individual, and wish him a long and successful career. As a citizen, I feel strongly that representation is critical to a fair and balanced judicial system. It is my understanding that there has not been a Native Hawaiian member of the Intermediate Court of Appeals in decades. Aloha 'ino. As a local person and kanaka 'Āiwi who is subject to this judicial system, I find myself and my peers without representation. I also understand that of the 6 potential nominees, there were 5 potential nominees who are graduates of UH Mānoa's law school and 3 who are of Native Hawaiian descent. It is deeply concerning that of these potential nominees, Governor Ige selected someone who was educated outside of our State and is not of Native Hawaiian descent, a minority in the field of potential nominees. Governor Ige has demonstrated opposition to the indigenous people of these islands, and I believe that he has chosen to pass up an opportunity to offer fair representation for Native Hawaiian people in our court system. It is my great hope that an Associate Judge may be selected for the Intermediate Court of Appeals that possesses local and indigenous knowledge and understanding so that they may use their unique perspective to ensure fair and balanced rulings during their 10-year appointment. As Senators and representatives of the people of these islands, I humbly ask that you take this opportunity to make pono this oversight of our Governor and do not confirm Mr. Gluck. Choosing to confirm Mr. Gluck in light of this obvious lack of representation of the native people of this place in the Intermediate Court of Appeals means that you are choosing to further subjugate kākou naka Hawai'i. Mr. Gluck, it is never too late to remove yourself from this equation and allow an opportunity for a Native Hawaiian colleague to take on a much needed position. Ke aloha nui.

**GM-1**

Submitted on: 7/25/2021 7:47:46 AM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
kalena Charlene Holani	Individual	Oppose	No

Comments: Continually passing over more qualified people of color is continuing racial injustices and colonial desecration to the Social-economic status of the people of Hawaii. Our courts must reflect the diversity of lived experiences in Hawaii and it has not over the past few decades. So I vote no!

Committee: Committee on Judiciary  
Bill Number: G.M.1  
Hearing Date/Time: Tuesday, July 27, 2021, 11:00 a.m.  
Re: Testimony SUPPORTING the appointment of Daniel M. Gluck

Chair Rhoads, Vice Chair Keohokalole, and Committee Members:

I am writing to strongly support the appointment of Daniel Gluck to the Intermediate Court of Appeals. I am a staff attorney at the Hawai'i State Ethics Commission and have worked directly with Dan for nearly five years. I strongly support Dan's nomination because he is a very skilled lawyer, a great person, and would make an excellent judge.

Dan is very fair and has excellent integrity. As the Executive Director of the Ethics Commission, he is regularly faced with making decisions about whether state legislators and employees have violated the State Ethics Code, Hawai'i Revised Statutes chapter 84, and he has always made those decisions fairly and impartially. Dan is excellent at making sure he has gathered all of the facts and considered all of the perspectives before making a decision, and I know litigants appearing before him will get a fair shake.

Dan is also an exceptionally hard worker and a very skilled lawyer. When Dan first started as Executive Director of the State Ethics Commission, he met personally with nearly every legislator to obtain their feedback as to how the Commission could better operate and then implemented those suggestions. Dan is also always thinking about how to make the Commission (and the State of Hawai'i) better. Because of this, it's unsurprising that he played a major role in assisting the Commission in passing its first set of administrative rules since 1981, was lead counsel in the Commission's first contested case hearing in the last several years, and succeeded in passing several pieces of substantive legislation since he has been Executive Director of the Commission. Dan's skill and diligence constantly impress me, and those traits will no doubt serve him well on the bench.

Dan has excellent judicial temperament, and he listens to all of the perspectives before making difficult decisions. He respects his staff and knows how to get the best out of the people around him, and the people who work with him respect him for that. He also makes sure to offer opportunities to lawyers he works with to develop their skills, for instance, by having them do legislation, trial work, or other things that they have not previously done. I have always felt that Dan not only wanted to improve the Commission and the State, but that he also wanted to make everyone else around him better lawyers and staff by cultivating their skills.

Finally, despite all that Dan does for the Commission, he also makes time to do pro bono work as well – he was active with the appellate pro bono project and even handled an appeal before the Hawai'i Supreme Court during his time at the Commission!

I frankly cannot say enough about Dan, I think he will be a fantastic judge on the Intermediate Court of Appeals. His judicial demeanor is excellent, his legal skills are sharp, and he is a good person who will be fair and impartial. I cannot recommend him highly enough. Thank you for considering my testimony.

Sincerely,

Kee Campbell

(This testimony is written in my personal capacity, and not in my capacity as a state employee.)

Individual Testimony of Susan Yoza in Support of  
Confirmation of Daniel M. Gluck to the  
Intermediate Court of Appeals as Associate Judge

Chair Rhoads, Vice Chair Keohokalole and Members of the Senate Committee on  
Judiciary,

I am the Associate Director of the Hawaii State Ethics Commission (“Commission”) and have had the privilege of working closely with Dan Gluck for the past five years. I am writing as an individual to strongly support Dan’s confirmation to the Intermediate Court of Appeals (“ICA”). Dan possesses the legal skills, temperament and personal integrity required for this important position.

As Executive Director and General Counsel for the Commission, Dan serves as the Commission’s chief legal counsel. He is an exceptional attorney. He provides legal advice to the Commission and drafts advisory opinions, charges, settlement agreements and other legal documents. His legal opinions are based upon careful analysis of the law and consideration of precedent. He solicits input from other attorneys in our office on a regular basis to discuss how we interpret and apply the laws that we administer. Dan welcomes all points of view because he believes this helps us make better decisions. Dan also provides ethics advice to state officials, and he is always available to respond to requests for his guidance. He has also worked closely with the Department of the Attorney General on court cases involving the Commission. He has been consulted on legal procedures and strategies for those cases and has helped prepare and edit briefs and other submissions to the court.

Dan also leads the investigation and prosecution of ethics charges against individuals who violate the law. Dan is fair to all respondents, but he is also a strong advocate who remains committed to our agency’s mission to promote high standards of ethical conduct in state government. Like court cases, most ethics charges are resolved by settlement agreements between the parties (the Commission and respondents). However, Dan is willing and able to take a case to hearing, if necessary. In 2018, Dan was the lead prosecuting attorney in a four-day administrative contested case hearing against a state official charged with fifty-one violations of the State Ethics Code. Dan adeptly presented witness testimony and documentary evidence, handled objections from opposing counsel, and addressed all legal issues raised in connection with the hearing.

Our Commission is responsible for administering the ethics laws in order to promote public confidence in public servants. HRS Chapter 84, Preamble. Towards this end, Dan has instituted measures in our agency to increase ethics awareness and compliance. Working with the Commission’s other staff members, Dan re-designed our website to make it more user friendly for employees and the public. He initiated online ethics training and video-conferenced Zoom training to provide employees with greater

access to ethics education. He launched an e-filing system to facilitate the filing of financial disclosures, gifts disclosures, and lobbying reports. He also collaborated with the Department of the Attorney General to establish an anti-fraud reporting system for individuals to report government fraud, waste or abuse.

Dan's exceptional communication skills will serve him well on the ICA. He speaks openly and honestly to people, and always respectfully. His writing skills are exemplary. He is clear, concise and persuasive. And he has one of the most important attributes of a good communicator: he is a good listener.

Finally, Dan's temperament and personal integrity make him an excellent choice for the ICA. Even in the most stressful situations, Dan maintains his composure. He is open-minded and fair. His decisions are always based on what he believes to be the right thing and never on what the personal consequences might be for him. His commitment to doing the right thing never wavers.

I strongly urge you to confirm Dan Gluck's appointment to the ICA. He will be a remarkable judge.

Susan D. Yoza



July 25, 2021

Holly T. Shikada  
Honolulu, HI 96825  
[hollytshikada@gmail.com](mailto:hollytshikada@gmail.com)

Hawai'i State Senate  
Committee on Judiciary  
[JDCommittee@capitol.hawaii.gov](mailto:JDCommittee@capitol.hawaii.gov)  
(808) 587-7211

Dear Chair Rhoads, Vice Chair Keohokalole, and Members of the Judiciary Committee:

I submit testimony in strong support of Dan Gluck as your Committee considers his nomination for the Hawai'i State Intermediate Court of Appeals.

I have had the opportunity to work with Dan Gluck in positions that have been adversarial as well as collaborative and supportive. Mr. Gluck has continually conducted himself in a professional manner and with the highest integrity.

Mr. Gluck has proven to be an extremely diligent attorney and public servant. In his current position as the Executive Director of the State Ethics Commission, he has proven his ability to view matters in a balanced and reasonable manner. He has always been available for consultation on any issue that I've sought his input and guidance on.

I have also had the opportunity to engage with Mr. Gluck in an adversarial manner. Mr. Gluck was a formidable adversary; however, due to his ability to work with all parties, we were able to resolve the case in a manner that addressed all parties' concerns.

Mr. Gluck is among the most ethical people I have had the opportunity to work with. He views situations and issues with a balanced approach, and has the ability to see and consider the positions of all parties involved. Mr. Gluck would make an excellent judge and the State of Hawai'i would be fortunate to have Mr. Gluck serve on our Intermediate Court of Appeals.

Respectfully submitted,

/s/ Holly T. Shikada

Holly T. Shikada

**GM-1**

Submitted on: 7/25/2021 10:37:48 AM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Elizabeth Kent	Individual	Support	No

Comments: Aloha, Thank you for the opportunity to submit testimony in support of the nomination of Dan Gluck to the ICA. In my experiences with Dan I have found him to be a person of integrity, a very good listener, open minded, kind, fair, thoughtful, and a hard and dedicated worker. He is easy to get along with and respectful. All of these are important attributes for a judge. Thank you for considering my testimony. Elizabeth Kent

**GM-1**

Submitted on: 7/25/2021 11:42:31 AM

Testimony for JDC on 7/27/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Amy Rice	Individual	Comments Only	No

Comments: Aloha, I am copy/pasting a post from Keani Rawlins-Fernandez as my testimony as she stated it better than I could have. Mahalo. "There are NO Hawaiian judges on the Intermediate Court Appeals or the Hawai'i Supreme Court. Do you know who established the Public Trust in Hawai'i - so that water and beaches could never be privately owned?? It was an iwi: Chief Justice William S. Richardson. We are collectively deprived of so much without the experience, perspective, and ike Kāpuna that iwi bring with them to the courts. While I really like our Supreme Court justices, its such an ironic injustice to not have a single Hawaiian on the Supreme Court or Intermediate Court of Appeals in our own homeland. Let that sink in. By far, the most qualified applicant was a Hawaiian woman, Summer Kupau-Odo. While the governor's nominee isn't horrible, he wasn't the most qualified. A continued demonstration of systemic racism and patriarchy. As author Ijeoma Oluo writes, "there's a reluctance to see women and people of colour at the top, but also a sabotage that happens and extreme lack of support that follows because white male identity is tied to seeing white leaders thriving, telling women and POC what to do and never the opposite." She writes, "White supremacy is, and always has been, a pyramid scheme." And I'll add, as is the patriarchy. Please submit testimony to tell the Senate that we deserve the most qualified applicant to serve on the ICA." Testimony due by Monday, July 27 Email: JDCcommittee@capitol.hawaii.gov

**GM-1**

Submitted on: 7/25/2021 1:10:06 PM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cheryl Burghardt	Individual	Oppose	No

Comments: While Mr. Gluck may be a fine person with many qualifications, the fact that he is the only white male and other VERY qualified and experienced persons were overlooked for this position is unacceptable. I respectfully ask that this nomination be declined.

**GM-1**

Submitted on: 7/25/2021 1:27:37 PM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Marissa E Baptista	Individual	Oppose	No

Comments: I oppose the nomination of Daniel Gluck to the Intermediate Court of Appeals.

## SENATE COMMITTEE ON JUDICIARY

### Testimony Opposing GM1

Submitting for consideration and confirmation to the Intermediate Court of Appeals as Associate Judge, Gubernatorial Nominee, DANIEL M. GLUCK, for a term of ten years.

July 27, 2021

11:00 a.m.

Via Videoconference

Aloha Chair Rhoads, Vice Chair Keohokalole, and members of the Senate Judiciary Committee,

My name is Wayne Chung Tanaka and I am testifying to ask for your consideration in voting **against** the nomination before you today.

I do believe that the nominee is an upstanding citizen and a conscientious practitioner of the law who has dedicated his skills and professional career to public service. Since coming to Hawai'i a little over a decade ago, he has served admirably as the executive director of the local American Civil Liberties Union chapter and as the current director of the state ethics commission, a role that I believe he is uniquely well-suited for. In a vacuum, I do agree that he would be a great addition to our judiciary.

However, we are not in a vacuum, and as members of our state Senate I believe that your review of the Governor's selection must take into account the broader interests of substantive justice, and of better realizing the vision of our society as a representative democracy.

Substantive justice means understanding and correcting harms resulting from unjust acts, including harms that may be particularly and uniquely heightened for particular individuals and groups impacted by historical injustices and societal prejudices.

A representative democracy requires the makers and interpreters of the law to understand the social norms and cultural understandings of the society in which the law is developed, as well as how the varied communities represented in society may be uniquely impacted by legal policies and interpretations.

While these two ideas are not always in harmony, the furtherance of both are critical to the stability of our society and the well-being of our islands and the communities who share them – foundational concerns of the legislature and of our government as a whole.

To further both justice and representative democracy, we need our government administrators and decisionmakers – including our judges – to possess a close familiarity with the diverse communities that make up our society, including in particular the communities that have been uniquely impacted by injustices and the resulting systemic biases that we continue to struggle with. Such a familiarity is best, and some would say only, acquired through lived experiences, ideally as a member of such communities. Unfortunately, our current judicial bench and the Intermediate Court of Appeals in particular have yet to reflect a membership that instills

confidence in our Judiciary's familiarity with and understanding of the communities that may be in most need of justice and representation.

Accordingly, in the non-vacuum of living historical injustices, the highly diverse and socioeconomically stratified communities that make up our societal reality, and the continued imbalances that we see in our Judiciary's highest courts, I do not believe the legislature can or should acquiesce to the Governor's nomination in GM1. The apparent summary rejection of highly seasoned attorneys – and a sitting judge – who do possess the lived experiences of being members of the Native Hawaiian and Filipino communities, and of spending the majority of their formative personal and professional years here in the islands, is not just inexplicable, but threatens to further undermine our collective societal effort, and need, to seek a more just and more representative government, to better serve all the people of Hawai'i.

I appreciate the difficulty of this decision, and I have personally struggled, at least initially, in developing a response to this nomination. But the road towards justice – in the face of generations of historical oppression, prejudice, and systemic biases – is never an easy one to take. It requires constant personal reflection, including a willingness to question the privileges afforded to some – and especially ourselves – at the unjust expense of others; it requires government leadership willing to engage in critical analyses that go beyond the politically expedient acceptance of the status quo; it requires courage and a desire to truly see us all advance towards a better society and a better world.

Therefore, I respectfully urge your Committee to vote against the nomination before you today, and to further make clear that political expediency will no longer trump the need for all of us – including the Governor – to continuously push for a more just, enriched, and enlightened society.

Thank you very much for your consideration of this matter.

# THE NOMINATION IS **PROBLEMATIC**

**Daniel Gluck** was chosen as Governor Ige's nominee for an associate judge of Hawai'i's Intermediate Court of Appeals (ICA).

**Testifier: Katherine A. Caswell**

Gluck was chosen from a list of six candidates submitted to the Governor, including three **Hawaiian women** (Gifford, Kupau-Odo, McCullen) and one **Filipino** community member (Collins).

In choosing Gluck, the Governor picked **the only white male** on the list, who also had the **least experience** practicing law before our courts.



Appellate experience of ICA candidates:

	ICA Appeals	Direct S.Ct. Appeals	Special Writs	Writs of Cert.	Total Cases	S.Ct. Oral Arguments
Lance Collins	52	6	7	10	75	13
Taryn Gifford	139	0	2	35	176	13
Daniel Gluck	5	1	1	1	8	1
Summer Kupau-Odo	43	0	2	20	65	10
Sonja McCullen	219	0	2	90	311	20
Malia Schrek	14	0	0	7	21	0

Source: public data from [Hawaii State Judiciary eCourt Kōkua website](#)

The nominee has appeared in a total of 8 cases on appeal and 5 cases in circuit court, **compared to dozens or even hundreds** of cases for other candidates.

As you could probably assume, substantial experience **actually practicing law is an essential qualification** for serving as an appellate judge.

**Our courts must reflect the diversity of lived experience in Hawai'i. People need to feel that the judges making rulings affecting our lives understand the perspectives of all of Hawai'i people and our unique culture and values.**

**GM-1**

Submitted on: 7/25/2021 2:57:47 PM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Carrie K. S. Okinaga	Individual	Support	No

Comments: I have had the honor of knowing and working with Dan for over a decade, both while serving as Corporation Counsel for the City and County of Honolulu, as well as the VP for Legal Affairs for the University of Hawaii. Whether it was working with/opposite him at the ACLU or at the Ethics Commission, Dan has always impressed me with his legal acumen and judgment, his integrity, and his humility, all critically important qualities in a judge. I believe that Dan is eminently qualified to serve as a judge for the esteemed Intermediate Court of Appeals (which as you know does not conduct trials). I offer this testimony in unqualified support of Dan Gluck's appointment to the ICA.

## Testimony in Opposition of GM1

Senate Judiciary Committee  
415 South Beretania Street #205,  
Honolulu, Hawai'i 96813

RE: GM1 - The Consideration and Confirmation of Daniel Gluck to the ICA

Dear Senator Karl Rhoads, Jarrett Keohokalole, and Senate Judiciary Committee members:

The Filipino Law Students Association (“FLSA”), a student organization representing the Filipino law students at the William S. Richardson School of Law, **STRONGLY OPPOSES** GM1, which submits for consideration and confirmation to the Intermediate Court of Appeals (ICA) as Associate Judge, Gubernatorial nominee, Daniel M. Gluck, for a term of ten years.

Diversity in any setting brings together collective knowledge from an array of experiences. Hawai'i is a “melting pot,” full of individuals that come from various heritages and cultures. Our appellate courts are empowered with deciding cases on appeal, setting precedent which may change the laws that impact all of Hawai'i's people. Judges, like any other person, have different backgrounds and ideologies which may lead them to approach cases differently. If our appellate-level judges are not representative of the overall Hawai'i population, the ideologies and principles of underrepresented groups will not be properly considered in rulings. In the appellate courts, this diversity is crucial because rulings are decided by a panel of judges instead of a single judge, allowing for the contributions of more than one point of view to a case. Without judicial diversity, these decisions will be made by select individuals, primarily of Caucasian and Asian-Japanese American descent (the current ethnic makeup of the majority of our judiciary), leaving groups underrepresented and unheard. More importantly, these decisions set precedent impacting future generations and groups unrepresented in decisions made now will continue to be unrepresented in the application of such precedent.

Filipinos, Native Hawaiians, blacks, and people of Pacific Island heritage have been extremely underrepresented in Hawai'i's judiciary. Without this representation, we cannot expect community members of such orientation to feel as if they are heard by our judiciary and courts. This issue has been emphasized by Governor Ige's ignorance of diversity in his judicial nominations. As passionate law students and aspiring lawyers, we write this letter to urge the Senate Judiciary Committee to acknowledge and take action that leads to more diversity in our judicial system.

Native Hawaiians and Filipino-Americans are two of many ethnic populations that have zero representation on the appellate bench. Despite the lengthy appellate and circuit court experience of one Filipino male and three Native Hawaiian female candidates for the recent appellate judge nomination, Governor Ige chose to nominate a Caucasian male, from out-of-state, who attended an out-of-state law school, with considerably less appellate and circuit court experience than all of the other candidates. The Governor's nominee is well qualified and will

surely contribute greatly to the Intermediate Court of Appeals, but with the Governor's overall track record in prior judicial nominations, he has evidently passed over qualified people of color and has failed to recognize the importance of having a diverse judiciary. Our courts should and must reflect the diversity of lived experience in Hawai'i. Balanced representation is not only important for case law, but also to offer inspiration and role models for aspiring lawyers and judges. Candidates must demonstrate an experience and understanding of Hawai'i's unique history, culture, and values reflected in our laws, in order for all people in this "melting pot state" to be represented. The Senate Judiciary Committee has the chance to make more effort to encourage diversity and equal representation in our judiciary. For these reasons, FLSA respectfully requests that this measure be held. Maraming salamat and mahalo nui loa for this opportunity to provide testimony on this measure.

Respectfully,  
The Students of the Filipino Law Student Association

Jim Duffy  
Kailua, Hawaii  
[Jamesduffy1567@gmail.com](mailto:Jamesduffy1567@gmail.com)  
July 25, 2021

Dear Chairman Karl Rhoads and Members of the Senate Committee on Judiciary:

I strongly support the nomination of Daniel M. Gluck as an Associate Judge of the Hawaii Intermediate Court of Appeals (ICA). I have known Dan for 18 years. He was my first law clerk when I was an Associate Justice of the Hawaii Supreme Court, and served in that capacity from 2003-2005. Since that time, I have stayed in close contact with Dan, personally and professionally, and know him very well.

The ICA is known as a “workhorse court” for good reason, as it reviews nearly all appeals from trial courts and some state agencies. The ability to quickly analyze the case record, determine the critical issue(s), research the applicable law, and write a memorandum or draft opinion is critical for an ICA judge. The skills required for an ICA judge are thus different than that of a trial judge, where extensive trial court experience as an advocate would be helpful in the day-to-day work.

With respect to the skills required of an ICA judge, I can personally attest to Dan’s excellent analytical, research and writing skills. His memoranda and draft opinions were meticulously researched, well thought out, and written in a clear and concise manner.

But there is much more to Dan than his brilliant academic side. His professional life has been dedicated to Public Service and fighting for the underdogs in society, starting with serving as President of the Harvard Law School Legal Aid Bureau, a student-run law firm serving the poor and disadvantaged in our society. As a lawyer, the positions Dan has held reflect his commitment to fighting for the victims of abuse of power: Hawaii State

Ethics Commission (Executive Director/General Counsel), ACLU of Hawaii (Legal Director), and Adjunct Professor at the University of Hawaii William S. Richardson School of Law (teaching Civil Rights), and volunteer with the Domestic Violence Clearing House.

In summary, Dan Gluck has all of the skills required of an excellent ICA judge. He is a hard-working person of impeccable integrity who has demonstrated his ability to work well with others who have different views, and commitment to justice for all, regardless of position or power. If confirmed, he will be a credit to the Judiciary and our community.

Thank you for your consideration.

**GM-1**

Submitted on: 7/25/2021 4:14:04 PM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Reynard D. Gaulty	Individual	Support	No

Comments: Chairman Rhoads and Members of the Senate Judiciary Committee: I am submitting this testimony in my individual capacity and not as a former Chairman of the State Ethics Commission, or as a member of that esteemed body. I have served as a member of the State Ethics Commission since July 1, 2015 and have worked with Dan Gluck almost on a daily basis since his appointment as Executive Director since September 1, 2016. In the nearly 5 years that I have worked with Mr. Gluck I have come to know him as a person of great integrity, first and foremost. The Executive Director is also the Chief Legal Counsel for the Commission and as ED, he supervises a staff of 5 full-time lawyers. He has been a good leader, open to all points of view, with an inclusive personality and demeanor who has been a good mentor to the staff attorneys and non-attorneys alike. Beyond that, I can say, having served as a member of the Bar for 21 years, 10 as Circuit Court trial judge, that Dan is a talented lawyer who will be a great credit to the Judiciary and to the cases that will come before him. Having sat in your seats on the Judiciary Committee 20 years ago, I can say that Dan comes with excellent credentials for the position the Governor has appointed him to, and that the history of his contributions to our people and our state make him a most worthy candidate for the position. I wholeheartedly support his nomination to the ICA. Thank you. Reynard D. Gaulty Former Circuit Court Judge, Former Chairman, Senate Judiciary Committee Member, Hawaii State Bar Association



**GM-1**

Submitted on: 7/25/2021 5:14:32 PM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Wendy Green	Individual	Comments Only	No

Comments: Aloha Mr. Gluck certainly has a lot of experience and seems to have a fine reputation. I do believe however that Governor Ige also had many other candidate he could have chosen which also have experience and good reputations but are more diverse. We should look to our courts as being reflective of the population here in Hawai'i. Thank you for your time Wendy Green



July 25, 2021

Hon. Karl Rhoads, Chair  
Hon. Jarrett Keohokalole, Vice Chair  
Committee on the Judiciary  
Senate, 31<sup>st</sup> Legislature, Interim of 2021

Re: Nomination of Daniel M. Gluck to the Hawaii Intermediate Court of Appeals  
Hearing Date: Tuesday, July 27, 2021  
Time: 11:00 a.m.

Dear Senators Rhoads and Keohokalole and members of the Committee:

I write to support the confirmation of Daniel M. Gluck as Associate Judge of the State of Hawaii Intermediate Court of Appeals.

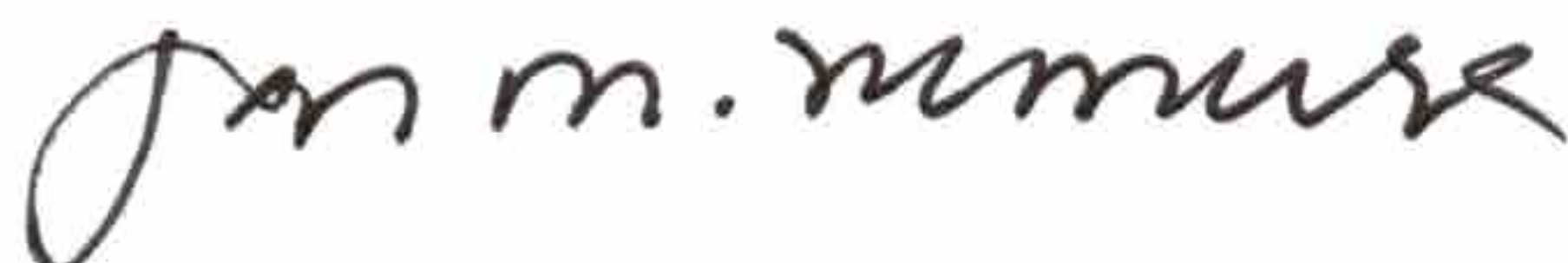
I have known Mr. Gluck, a fellow attorney, for more than ten years, interacting with him during volunteer work on behalf of survivors of intimate partner violence as well as addressing the issue of diversity and equity in the Bar with the Hawaii State Bar Association. While I have not litigated as counsel with or against Mr. Gluck, I followed his work as a litigator with the ACLU. More recently, I among many others, have benefited from the excellent training on ethics offered to government employees under his leadership at the Hawaii State Ethics Commission.

Throughout the years, Mr. Gluck has impressed me, and many others, with his keen intellect, critical thinking, knowledge of the law, integrity, strong work ethic, and an unwavering commitment to justice, community service and the public good. In my presence, he has always demonstrated enormous respect for others and a gracious temperament, including in his role as an advocate.

Based on my past experience as an attorney in private practice in Hawaii for over 23 years who litigated in the trial courts and also worked on appeals as well as on my interactions with Mr. Gluck, I believe his nomination presents an opportunity to confirm a highly qualified individual who is not only intellectually gifted and has a deep and abiding respect for the rule of law and the role of our courts, but possesses a broad range of non-legal as well as legal experiences needed in judicial decision making to achieve just and correct outcomes.

I believe our State as a whole will greatly benefit from Mr. Gluck's presence as a member of the Hawaii State Intermediate Court of Appeals and respectfully ask that the Senate confirm his nomination.

Warmest regards,



Jan M. Tamura, J.D.  
Honolulu, HI  
Email: [jan.tamura@gmail.com](mailto:jan.tamura@gmail.com)



**GM-1**

Submitted on: 7/25/2021 6:08:40 PM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Gwen K	Individual	Oppose	No

Comments: I was highly disappointed to learn that out of the 6 nominees, Mr. Gluck was selected by Governor Ige over several candidates who are more qualified than he is for this position. It is also not lost on me that of the 6 candidates, Mr. Gluck is the only white male, and his nomination screams of the continued colonialism and systemic white supremacy that is still prevalent in our state and in our country. This is not about Mr. Gluck, but about the governor's failure to choose the most qualified person for the position, who just happens to be a Native Hawaiian female. Diversity and representation at all levels of law enforcement and practice is crucial for our society. Please reconsider Mr. Gluck's appointment and choose a more qualified candidate. Thank you.

July 25, 2021

Dear Members of the Senate Judiciary Committee:

Thank you for the opportunity to testify. I am submitting this testimony in my individual capacity.

I wholeheartedly support the confirmation of Daniel M. Gluck to the Intermediate Court of Appeals as an Associate Judge. I am a Staff Attorney for the Hawaii State Ethics Commission and have had the privilege of working with Mr. Gluck for the past five years. As the Commission's Executive Director, Mr. Gluck exhibits a true commitment to public service by working tirelessly, efficiently, and effectively to help the Commission carry out its advisory, adjudicatory, and educational functions.

Mr. Gluck is an outstanding attorney. His keen intelligence, critical thinking and legal reasoning abilities, prosecutorial skills, and problem-solving capabilities are tremendous assets to our agency in administering and enforcing the state ethics laws. Moreover, Mr. Gluck is a highly effective communicator. He has been successful in his efforts, on behalf of the Commission, to get stronger ethics legislation passed, revise the Commission's administrative rules, and provide state officials, employees, lobbyists, and the public with greater clarity about the requirements of the laws.

Mr. Gluck is open minded, fair, and respectful. His intelligence, analytical skills, communication skills, people skills, and ability to be firm yet compassionate make him a great leader. Finally, Mr. Gluck has the utmost honesty and integrity.

I believe that Mr. Gluck possesses all the qualities that will make him an outstanding addition to the Intermediate Court of Appeals. I strongly support his confirmation to the Intermediate Court of Appeals as an Associate Judge.

Sincerely,

Virginia M. Chock

**GM-1**

Submitted on: 7/25/2021 7:46:57 PM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cleota G Brown	Individual	Oppose	No

Comments: Testimony opposed for the consideration and confirmation to the Intermediate Court of Appeals as Associate Judge, Gubernatorial Nominee, DANIEL M. GLUCK, for a term of 10 years. Report Title: Associate Judge of the Intermediate Court of Appeals With all due respect to Daniel M. Gluck, he simply lacks the years of experience and qualifications for this appointment. S.CT Oral Arguments=1; Circuit Court Cases=5; Total all courts= 13. There are 3 highly qualified women who were passed over with significant experience and dedication i.e. Taryn Gifford, Sonja McCullen, and Summer Kupau-Odo. I respectfully request Gubernatorial Nominee, DANIEL M. GLUCK be passed over and sent back to Governor Ige for proper evaluation for the selection of a qualified Nominee. Also I request the Judiciary Committee investigate why women who meet the qualifications were not considered/nominated. At a minimum, I expect the Governor and Legislature to ensure fairness and diversity in the selection process for our courts.

**GM-1**

Submitted on: 7/25/2021 8:26:56 PM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kamaka Parker	Individual	Oppose	No

Comments: There are more qualified candidate than the one Governor Ige selected. They have more experience, represent the diversity of the people and would be a stronger, grounded and rooted voice for our people. Why would the only male candidate be selected when he isnâ€™t the most qualified? Why would Governor Ige pass up women who have proven their qualifications through actual experience? Gluckâ€™s appointment is and will continue the masogonistic, sexist culture that is our government and my voice as well as the others who submit testimony should be heard and not silenced as it has been.

**GM-1**

Submitted on: 7/25/2021 8:32:33 PM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jocelyn Doane	Individual	Oppose	No

Comments: I am testifying today in strong opposition to the nomination of Daniel M. Gluck to the ICA. Currently, there are no Hawaiians, Filipinos, Blacks, or Pacific Islanders on the appeals courts. It's been decades since there's been any judge of Native Hawaiian descent on Hawai'i's highest courts – about 30 years for the ICA and more than 20 for the Supreme Court. Meanwhile, if appointed, with Gluck, a majority of ICA judges would be white. Given the diversity of our state and the significant role the appellate courts have played for Native Hawaiians on a range of issues, from water and traditional and customary rights to issues around Hawaiian Homes or funding for the Office of Hawaiian Affairs, I was very disappointed that Governor Ige selected the person with the least experience on the ICA short list, particularly, when there were three Native Hawaiian wahine with much more experience on the same list. Representation matters. Please don't rubber stamp Governor Ige's biases. I hope you will embrace your independent role and ensure that Hawai'i's courts reflect our diverse cultures and communities.

**GM-1**

Submitted on: 7/25/2021 8:59:54 PM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Malia Marquez	Individual	Oppose	No

Comments: Aloha Kā• kou, My name is Malia Marquez, I am a lifelong long resident of Maunaloa (Hawai'i Kai). I am asking you to please decline the nomination of Mr. Daniel Gluck. He has many qualifications BUT there are others that are experienced and very much qualified for that position. It saddens me to think Mr. Gluck is being nominated because he is a white male. I would think here in Hawai'i, the most diverse "state", this would NOT be the reasoning behind such a choice. The way things have gone in our government it's really no surprise. It seems like we are going backwards into the annexation days instead of forward and that is very disappointing. Again, I respectfully ask that this nomination be declined.



**GM-1**

Submitted on: 7/25/2021 9:28:03 PM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Shaunda A Makaimoku	Individual	Oppose	No

Comments: I am disappointed in Governor Ige's nominee to the ICA. Several others candidates had extensive trial and appellate experience, much more expensive in this areas then Mr. Gluck. Further, it's concerning that Governor Ige's nominee is the only person from the list candidates who is not a person of color. In a time when across the country, so many have recognized the need for inclusivity and the importance of positions of leadership to be reflective of the community it represents, Governor Ige's nomination of another white male only perpetuates systems that have historically oppressed people of color, and particularly Native Hawaiians, their homelands. This is it the best choice for our community.

**GM-1**

Submitted on: 7/25/2021 9:33:16 PM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Noelani Sugata	Individual	Oppose	No

Comments: I strongly oppose this nomination. There are a lot more qualified individuals to choose from. Governor Ige needs to go back to the list. It's on social media. The data is out there. Representation matters. Mahalo.

**GM-1**

Submitted on: 7/25/2021 9:45:42 PM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sharla Manley	Individual	Support	No

Comments: Daniel Gluck would be a good intermediate court of appeal judge. He has spent his career dedicated to practicing law in service to the public and in the public interest. When he served with the ACLU Hawaii, he supported the work of Native Hawaiian Legal Corporation by, inter alia, submitting an amicus brief to support the right of prisoners in a Hawaiian religious rights case to correspond with their attorneys. He also represented a Native Hawaiian litigant pro Bono in a quiet title case that sought to appeal his denial of due process. It is true that we do urgently need more diversity and representation in our appellate courts. But it is also true that the nomination to allow Mr. Gluck to join the IC should be confirmed. -Sharla Manley

**GM-1**

Submitted on: 7/25/2021 10:06:11 PM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joanna Maile Pokipala Resurrection	Individual	Oppose	No

Comments: Aloha, My name is Joanna Resurrection. I oppose the nomination of Daniel Gluck. I oppose Daniel Gluck because out of all the nominations, he has the least experience practicing law before the state of Hawai'i. He has appeared in a total of 8 cases on appeal and 5 cases cases in circuit court. Why did he get nominated in the first place with such a lack of experience? Besides not being qualified, the lack of diverse representation on the highest courts of Hawai'i is disheartening to justice. Particularly for qualified underrepresented candidates who step forward to apply, but see a broken appointment process. Please consider the other candidates who at the very least have more experience than him. If possible, please also take into consideration to chose a qualified and underrepresented minority candidate. Mahalo for your time, Joanna Resurrection

**GM-1**

Submitted on: 7/25/2021 10:19:15 PM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
John Robert Egan	Individual	Support	No

Comments: I write in support of the nomination of Dan Gluck to the ICA. As an immigration lawyer I have seen his commitment to the legally underserved in our community. While at the ACLU he advocated tirelessly for fair representation for immigrants and the undocumented, and he worked with our local immigration bar to litigate cases in the Immigration Court system. I can affirm his diligence, intellectual rigor and sense of fairness, and believe these qualities are solid qualification for the position on the ICA.

**HEARING OF THE SENATE COMMITTEE ON JUDICIARY  
ATTN: CHAIR KARL RHOADS & VICE CHAIR JARRETT KEOHOKALOLE**

**Testimony Opposing GM 1  
Nominating Daniel M. Gluck to Hawai'i's Intermediate Court of Appeals**

Joyceline Lee  
824 Kainui Place  
Kailua, HI. 96734

July 27, 2021, 11:00 a.m.

Dear Chair Rhoads, Vice Chair Keohokalole, and Honorable Members of the Senate Committee on Judiciary:

My name is Joyceline Lee, and I am submitting written testimony in opposition to the nomination of Daniel M. Gluck to Hawai'i's Intermediate Court of Appeals (ICA).

I believe that Governor Ige overlooked more qualified people and has put forward the person with the least amount of relevant experience. For example, the nominee has appeared in a total of 8 cases on appeal and 5 cases in circuit court, compared to dozens or even hundreds of cases for other candidates. In addition, the governor has missed the opportunity to select a candidate who would create a more diverse court. Our courts should reflect the different communities and cultures in our state. There are currently no Native Hawaiians, Filipino Americans, African Americans, or Pacific Islanders on Hawai'i's two highest courts.

Please embrace your important and independent role and reject this nomination. Qualifications and diversity matters. Please vote today to oppose this nomination and ask Governor Ige to put forth another candidate from the ICA short list who can add the important diversity needed on ICA and has more experience practicing law in the courts.

Thank you for your time and consideration.



July 25, 2021

**Testimony to the State Senate Judiciary Committee  
Chair Karl Rhoads  
Vice Chair Jarrett Keohokalole  
Tuesday, July 27, 2021  
11:00 a.m.  
Via Video Conference**

Dear Chair Rhoads, Vice Chair Keohokalole and members of the Senate Judiciary Committee,

Regarding GM1, I am writing to share my views of Mr. Daniel Gluck, nominee for Associate Judge on the Intermediate Court of Appeals. I support his confirmation.

I met Mr. Gluck when he was Executive Director at the American Civil Liberties Union but have had the pleasure of working closely with him during his current tenure at the Hawaii State Ethics Commission.

Soon after taking the position at the Ethics Commission, Mr. Gluck worked to clarify the lobbying laws for greater understanding by all stakeholders. This was particularly helpful to representatives of charitable nonprofit organizations participating in the legislative process to help them regularly file reports on their allowable lobbying activities. He sought feedback from nonprofits to understand how best to clarify and improve the law and was transparent on the changes he planned to propose. In my interactions with Mr. Gluck on these issues, I found him to be very professional, communicative, level headed, fair minded and honest. He was a pleasure to work with in this regard. Since working on the legislation, he and his staff have since gone on to automate filing processes - putting all required lobbying filings and registrations online for greater transparency and ease of compliance.

I understand Mr. Gluck to be very community minded, supporting the missions of many Hawaii nonprofits, doing pro-bono work on appellate cases with Volunteer Legal Services of Hawaii and working on an asylum case for the University of Hawai'i Refugee and Immigration Law Clinic. He is also a volunteer mediator with the Mediation Center of the Pacific and in his spare time, he runs a Girl Scout troop for his daughter. He's a past volunteer for the Legal Aid Society and the Domestic Violence Action Center (DVAC). He has been a champion for Title IX issues, marriage equality, stronger sexual harassment policies in the workplace, the rights of homeless individuals and other marginalized populations.

Hawai`i Alliance of Nonprofit Organizations (HANO) is a statewide, sector-wide professional association of nonprofits. Our mission is to unite and strengthen the nonprofit sector as a collective force to improve the quality of life in Hawai`i. Our member organizations provide essential services to every community in the state.

Mahalo for the opportunity to provide written testimony in support of Daniel Gluck.

Lisa Maruyama, President and CEO

July 25, 2021

**Senate Committee on Judiciary**

Senator Karl Rhoads, Chair

Senator Jarrett Keohokalole, Vice Chair

**RE: Testimony in Opposition to the Confirmation of Daniel M. Gluck to the Intermediate Court of Appeals**

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

Mahalo for the opportunity to provide testimony on a matter of significance to not only our legal community, but our State as a whole. This testimony is being submitted in **Opposition** to the confirmation of Daniel M. Gluck to the Intermediate Court of Appeals (“ICA”).

My name is Shannon Hi‘ileilani Edie and I am the President and Co-Founder of Holomua Consulting Group LLC. I am also the current President of the Native Hawaiian Chamber of Commerce. Notwithstanding these roles, my testimony today is being submitted solely on my own behalf, in my capacity as an individual and female Native Hawaiian attorney.

A proud graduate of Kamehameha Schools, I was the first in my family to leave Hawai‘i for college and in 2003, became the first in my family to graduate from law school and become an attorney. I am licensed to practice law in both California and Hawai‘i and for the first 9 years of my career, I was a litigator (4 years in San Francisco and 3 years in Hawai‘i). For the past nearly 7 years, my business partner and I have successfully operated a small consulting company that specializes in Federal Contractor compliance. However, the thing I am most proud of is being a mother to my 3-year old twins, Dylan and Savannah. Therefore, my interest and perspective in providing this testimony comes from my experience as a litigator, being female, being Native Hawaiian and my experience as a mother.

To be clear, I do not take issue with Mr. Gluck as a person, as I do not know him personally nor do I take issue with the fact that he does have impressive legal experience. What I do take issue with is his blatant lack of relevant experience relative to the other candidates. Although the Committee is intimately familiar with the details, I believe it bears repeating here: of the six (6) candidates nominated to the Intermediate Court of Appeals, 4 women and 2 men, Mr. Gluck, the individual selected by Governor Ige, had the least amount of courtroom/trial experience. 3 of the women, 2 Native Hawaiian attorneys and 1 Native Hawaiian judge, each have practiced law for 15+ years and have handled 150+ cases before the Circuit Court and Appellate Courts. Mr. Gluck has practiced law for 15+ years and has handled a total of 13 cases over his career as a lawyer.

There are some that may say trial/courtroom experience does not matter; I beg to differ. As an ICA Judge, he will be reviewing cases where it is claimed the trial judge or jury made an error....clearly, experience matters.

Currently, there are no Native Hawaiian, Filipino, Pacific Islander, or African American judges on the Hawai‘i Supreme Court or ICA. In fact, it has been over 20 years since a Native Hawaiian has been appointed to serve on the Hawai‘i Supreme Court, and nearly 30 years since a



Native Hawaiian has been appointed to serve on the ICA. With the background and experience/qualifications of the other nominees, there was perhaps no better opportunity for this Administration to support diversity and equitable representation within the judiciary. Like many others, I was disheartened when I learned of the Governor's selection.

My mother instilled in me the sense that I could be whoever and whatever I want, that focus, hard work and experience will be rewarded— these are the same things I plan to instill in my own daughter. However, situations like this make one question whether that is in fact true. Ultimately, because the other candidates are so much more qualified and have deeper roots to the community, I am deeply concerned with the precedent that would be set and the message that this confirmation will send to women of color and I would ask that the Committee take this into consideration as well.

Mahalo nui for the opportunity to provide testimony on this matter of importance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Shannon H. Edie', with a long horizontal flourish extending to the right.

Shannon H. Edie

**GM-1**

Submitted on: 7/26/2021 12:47:40 AM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Shauna Springer	Individual	Oppose	No

Comments: HEARING OF THE SENATE COMMITTEE ON JUDICIARY ATTN: CHAIR KARL RHOADS & VICE CHAIR JARRETT KEOHOKALOLE Testimony Opposing GM 1 Nominating Daniel M. Gluck to Hawai'i's Intermediate Court of Appeals July 27, 2021, 11:00 a.m. Via Videoconference Dear Chair Rhoads, Vice Chair Keohokalole, and Honorable Members of the Senate Committee on Judiciary: My name is Shauna Springer, and I am writing today in strong opposition to the nomination of Daniel M. Gluck to Hawai'i's Intermediate Court of Appeals (ICA) for a term of ten years. Our courts must reflect Hawai'i's diverse communities and cultures. There are currently ZERO Native Hawaiians, Filipino Americans, African Americans, or Pacific Islanders on Hawai'i's two highest courts. Governor Ige overlooked more qualified people of color and has put forward the least qualified nominee, who also happens to be a white male. Please embrace your important and independent role and reject this nomination. Let Governor Ige's biases be his own and show our community that diversity matters and will start here, with your committee. We call upon you to be part of the solution, instead of rubber-stamping systems and practices that have not benefited everyone equally. Please vote today to oppose this nomination and ask Governor Ige to pick someone else from the ICA short list. Thank you for your time and consideration.

**GM-1**

Submitted on: 7/26/2021 5:38:36 AM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Emily Bradford	Individual	Support	No

Comments: Dear Judiciary Committee Members: I am writing in support of Daniel Gluck who was recently appointed to the Intermediate Court of Appeals. I have known Dan since 2005 when we clerked together for Judge Seabright in the U.S. District Court of Hawaii. Dan and I have remained close since clerking together and I know that he will make an excellent judge. He is intelligent, thoughtful, hard-working, and compassionate. I worked for many years as a prosecutor of public corruption cases in New York and Dan and I have spoken at length over the years about the importance of a fair and open court system and government. As an advocate, Dan has devoted much of his career to these issues. I know from working with him that his legal research skills are excellent and that his legal writing is clear and concise. I am confident that he will reach the correct and just decision in every case that comes before him and that he will communicate his decisions clearly and with respect and empathy. Litigants will receive a full and fair review of their case and will come away, win or lose, knowing they were treated fairly. Dan's ethics are beyond reproach, and confirming his appointment to the bench can only enhance public confidence in the judicial system. I strongly urge the Judiciary Committee to confirm his appointment. Emily Bradford

**GM-1**

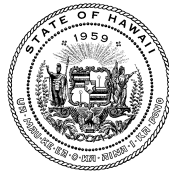
Submitted on: 7/26/2021 7:49:32 AM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jason Kamisugi	Individual	Support	No

Comments: I am Jason Kamisugi. I have had the pleasure to work for Mr. Daniel Gluck for almost three years as an investigator for the Hawaii State Ethics Commission. During this time, I've known him to be a great leader. He is very intelligent and fair, exhibits great judgement, and is very precise in his decision making. Mr. Gluck has the utmost moral character and integrity. He is caring and compassionate and is greatly respected. He is a dedicated family man and devotes his time well between work and family. His experience as Executive Director of the State Ethics Commission combined with his personal qualities, his even temperament, and his knowledge of laws and life situations would certainly make him an excellent judge.

DAVID Y. IGE  
GOVERNOR



CURT T. OTAGURO  
COMPTROLLER  
  
AUDREY HIDANO  
DEPUTY COMPTROLLER

**STATE OF HAWAII**  
**DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES**  
P.O. BOX 119, HONOLULU, HAWAII 96810-0119

TESTIMONY  
OF  
AUDREY HIDANO, DEPUTY COMPTROLLER  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
TO THE  
SENATE COMMITTEE ON JUDICIARY

TUESDAY, JULY 27, 2021, 11:00 AM  
VIDEOCONFERENCE STATE CAPITOL

G.M. 1

Chair Rhoads, Vice Chair Keohokalole, and members of the Committee, thank you for the opportunity to submit testimony on G.M. 1.

Submitting for consideration and confirmation to the Intermediate Court of Appeals as Associate Judge, Gubernatorial Nominee, **DANIEL M. GLUCK**, for a term of ten years.

Testifying in **SUPPORT** of G.M. 1 for **Mr. Daniel M. Gluck**. I've known Mr. Gluck for about 5 years, mainly in his capacity as the Executive Director for the Hawaii State Ethics Commission. He has always been very helpful with the questions presented to him. He is very courteous and most professional. He always has time to take phone calls and questions even if he has other tasks.

Thank you for the opportunity to submit testimony on this matter.

**GM-1**

Submitted on: 7/26/2021 8:23:51 AM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Brian Powell	Individual	Support	No

Comments: I am writing to express strong SUPPORT for the appointment of DANIEL M. GLUCK to the Court of Appeals as Associate Judge for a term of ten years as appointed by the Governor. Mr. Gluck has been serving as the Executive Director of the Hawai'i State Ethics Commission since Aug. 1, 2016, and in the past 4.5 years, has raised the profile of the office with appropriate enforcement (including high profile cases). Mr. Gluck took over the Commission at a time when Hawai'i's government was ranked as the most corrupt in the nation. His willingness and energy and address the problem when others shied away reveal both his dedication and love for the State of Hawai'i. It benefits the state and the legislature to reward those who expose corruption in this state. Prior to his exemplary work on the Ethics Commission, Mr. Gluck served as legal director for the ACLU of Hawai'i, and he defended the constitutional rights and guarantees for the citizens of Hawai'i. His mastery of constitutional law makes him wholly qualified to serve on the Intermediate Court of Appeals. The Court of Appeals ensures that proper legal and judicial process has been followed, and the Court requires justices who will apply constitutional precedent to cases to help ensure that the State honors and respects its citizens and protects itself from corruption. Mr. Gluck is a legal leader in the State, and he is more than qualified to serve on the Intermediate Court of Appeals. Governor Ige realized this through his thorough selection process. The Senate will strengthen the State judiciary by confirming the nomination of Mr. Gluck.

**GM-1**

Submitted on: 7/26/2021 8:26:17 AM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Krishna Jayaram	Individual	Support	No

Comments: Chair Rhoads and members of the Committee on Judiciary, I am writing in my individual capacity as a member of the public. I support the confirmation of Daniel M. Gluck as an Associate Judge of the Intermediate Court of Appeals. While I was with the Department of the Attorney General, I worked frequently with Mr. Gluck. He conducted trainings for the department, offered his counsel on various ethics issues, and collaborated with the department in the development of an informative website and phone number/email where suspected fraud, waste or abuse could be confidentially reported. Mr. Gluck is a dedicated public servant "working hard for the state and its people in a challenging role. His legal judgment and professionalism and calm and measured temperament will be an asset to the Judiciary. Most importantly, he is a decent and fair person. Thank you for considering this testimony in support of his confirmation.

425 Queen Street  
Honolulu, Hawai'i 96814

July 25, 2021

Hawai'i State Senate  
Committee on Judiciary  
[JDCommittee@capitol.hawaii.gov](mailto:JDCommittee@capitol.hawaii.gov)  
(808) 587-7211

Re: Governor's Message 1  
Nomination of Daniel M. Gluck

Dear Chair Rhoads, Vice Chair Keohokalole, and Members of the Judiciary Committee:

I write in strong support of the nomination of Daniel M. Gluck to serve as an Associate Judge on the Hawai'i State Intermediate Court of Appeals.

I have practiced law in the State of Hawai'i since 1981, both in the private and public sectors. Between 1997 and 2002, I also served an adjunct professor at the William S. Richardson School of Law, teaching appellate advocacy. During the last two years, I have worked for the state and have focused on matters involving fraud, waste and abuse. I have had substantial interaction with Mr. Gluck in the handling of complaints involving allegations of ethical improprieties on the part of state employees in multiple departments. Mr. Gluck has consistently shown a deep familiarity with ethical rules, an ability to analyze issues thoughtfully and dispassionately, and a commitment to achieve the appropriate result. He approaches each matter impartially and without regard to the identity of the individual involved. Mr. Gluck is a consummate professional who is passionate about promoting ethical conduct in the state. Indeed, he regularly educates state employees about their obligations to follow ethical rules and to inspire confidence in state government.

Over the last 40 years, I have handled a substantial number of appeals, primarily in federal court. I have concluded that the best appellate judges are those who possess superior legal skills, are willing to review the trial record and arguments of the parties, and who are true to the law. I firmly believe that Mr. Gluck has all of these skills. He will carefully identify legal principles, apply them to the facts of a case, decide issues without regard to personal views or the identifies of the advocates, and show judicial restraint and deference where appropriate. He also has a demeanor that would suit him well on the court—he is fair, compassionate, analytical, and devoted to the integrity of the judicial process.

On a personal level, Mr. Gluck is committed to the well being of our local community. He has made Hawai'i his home, is deeply invested in our community, and will impartially administer justice, while serving our entire state. He has devoted himself



to public service, rather than a commercial practice. He has all of the attributes that we should expect of our judicial officers. I strongly urge that you confirm him.

If you should have any questions, please feel free to contact me at (808) 541-1549. I should note that this letter is written in my individual capacity, and with the normal disclaimer that I do not claim to speak on behalf of my employer.

Respectfully,

/s/ Lawrence L. Tong

Lawrence L. Tong

**GM-1**

Submitted on: 7/26/2021 8:48:38 AM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Anna M. Pohl	Individual	Support	No

Comments: I support the appointment of Daniel M. Gluck as Associate Judge to the Intermediate Court of Appeals. I have known Mr. Gluck for more than fifteen years and have the highest respect for him. His legal knowledge is broad, his lawyering skills are impeccable, and his professional ethics are stellar. He is a thoughtful, conscientious, deliberate attorney with experience in a broad range of legal issues. If appointed, he will be a fair, impartial, and broad-minded judge for the benefit of all the people who live and work in Hawai'i.

July 26, 2021

The Honorable Karl Rhoads, Chair  
The Honorable Jarrett Keohokalole, Vice Chair  
Committee on Judiciary  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Re: Support for the confirmation of DANIEL M. GLUCK to the Intermediate Court of Appeals

Dear Chair Rhoads, Vice Chair Keohokalole, and Members of the Judiciary Committee:

I write to strongly support the confirmation of Daniel M. Gluck as Associate Judge of the Hawaii Intermediate Court of Appeals. Thank you for the opportunity to testify.

I have known Mr. Gluck since approximately 2005. I had the privilege of working with him when we were law clerks in the United States District Court for the District of Hawaii. He was a supportive and generous colleague, who always took extra time to provide guidance and mentorship. I value him as a friend and colleague.

I have deep respect for Mr. Gluck's professional achievements, judicial temperament, and character. He demonstrates the qualities we value in those we entrust as judges in our community. He is courteous, respectful, humble, committed to justice, and eminently fair-minded. He sees all sides of a question clearly and does not prejudge causes or litigants. He has the utmost integrity. I believe that Mr. Gluck's reputation in the legal community in all of these respects is exemplary. I believe that he is universally respected by his peers. I am certain that he would be a fair and impartial judge.

Dan is a genuinely wonderful human being. He treats everyone in our community with respect and dignity. I have seen him deal with opposition in a professional and courteous manner, even when that professionalism is not reciprocated. I also understand that there may be community opposition to Mr. Gluck's nomination that is not based on his personal abilities or reputation. I agree with those who are concerned about the composition of our courts. Simply put, representation matters. I also believe strongly that Dan's proven commitment to fairness and equality, his ability to put himself in the shoes of others, and his willingness to listen are strengths that should not be overlooked in favor of other factors. Dan has shown us that he is personally and professionally committed to serving our entire community.

Mr. Gluck will be an exceptional member of the ICA. I respectfully ask that you recommend him for confirmation. Thank you for considering this testimony.

Sincerely,

Carly Minner-Cole

**GM-1**

Submitted on: 7/26/2021 8:54:31 AM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ashley Galacgac	Individual	Oppose	No

Comments: My name is Ashley Galacgac, resident of Pā• Iolo. I strongly oppose GM1, the confirmation to the Intermediate Court of Appeals as Associate Judge, Gubernatorial Nominee, Daniel Gluck, for a term of 10 years. Born and raised in Hawai•i, I have been hopeful of the progress all people benefit from when Native Hawaiian values are at the core of leadership. Values include a deep love for this land and people and the responsibility to do what is right. I recently learned of Governor Ige•s record of appointments total average of 71% male and 71% white/AJA. Currently, there are zero Native Hawaiian, Filipino, black, or Pacific Islander judges on the ICA or the Hawai•i Supreme Court. How is the lack of representation possible in Hawai•i? Native Hawaiian representation is paramount as the indigenous people of this •ina! In addition, the court systems have historically negative impacts on Native Hawaiian, Filipino, black, and Pacific Islander communities. The step in the right direction would be selecting more qualified people of color who reflect the community they serve, including three Native Hawaiian women (Gifford, Kapau-Odo, McCullen) and one Filipino community member (Collins). There is wisdom and insights that come with lived experiences that are necessary to inform and guide leaders who shape the systems we live in. Selecting Gluck, the only white male on the list, who also had the least experience practicing law before our courts, reinforces harmful, unjust racist, and patriarchal systems. One cannot deny the fact that Gluck appeared in a total of 8 cases on appeal and 5 cases in circuit court, significantly less than other candidates. Thank you for the opportunity to testify. I urge you to oppose GM1 and to select another candidate to reflect the community they serve. Please listen to community voices and diversify the representation in this democracy for our future. Mahalo,• Ashley Galacgac

**GM-1**

Submitted on: 7/26/2021 8:56:21 AM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Eden Lewis	Individual	Oppose	No

Comments: I am writing to strongly oppose the ICA nomination of Daniel Gluck. It's important that our appellate court nominees are made based on experience and preparedness for the job, so it's absurd to me that the least qualified candidate on the list of six candidates submitted to our governor has emerged as his nominee. It's also concerning that Mr. Gluck is the only white candidate on the list because this is the continuation of a disappointing trend in Governor Ige's appointments which have been overwhelmingly white/AJA and male. There are currently zero Native Hawaiian, Filipino, Black, or Pacific Islander judges on the ICA or the Hawaii Supreme court – it has been decades since a Native Hawaiian judge has served on either bench. Governor Ige had an opportunity with this nominee to diversify the perspective of the ICA by appointing literally any of the other candidates brought to him. He had an opportunity to break decades of exclusion of the Native Hawaiian perspective by appointing any of the three Native Hawaiian women who were candidates. Instead our governor chose the least qualified candidate on the list and opted to continue a lengthy record of homogenous appointees by putting forth yet another white man.

**GM-1**

Submitted on: 7/26/2021 8:57:58 AM

Testimony for JDC on 7/27/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Forest Frizzell	Individual	Oppose	No

Comments: Aloha kōkou, I am writing this testimony is full opposition to the nomination of Daniel Gluck to the Hawai'i Intermediate Court of Appeals (ICA). I share my opposition with the specific concern that this nomination represents yet another attempt by the state of Hawai'i to bypass Kanaka Maoli and women of color leadership and expertise. In this particular instance the Kanaka Maoli (and other) candidates far supersede the experience held by Gluck. By every meaningful metric, Gluck is clearly the least experienced of all finalists. In fact the only thing that does distinguish Gluck on this list is that he is the only candidate whos appealant experice is accounted for in single digits. Gluck's inexperience should be enough to disqualify him in a field of such supremely qualified candidates. However, there are additional issues that are major causes for concern. Across Gov. Ige's tenure, his prejudices are clear. 71% of all of his appointments have been men, and 71% have been white/asian Settlers. Currently, there are no Kanaka, no Filipino, no Pacific Islander, nor Black judges at the Hawai'i Supreme Court or Intermediate Court of Appeals. And it has been 20 years since we had a Kanaka on the Hawai'i Supreme Court and 30 years for the ICA. And yet, Ige has chosen Gluck as his nomination even as a far more experienced and appropriate field of candidates has been presented to him. With the critical role the ICA plays in the Hawai'i judiciary, our community deserves a court that is not only represented by highly experienced and qualified individuals; we also deserve a court that is representative of our people. There are few avenues to properly address the interest of our native Hawaiian population via the legislative branch. This is not surprising considering that Hawaiians make up less than 10% of the legislature, while making up over 20% of our population. This empty seat in the ICA represents an opportunity to work towards ensuring that at the very least our judiciary be more representative of our people. Please do the right thing and honor the expertise of the other, much more qualified candidates for this position, and deny the confirmation of Gluck Nomination. Mahalo, Forest Frizzell

## HAWAI'I STATE SENATE COMMITTEE ON JUDICIARY

### Testimony OPPOSING GM 1 Nominating Daniel M. Gluck to Hawai'i's Intermediate Court of Appeals

July 27, 2021  
11:00 a.m. Via Videoconference

Dear Chair Rhoads, Vice Chair Keohokalole, and Honorable Members of the Senate Committee on Judiciary:

My name is Sharde Freitas, and I am testifying today in strong opposition to the nomination of Daniel M. Gluck to Hawai'i's Intermediate Court of Appeals (ICA) for a term of ten years.

As an attorney here in Hawai'i, opposing a judicial nominee is not something I take lightly. But I submit this testimony today because this nomination will have significant ramifications on our judicial system, and the availability and quality of justice in our community. The current nominee simply does not meet the minimum qualifications members of the bar expect from ICA judges. Additionally, there are more qualified nominees.

Because very few appeals go directly to the Hawai'i Supreme Court, the ICA is the workhorse appeals court, hearing nearly all appeals from trial courts and administrative agencies from Kaua'i to Hawai'i Island. We have only six judges who sit in panels of three. So we need those judges to be able to hit the ground running and understand the real-world impacts of their rulings on the legal practice, as well as on people's lives and communities' ways of life across the state. That requires a basic level of practice experience in Hawai'i courts and communities that this nominee lacks.

I cannot recall someone with so little practice experience ever having been nominated to our appellate courts. By confirming this nominee the Senate would basically be throwing practice experience out the window and undermining public confidence in our judicial system among legal practitioners and the broader community. It also threatens to turn the ICA into an ivory tower institution disconnected from the reality of practice in Hawai'i.

Please vote today to **OPPOSE** this nomination and ask Governor Ige to pick someone else from the ICA short list.

Mahalo for your time and consideration.

**GM-1**

Submitted on: 7/26/2021 9:43:11 AM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Brooke Abola	Individual	Support	No

Comments: Dear Chair Rhoads and Honorable Judiciary Committee Members: I write today to highly recommend the confirmation to the Intermediate Court of Appeals as Associate Judge the Gubernatorial Nominee, Daniel M. Gluck. During law school, Mr. Gluck and I served together on the student Board of Directors of Harvard Legal Aid Bureau, and we have remained friends ever since. Mr. Gluck is a remarkable leader with a sharp legal mind and an admirable work ethic. His commitment to community and public service is exemplary. Based on my experience working with him, I believe he would make an outstanding judge. Thank you for your consideration. Regards, Brooke Abola



**GM-1**

Submitted on: 7/26/2021 9:44:30 AM

Testimony for JDC on 7/27/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Rachael Wong	Individual	Comments Only	No

Comments: Chair Rhoads, Vice Chair Keohokalole, and Members of the Senate Committee on Judiciary: Thank you for your public service and commitment to due process, which includes holding a space where everyone can voice their perspectives. I offer the following as comments as an individual: 1. As someone who is not in the legal field, I do not have the subject matter expertise to speak about Mr. Daniel Gluck's trial experience or legal qualifications to be an Associate Judge on the Intermediate Court of Appeals (ICA). 2. As a member of our local community, I can speak to the need for increased diversity and equal representation of judges on the bench, directors on boards, and leaders in companies and organizations: "We" ALL of us who live in Hawai'i will only be able to reach our potential when leadership looks like the demographics of Hawai'i, if we individually and collectively continue to learn about how to proactively create space for this to happen, and we do it. In order to make this happen, it is vital that we engage in respectful, difficult conversations, recognize historical and ongoing trauma, and identify shared goals around equity and for Hawai'i. 3. I can also speak about my own experience working with Dan Gluck in his capacity as the Executive Director of the Hawai'i State Ethics Commission. This is relevant to the Committee as it learns about nominees' background, character, and qualifications for positions: I met Dan through the process of filing a work-related sexual harassment complaint. From my initial inquiry and decision to file, to the interviews and investigation, and all the way through the resolution, Dan was always professional, compassionate, knowledgeable, generous with explanations and time, accountable, accessible, and discreet. Through this process, I gained a firsthand appreciation for Dan's character and values: He is committed to fairness, equity, and mutual respect, and his integrity along with clarity about his values is inspiring. There were multiple women who filed sexual harassment complaints against the same individual, and I only learned their identities when they self-disclosed to me during and after the case. I share this because Dan made sure I was informed through the complaint process in a real person-centered way and ensured that I had decision-making authority in how the case proceeded. I later found out he did the same with everyone else with the same care and attention to person. This is one example that reveals how he applies his values in practice. In a similar way that builds on our shared values of respect and aloha in Hawai'i, may you continue to recognize individuals' voices and prioritize inclusive processes. Thank you for your serious consideration of all submitted testimony.

**GM-1**

Submitted on: 7/26/2021 9:50:43 AM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
nanci Kreidman	Testifying for domestic violence action center	Support	No

Comments: Aloha, Dan Gluck is a good man. Living with integrity. Smart, dedicated and engaged with community. The need for diversity cannot be overstated; the importance of allowing many voices representing many experiences cannot be dismissed. In spite of these truths, we shall look forward to favorable action on behalf of this nominee.

Representation is important in all facets of society. It should not be in relation to only certain fields of expertise. Time and time again we have experienced blatant limitations to representation here in the Hawaii. Time and time again our policy makers and politicians whether intentionally or unintentionally make decisions not based on demographics and vulnerable populations, but more for this convoluted need to try to measure up to the mainstream on the Continent. Hawaii is unique in so many ways and our leadership continues to do a disservice to our Kanaka Maoli by putting people in charge that are not a true representation of the people of this land. I have lived here almost 30 years, I am an UH Alumni, married a Native Hawaiian and have two children that have grown up in Hawaiian Immersion education, and I would never pretend to know more than a Native Hawaiian who comes from this land. Our experiences will always be quite different and their relationship and investment to this land and its people would most certainly be different as well. What is the point of having home grown professionals establishing themselves through hard work yet not being considered for top leadership positions? None of this makes any sense if your end goal is to be a true reflection of the people you have sworn to service. It is no secret that the governor is no friend to the Native Hawaiian struggle and many of it's people, but one would hope that others that are guiding him in is decision making would hold him accountable from time to time and really have him take a step back and see and ask if the decisions he's making are really for the advancement of the Native population?

The three other candidates with more court experience than his appointee overlooked? And for what reasons? How I am to tell my Native Hawaiian daughter that she can aspire to top leadership positions in her Homeland when these types of situations keep arising? What was the mission and purpose of having a home grown Law School if our own government leadership keeps placing limitations on their advancements? How can one justify that someone who came here after completing their studies in Law, would know more about the people, culture and challenges than other candidates who were born and raised here and have only practiced law here within their prospective communities?

We need to do better for our people and we need to do better for our Judicial System !

Thank you for your time,

Priscilla Fuentes Smith, LCSW  
Luna Counseling Services

**GM-1**

Submitted on: 7/26/2021 10:04:36 AM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Letani Peltier	Individual	Oppose	No

Comments: Mahalo for the opportunity to submit testimony in opposition to the Governor's nomination to the Intermediate Court of Appeals. According to the information available to the public, it seems that Mr. Gluck is the least qualified candidate for this position. Meanwhile, some of the overlooked nominees possess an enormous amount of courtroom experience. Governor Ige's nomination far exceeds the discretion that he is afforded in making these types of decisions. For this reason, I humbly ask that you vote not to confirm this nomination. Mahalo nui,

To the honorable Committee:

I submit this testimony in opposition to the nomination of Daniel Gluck to the Intermediate Court of Appeals. Please let me begin by saying that I have no personal or professional animosity toward Mr. Gluck, and I am sure he has many admirable qualities. I am also sure that he is an excellent attorney, but this does not make him the best candidate for the current vacancy.

I would also like to state that my objection to Mr. Gluck's nomination has nothing to do with his being a white male, but rather, the least qualified for the position. While it is true that many excellent judges have been appointed who were not previously judges or experienced litigators, I strongly believe that knowledge of trial procedure is essential to evaluating whether an error has occurred.

Representation matters. Especially in the judiciary. While it should not be the deciding factor, I find it odd that every other attorney on the short list, woman and minority alike, all had far more experience than Mr. Gluck. This is not a case where all the candidates are equally qualified, and the deciding factor should be the attorney's gender or race but rather a case where all the minority women attorneys are far more qualified but were overlooked in favor of a white male.

As the daughter of a graduate of the first class at William Richardson School of Law, I have heard my mother and her female classmates talk about breaking into the "old boys club" and the fights they fought so I could follow in their footsteps. I have also worked closely with many kanaka maoli attorneys who are beyond impressive: they are exactly the kinds of people you would want to sit on the bench. These are the women future attorneys should emulate.

Please consider the people the judiciary are supposed to represent and protect. Please consider whether the candidates you are considering have the experience necessary to decide the important legal issues that will be presented to them. Please consider representation.

Thank you for your attention,

Mia D. Obciana

Date: 7/26/2021

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

Re: GM1, Testimony in Opposition of the nomination of Daniel M. Gluck to the Hawaii Intermediate Court of Appeals.

Hearing: Tuesday, July 27, 2021, 11:00 a.m.

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Dear Chair Rhoads, Vice Chair Keohokalole, and Honorable Members of the Senate Committee on Judiciary:

My name is Doris Lum and I am testifying today in opposition of the nomination of Daniel M. Gluck to Hawaii's Intermediate Court of Appeals (ICA).

It is very difficult for me to oppose a judicial nominee. But seeing the other nominee's experience far outweighing Mr. Gluck's is very concerning to me. I have been practicing law for almost 15 years and I place a high value in a judge with the expertise and experience in the law. The decisions made by the ICA will have such an impact on the lives and communities of our State. It should follow that the nominee to the ICA should have a basic level of experience at the appellate level. I do not believe that the current nominee has such.

By confirming this nominee the Senate would be throwing away practice experience and undermining public confidence in our judicial system. Please vote today to oppose this nomination and ask Governor Ige to pick someone from the short list with this practice and appellate experience.

Respectfully submitted,

Doris Lum

**GM-1**

Submitted on: 7/26/2021 10:18:16 AM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Antoinette Lilley	Individual	Oppose	No

Comments: I respectfully oppose the appointment of Mr. Gluck to the ICA in light of the three Native Hawaiian female candidates who were passed up for the position despite having far more courtroom experience. I encourage this committee not to confirm Mr. Gluck and to ask the Governor to rethink his policy of mainly appointing people of White and Japanese descent to our higher courts. I wish Mr. Gluck the best of luck in his future endeavors, and I hope he will consider withdrawing his nomination to allow for more diversity and representation in this state's appellate courts. Thank you for the opportunity to provide this feedback.

**GM-1**

Submitted on: 7/26/2021 10:23:45 AM

Testimony for JDC on 7/27/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kawena Beupre	Individual	Oppose	No

Comments: Dear Chair Rhoads, Vice Chair Keohokalole, and Honorable Members of the Senate Committee on Judiciary: My name is \_\_\_\_\_, and I am testifying today in strong opposition to the nomination of Daniel M. Gluck to Hawai'i's Intermediate Court of Appeals (ICA) for a term of ten years. As an attorney here in Hawai'i who appears in court, including the ICA, it's very difficult to oppose a judicial nominee. But I submit this testimony today because this nomination will have significant ramifications on our judicial system and the availability and quality of justice in our community. The current nominee simply does not meet the minimum qualifications members of the bar expect from ICA judges. Because very few appeals go directly to the Hawai'i Supreme Court, the ICA is the workhorse appeals court, hearing nearly all appeals from trial courts and administrative agencies from Kaua'i to the Big Island. We have only six judges who sit in panels of three. So we need those judges to be able to hit the ground running and understand the real-world impacts of their rulings on the legal practice, as well as on people's lives and communities' ways of life across the state. That requires a basic level of practice experience in Hawai'i courts and communities that this nominee lacks. I cannot recall someone with so little practice experience ever having been nominated to our appellate courts. By confirming this nominee the Senate would basically be throwing practice experience out the window and undermining public confidence in our judicial system among legal practitioners and the broader community. It also threatens to turn the ICA into an ivory tower institution disconnected from the reality of practice in Hawai'i. Please vote today to oppose this nomination and ask Governor Ige to pick someone else from the ICA short list. Thank you for your time and consideration.



**GM-1**

Submitted on: 7/26/2021 10:25:34 AM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Taylor Brack	Individual	Support	No

Comments: I am writing to express my enthusiastic support for the appointment of Dan Gluck to the Intermediate Court of Appeals. Even when confronting difficult challenges, Dan is professional, kind, thoughtful, and highly motivated to ensure that justice is achieved- to the extent that he inspires others to follow in his example. He has exhibited exemplary leadership in his role at the Hawaii State Ethics commission and our community would ultimately benefit from his contributions to the ICA.

**GM-1**

Submitted on: 7/26/2021 10:30:07 AM

Testimony for JDC on 7/27/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Marcus Landsberg	Individual	Support	No

Comments: Around 2014 I was outraged by a news story of a Hawaiian man from upcountry Maui who was being harassed by his part-time employer, the County of Maui. Talking to the man I told him I wanted to help, but the law was far outside what I practiced on a daily basis. As a Criminal Defense Lawyer since the early 2000s the trial practice is not something I worried about, but the pleading, the procedure, the civil sides of it, dealing with the city, all of these were foreign to me at the time. Until Daniel Gluck agreed to take point on the litigation side of it, using the resources of the ACLU to help us with the case, that man was not going to receive justice. In my heart I knew what Maui County was doing had to be unjust, but I relied upon Daniel Gluck's experience to get us through that process. Dan's plan and foresight got Maui County to change its workplace harassment policy without having to go to trial. Without his legal acumen and experience, that would not have happened.

<https://www.acluhi.org/en/news/popular-mauiwatch-facebook-page-founder-files-federal-lawsuit-against-maui-county-unlawful> Our children went to pre-school together, which at the time was associated with Temple Emanu-El. In my experience, the single most important predictor of how good a judge will be, is the way they address children. Do they do their best to be patient, are they kind, or are they boastful and proud? Do they bad mouth others and get easily angered? Do they delight in evil or rejoice with the truth? The best way to judge any person's true character is to see how they treat people who will never be in a position to do anything for them. My experience with Daniel Gluck, even if I disagree with any individual view, he lands on the correct side of all these questions. He's also probably too modest to agree to my assessment.

**GM-1**

Submitted on: 7/26/2021 10:35:57 AM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sheena Crail	Individual	Oppose	No

Comments: I am in opposition of Mr. Gluck's™ nomination to the Intermediate Court of Appeals (ICA). As not only a practicing attorney in Honolulu, but also a female of ethnic minority background, it is extremely important that our ICA consists of a diverse panel of attorneys who are experienced in various aspects. Mr. Gluck, the only white male on the nomination list, has the least appellate experience among the nominees. However, my testimony is not at all intended to be personal against Mr. Gluck. I would like to emphasize how important it is for our ICA judges to not only be qualified with appropriate experience with the court that they seek to be a part of, but also to be from different backgrounds that matter: ethnic, socio-economic, gender, etc. I am sure Mr. Gluck may be able to manage his tasks as an ICA judge, but I cannot say that I confidently believe he is more qualified than the other nominees on the list, especially with their diversity and outstanding years of experience with our ICA. We need judges on our ICA who haven't just read about the struggles that we, as minorities, face, but judges who have actually lived through it. The ICA decides cases pertaining to all subjects and reaching every member of our community from those who are extremely privileged to those who have lived the most unfortunate events and lifestyles. We need judges who are able to actually understand the positions that their appellants/appellees argue and seek, not judges who can only vaguely imagine the circumstances. Thank you for your time.

**GM-1**

Submitted on: 7/26/2021 10:37:23 AM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dana Viola	Individual	Support	No

Comments: I worked with Daniel Gluck in his capacity as the Director of the State Ethics Commission when I was with the Department of the Attorney General. Mr. Gluck was the consummate professional - knowledgeable, responsive, helpful, proactive, and willing to take on new challenges and tackle difficult problems. I believe his varied work experience, his legal talents and expertise, and the fact that he has treated everyone he has dealt with fairly and respectfully make him an excellent choice for the bench. I strongly support his nomination not only because he is amply qualified but because he has the integrity and disposition needed of an appellate judge. I respectfully request that you vote to confirm Daniel Gluck as our next Associate Judge of the Intermediate Court of Appeals.

**GM-1**

Submitted on: 7/26/2021 10:37:58 AM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Uila Barnett	Individual	Oppose	No

Comments: Dear Chair Rhoads, Vice Chair Keohokalole, and Honorable Members of the Senate Committee on Judiciary: My name is Uila Barnett, and I am testifying today in strong opposition to the nomination of Daniel M. Gluck to Hawai'i's Intermediate Court of Appeals (ICA) for a term of ten years. Our courts must reflect Hawai'i's diverse communities and cultures. There are currently ZERO Native Hawaiians, Filipino Americans, African Americans, or Pacific Islanders on Hawai'i's two highest courts. Governor Ige overlooked more qualified people of color and has put forward the least qualified nominee, who also happens to be a white male. Please embrace your important and independent role and reject this nomination. Let Governor Ige's biases be his own and show our community that diversity matters and will start here, with your committee. We call upon you to be part of the solution, instead of rubber-stamping systems and practices that have not benefited everyone equally. Please vote today to oppose this nomination and ask Governor Ige to pick someone else from the ICA short list. Thank you for your time and consideration.

**GM-1**

Submitted on: 7/26/2021 10:38:51 AM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Henry Boothe	Individual	Oppose	No

Comments: I am writing to oppose the ICA nomination of Daniel Gluck. He was the least qualified and the nomination decision has the potential of perverting justice long into the future. We the people demand an ICA with proven experience and one which represents the people. We deserve a nomination that puts qualifications over the unqualified. White supremacy is white mediocrity and our community deserves humanity. Please revoke the nomination of Gluck and nominate the most qualified instead.

**GM-1**

Submitted on: 7/26/2021 10:41:51 AM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jacce Mikulanec	Individual	Support	No

Comments: Aloha Chair, Vice-Chair, and Committee Members, I want to express my strong support for Dan Gluck's nomination to the ICA. Dan has a history of being a fair, smart, hardworking, and community minded public servant. He would serve our state and the judiciary well. I humbly urge you to support his nomination. Aloha, Jacce Mikulanec Honolulu, Hawaii

**GM-1**

Submitted on: 7/26/2021 10:41:10 AM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kekoa beaupre	Individual	Oppose	No

Comments: Via Videoconference Dear Chair Rhoads, Vice Chair Keohokalole, and Honorable Members of the Senate Committee on Judiciary: My name is Kekoa Beaupre, and I am testifying today in strong opposition to the nomination of Daniel M. Gluck to Hawai'i's Intermediate Court of Appeals (ICA) for a term of ten years. Our courts must reflect Hawai'i's diverse communities and cultures. There are currently ZERO Native Hawaiians, Filipino Americans, African Americans, or Pacific Islanders on Hawai'i's two highest courts. Governor Ige overlooked more qualified people of color and has put forward the least qualified nominee, who also happens to be a white male. Please embrace your important and independent role and reject this nomination. Let Governor Ige's biases be his own and show our community that diversity matters and will start here, with your committee. We call upon you to be part of the solution, instead of rubber-stamping systems and practices that have not benefited everyone equally. Please vote today to oppose this nomination and ask Governor Ige to pick someone else from the ICA short list. Thank you for your time and consideration.



**GM-1**

Submitted on: 7/26/2021 10:44:30 AM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kawena Beupre	Individual	Oppose	No

Comments: Dear Chair Rhoads, Vice Chair Keohokalole, and Honorable Members of the Senate Committee on Judiciary: My name is Kawena Beupre, and I am testifying today in strong opposition to the nomination of Daniel M. Gluck to Hawai'i's Intermediate Court of Appeals (ICA) for a term of ten years. As an attorney here in Hawai'i who appears in court, including the ICA, it's very difficult to oppose a judicial nominee. But I submit this testimony today because this nomination will have significant ramifications on our judicial system and the availability and quality of justice in our community. The current nominee simply does not meet the minimum qualifications members of the bar expect from ICA judges. Because very few appeals go directly to the Hawai'i Supreme Court, the ICA is the workhorse appeals court, hearing nearly all appeals from trial courts and administrative agencies from Kaua'i to the Big Island. We have only six judges who sit in panels of three. So we need those judges to be able to hit the ground running and understand the real-world impacts of their rulings on the legal practice, as well as on people's lives and communities' ways of life across the state. That requires a basic level of practice experience in Hawai'i courts and communities that this nominee lacks. I cannot recall someone with so little practice experience ever having been nominated to our appellate courts. By confirming this nominee the Senate would basically be throwing practice experience out the window and undermining public confidence in our judicial system among legal practitioners and the broader community. It also threatens to turn the ICA into an ivory tower institution disconnected from the reality of practice in Hawai'i. Please vote today to oppose this nomination and ask Governor Ige to pick someone else from the ICA short list. Thank you for your time and consideration.

**GM-1**

Submitted on: 7/26/2021 10:45:36 AM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Chester Hazlewood	Individual	Oppose	No

Comments: I oppose the Governor's choice of Mr. Daniel Gluck because he lacks sufficient knowledge, experience and respect for Hawaiian culture. His lack of experience and respect will negatively impact his effectiveness as a true representative of all people of Hawaii. The other candidates, by nature of their long term residency, have earned the right to represent with proper Kuleana and Aloha.

**GM-1**

Submitted on: 7/26/2021 10:51:10 AM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Shannon Leina'ala Cosma Reyes	Individual	Oppose	No

Comments: Aloha! I am writing in opposition to the nomination of Mr. Gluck to the Intermediate Court of Appeals. Of six candidates nominated, 4 women and 2 men, Governor Ige selected the man with the least amount of courtroom/trial experience. 3 of the women, are Native Hawaiian and each one has practiced law for 15+ years and handled 150+ cases before the Circuit Court and Appellate Courts. Mr. Gluck on the other hand has practiced law for 15+ years and has handled only 13 cases over his career as a lawyer. Why would Governor Ige choose someone with far less experience? I wonder if he would choose a surgeon with only 13 surgeries under his belt to perform surgery on him or would he choose the surgeon with 150 surgeries under his belt? I know who I would choose. The same goes here, I want a judge with many cases under her belt not just 13. As a teacher, if I only taught 13 keiki in my entire career, my expertise is limited. Each keiki I work with is special and requires different teaching methods as I'm sure each trial requires different tactics. The more keiki I teach the more experience I have and the better I get at refining my craft. Same goes I'm sure for lawyers. You need the experience to develop and refine your craft. 13 cases is not enough!! There are clearly more qualified applicants for the job. There hasn't been a Native Hawaiian on any appellate bench for the last 21 years! What message does that send to Hawaiians when there are qualified Hawaiian women nominated but the less qualified man gets the job? Is it because they are Hawaiian women? Representation matters. We need to see faces that look like our own! We need to have people who understand our struggles. I have three daughters and I want them to know that they can do anything through hard work and perseverance. I don't want them to think that no matter how hard they work or the experience they have, it doesn't matter because the non-Hawaiian male will always be chosen over you. Mahalo

**HEARING OF THE SENATE COMMITTEE ON JUDICIARY  
ATTN: CHAIR KARL RHOADS & VICE CHAIR JARRETT KEOHOKALOLE**

**Testimony Opposing GM 1  
Nominating Daniel M. Gluck to Hawai'i's Intermediate Court of Appeals**

**July 27, 2021, 11:00 a.m.  
Via Videoconference**

Dear Chair Rhoads, Vice Chair Keohokalole, and Honorable Members of the Senate Committee on Judiciary:

My name is Kainalu Steward and I am testifying today in strong opposition to the nomination of Daniel M. Gluck to Hawai'i's Intermediate Court of Appeals (ICA) for a term of ten years.

First of all, I would like to make it clear that this opposition is NOT about Daniel Gluck, but is strictly about a broken system that clearly lacks diverse representation on the highest courts of Hawai'i and that his nomination does not reflect the reality of many who descend and call Hawai'i home.

There are currently ZERO Native Hawaiians, Filipino Americans, African Americans, or Pacific Islanders on Hawai'i's two highest courts, which is embarrassing. Governor Ige overlooked more qualified people of color and has put forward the least qualified nominee, who also happens to be a white male. This is very problematic, because 1) Daniel Gluck has the least representation of diversity which should reflect the lived experiences of the people of Hawai'i and 2) Daniel Gluck, being a white male, perpetuates a racial system that continues to exist in the illegally occupied nation of Hawai'i.

As someone who identifies closely as Native Hawaiian, I ask that you please embrace your important and independent role and reject this nomination, as this will not only affect us today but our future generations. Let Governor Ige's biases be his own and show our community that diversity matters and will start here, with your committee. We call upon you to be part of the solution, instead of rubber-stamping systems and practices that have not benefited everyone equally.

Please vote today to oppose this nomination and ask Governor Ige to pick someone else from the ICA short list.

Mahalo NUI for your time and consideration.

**COMMENTS**  
**G.M. 1**

TO: Senator Karl Rhoads, Chair  
Senator Jarrett Keohokalole, Vice Chair  
Senate Committee on Judiciary

FROM: Troy J.H. Andrade, Ph.D., J.D.

RE: COMMENTS ON G.M. 1

DATE: Tuesday, July 27, 2021  
TIME: 11:00 A.M.  
PLACE: Via Videoconference

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Thank you for the opportunity to submit comments on G.M. 1 in my individual capacity as a member of the Hawai'i bar deeply concerned about the lack of representation in our gubernatorial judicial appointments. While I take no position on this specific appointment to the Intermediate Court of Appeals, I do believe this is the proper venue and time to express my mana'o about our judicial appointment process.

Article VI, section 3 of the Hawai'i State Constitution provides the governor with the power to appoint candidates to vacancies on the supreme court, the intermediate court of appeals, and the circuit court. This power of the Governor can solidify their legacy because a gubernatorial judicial appointment is for a term of at least ten years. But the Governor's authority is not unlimited. Indeed, Article VI, section 3 also provides the Senate with the power to "consent" to a governor's judicial appointment. Thus, each senator, when elected, and whether a lawyer or not, is empowered to ensure that the governor's appointment is the right person for the job at a particular time. As one delegate to the 1978 Constitution Convention put it during the debates of whether to retain the senate's consent power into the merit-based judicial selection system: "The senate confirmation acts to provide such input and give the public confidence in the judicial selection process. The senate represents the people, and thus senate confirmation assures accountability."<sup>1</sup> In retaining the consent power, the delegates of the 1978 Con-Con expressly envisioned an active role of the Senate, where community and constituent concerns for judicial nominees could be vetted in an open and public forum. I would suggest that the Senate also plays an important check in ensuring equity and representation across our judicial branch, especially if the Governor cedes that responsibility in making their appointment.<sup>2</sup>

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<sup>1</sup> STATE OF HAWAII'I, 2 PROCEEDINGS OF THE CONSTITUTIONAL CONVENTION OF HAWAII OF 1978, at 364 (1980).

<sup>2</sup> See Ku'uwehi Hiraishi, *Does Hawai'i Need More Diversity, Experience in the Court System?*, HAWAII PUBLIC RADIO, July 23, 2021, <https://www.hawaiipublicradio.org/local-news/2021-07-23/governors-intermediate->

We are, therefore, at an important inflection point where the Senate needs to define its role in the judicial selection process. Is the Senate's role to simply acquiesce to a governor's selection so long as the nominee is "qualified"? Is the Senate's role to look broadly at each judicial appointment as one player in a multi-player system of justice? Is the Senate's role to assess each nomination on a case-by-case basis as an opportunity to reckon with issues that have plagued our legal system? If it's the latter, at what point does the Senate withhold consent? Is it this appointment? Is it the next appointment? Is it the three vacancies on the Hawai'i Supreme Court that will likely come up in the next Governor's term? These are questions that each senator needs to answer on their own. These are also not easy questions with clear answers.

What I believe is clear is that stakeholders across the board—including, but not limited to, the law school, the bar association, the judiciary, the senate, and the governor—need to take action. We all have responsibility for ensuring a fair and just justice system. We also bear the burden of ensuring that the one branch of our government where anyone can have a fair shake at resolution has confidence from the public. We must all redouble our efforts to ensure that our community's diversity (in all its many forms) is represented throughout our legal system. We need to talk about these issues openly and honestly, and we need to reconcile any inequities. This past spring, the Judiciary held a series of programs to address issues of systemic racism that exist in our legal system. From these conversations, the Judiciary's Committee on Equality and Access to the Courts has taken the lead in addressing some of those problems. This work needs to continue and be actively supported by all facets of our legal community. Today's consideration of G.M. 1 is the Senate's opportunity to check our system. I am ready to help in whatever way is necessary to address these issues.

Mahalo again for the opportunity to submit comments.

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*court-of-appeals-appointment-prompts-diversity-and-experience-questions* (noting that, on average, 71% of Governor Ige's appointments were male, and 71% were white or American of Japanese ancestry).

**GM-1**

Submitted on: 7/26/2021 10:57:32 AM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Saisamoa Grey Price	Individual	Oppose	No

Comments: I oppose the ICA Nomination of Mr. Gluck. He is not qualified and has had little experience to be considered as an ICA Judge. Sincerely, Saisamoa Grey Price

Friday, July 16, 2021

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

Re: GM1 – Senate Confirmation of Gubernatorial Nominee to ICA – Daniel M. Gluck

Hearing: Tuesday, July 27, 2021 at 11:00 a.m.

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

My name is Merlinda Garma. I am testifying today because I am disheartened by the choice of gubernatorial nominee, DANIEL M. GLUCK, and the disregard for diversity on the Intermediate Court of Appeals.

I am a Filipina – a Filipino American woman. I am one of the first in my family to become an attorney. I am a Deputy Public Defender.

Filipinos represent nearly 20% of Hawaii's population; and yet, there are no Filipino judges in the eleven (11) positions at the appellate level, in neither the ICA nor the Hawaii State Supreme Court. In fact, it has been over 10-years since a Filipino has occupied a spot at the appellate level. Also, has a Filipina ever held a judicial seat at the appellate level?

I believe that the Intermediate Court of Appeals should reflect the diversity in Hawaii's community. Upon looking at the lack of experience of Mr. Gluck to the rest of the ICA candidates, particularly those of color and female with much more experience, the choice of Governor Ige to nominate Mr. Gluck is disheartening.

As such, I encourage this Committee to vote for greater diversity on Hawaii's bench.

Sincerely,

Merlinda Garma



**GM-1**

Submitted on: 7/26/2021 10:59:35 AM

Testimony for JDC on 7/27/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Becky Gardner	Individual	Support	No

Comments: July 26, 2021 Re: Recommendation of ICA Judicial Nominee “ Daniel Gluck. I am writing to express my strong support for Daniel Gluck nominee, for a judicial vacancy on the Hawaii’s State Intermediate Court of Appeals. I know his nomination raises concerns among many groups and individuals seeking to diversify our bench, including many organizations to which I am an active leader and participant of. However, I think it’s important that I share with this committee my utmost faith in Mr. Gluck, to carry out and interpret the letter of the law, while appreciating the unseen contexts and conditions that may be at play. I am fully confident in his commitment to achieve the most just result for the parties in an appellate litigation, as well as full cognizance of what his jurisprudence will mean for Hawaii as a whole. Daniel Gluck is exceptional. He is honest, astute, earnest, fair, deliberative, even-tempered, clear-thinking, and highly academic. He is an extremely skilled writer and communicator and I truly feel like he could be one of Hawaii’s most prolific, and ground-breaking jurists. Nevertheless, I agree and support all the pleas for greater diversity and lived experience “ including courtroom experience - that Mr. Gluck’s nomination has engendered. However, I do want to comment that so much of Mr. Gluck’s ethic and instincts come from many years clerking within the Judicial branch, (where I met him in 2005 as a Judicial extern, and upon learning we shared the same undergraduate alma mater, we quickly became warm friends) as well as many years leading the state’s head organization to resolve disputes of our ethics code. While trial court experience is irreplaceable, Mr. Gluck brings with him a very unique and specialized perspective “ hatched with multiple judicial mentors; and complemented with leadership and management skills in diverse subject matter. I think it’s also important to note that Dan is one of the most doting, committed fathers and partners and I know. His love and devotion to his family, his support for his partner, and how he can skillfully weave his personal life into his perpetual awareness of the historical injustices, that continue to bleed into Hawaii’s present, reflects values and principles that are wholly consistent with the Aloha Spirit. Notwithstanding my support of Mr. Gluck, I do wish to highlight that of Ige’s appointments during his second term, 73% have gone to men, and 82% to white or AJA nominees. This really is something that needs to improve. When our judiciary accurately reflects our population, the public confidence in our courts improve. Conviction rates will likely shift. And a new sort of restorative justice can take shape. I sincerely hope to see a far more diverse bench in the future “ taking into full account the concerns expressed during this nomination process. Thank you for the opportunity to provide these comments.

## Recommendation for Daniel Gluck

Justin Guy <justinjguy1@gmail.com>

Sun 7/25/2021 2:56 AM

To: JDC Committee <JDCCommittee@capitol.hawaii.gov>

Hi,

My name is Justin Guy and Im writing this to support Dan Gluck for Associate Judge.

I know Dan from about 7 years ago when he worked at the ACLU Hawaii. During that time I was experiencing homelessness and constantly being illegally harassed by the local police. I contacted Dan and explained the situation. Dan was one of the most professional people I have ever worked with. He was always prepared and knew exactly what he was doing. The amount of work he put into that case was amazing because it required so little work from myself. I only had to explain anything once to him and he would take care of it. In the end we (mainly Dan and his partner) were able to change some laws and right the wrongs being perpetrated against the homeless community.

Throughout working with Dan, I always sensed his love for his work. This was evident in his care about every small detail, from my situation and his. He never wanted any outcome other than the just one. Additionally, his compassion and understanding of my homeless situation was commendable.

Dan is a true professional in his field and I fully recommend him. I know you will not regret choosing him.

Sincerely,

Justin Guy

## Testimony Opposing GM 1: Nominating Daniel M. Gluck to Hawai'i's Intermediate Court of Appeals

puni lipe <punihei@gmail.com>

Sun 7/25/2021 10:42 PM

To: JDC Committee <JDCCCommittee@capitol.hawaii.gov>; Sen. Jarrett Keohokalole <senkeohokalole@capitol.hawaii.gov>

Dear Chair Rhoads, Vice Chair Keohokalole, and Honorable Members of the Senate Committee on Judiciary:

My name is Punihei Lipe and I am testifying today in strong opposition to the nomination of Daniel M. Gluck to Hawai'i's Intermediate Court of Appeals (ICA) for a term of ten years.

Our courts must reflect Hawai'i's diverse communities and cultures. There are currently ZERO Native Hawaiians, Filipino Americans, African Americans, or Pacific Islanders on Hawai'i's two highest courts. Governor Ige overlooked more qualified people of color and has put forward the least qualified nominee, who also happens to be a white male.

Please embrace your important and independent role and reject this nomination. Let Governor Ige's biases be his own and show our community that diversity matters and will start here, with your committee. We call upon you to be part of the solution, instead of rubber-stamping systems and practices that have not benefited everyone equally.

Please vote today to oppose this nomination and ask Governor Ige to pick someone else from the ICA short list.

Thank you for your time and consideration.

## We deserve the most qualified applicant to serve on the ICA, NOT Daniel Gluck

Frances Salvato <st.fjames@gmail.com>

Mon 7/26/2021 4:54 AM

To: JDC Committee <JDCCCommittee@capitol.hawaii.gov>

There are NO Hawaiian judges on the Intermediate Court of Appeals or the Hawai'i Supreme Court. Daniel Gluck is the least qualified nominee of the six submitted to the Governor. We are collectively deprived of so much without the experience, perspective, and 'ike Kūpuna that 'Ōiwi bring with them to the courts. By far, the most qualified applicant was a Hawaiian woman, Summer Kupau-Odo. We deserve the most qualified applicant to serve on the ICA. Please reject the Governor's pick and support the selection of Summer Kupau-Odo or any of the other Hawaiian female nominees with greater experience. Give Hawaiian women a seat at the table!

Sincerely,

Frances Salvato  
Pukalani, Hawaii

Sent from [Mail](#) for Windows 10

## Testimony on GM1

Brandon Makaawaawa <bird.bran07@gmail.com>

Mon 7/26/2021 7:29 AM

To: JDC Committee <JDCCommittee@capitol.hawaii.gov>

Aloha Senate Committee on Judiciary,

Mahalo for this opportunity to testify on GM1. I oppose the governor's nomination of Daniel Gluck to the Intermediate Court of Appeals and ask that you vote to recommend disapproval.

I also urge Governor Ige to withdraw his name from this process and nominate the most qualified applicant.

Mahalo!

Brandon Maka'awa'awa

Senate District 25

## GM1 OPPOSE the governor's nomination

Debra Kaiwi <xhaled2000@hotmail.com>

Mon 7/26/2021 7:39 AM

To: JDC Committee <JDCCCommittee@capitol.hawaii.gov>

July 26, 2021

Aloha Senate Committee on Judiciary,

Mahalo for this opportunity to testify on GM1. I OPPOSE the governor's nomination of Daniel Gluck to the Intermediate Court of Appeals and ask that you vote to recommend disapproval.

I also urge Governor Ige to withdraw his name from this process and nominate the most qualified applicant, like Lance Colins.

Mahalo!

Debra Kaiwi

District 9

Sent from my iPhone

## GM1 Testimony

Kalani Kalima <kuaaina96795@gmail.com>

Mon 7/26/2021 7:46 AM

To: JDC Committee <JDCCommittee@capitol.hawaii.gov>

Aloha Senate Committee on Judiciary,

Mahalo nui for this opportunity to testify on GM1. I oppose the Governor's nomination of Daniel Gluck to the Intermediate Court of Appeals and ask that you vote to remove him from consideration.

I also urge Governor Ige to withdraw his name from this process and to nominate the most qualified applicant.

Me ke kūpa'a,  
Kalani Kalima  
Kapua, Waimānalo

## GM.1

cody nemet <kokoroots@gmail.com>

Mon 7/26/2021 7:46 AM

To: JDC Committee <JDCCCommittee@capitol.hawaii.gov>

Aloha Senate Committee on Judiciary,

Mahalo for this opportunity to testify on GM1. I, Cody Nemet, oppose the governor's nomination of Daniel Gluck to the Intermediate Court of Appeals and ask that you vote to recommend disapproval.

I also urge Governor Ige to withdraw his name from this process and nominate the most qualified applicant.

Mahalo! Cody Nemet, Kihei district.



## Oppose Appointment of Gluck GM1

Alex Miller <ajmiller93@gmail.com>

Mon 7/26/2021 8:41 AM

To: JDC Committee <JDCCommittee@capitol.hawaii.gov>

Aloha Senate Committee on Judiciary,

Mahalo for this opportunity to testify on GM1. I oppose the governor's nomination of Daniel Gluck to the Intermediate Court of Appeals and ask that you vote to recommend disapproval.

I also urge Governor Ige to withdraw his name from this process and nominate the most qualified applicant.

Mahalo!  
Alex Miller  
Mō'ili'ili

## GM1 - Nomination of Daniel Gluck

Mahinamalamalama Poepoe <mahinal@hawaii.edu>

Mon 7/26/2021 8:58 AM

To: JDC Committee <JDCCommittee@capitol.hawaii.gov>

Aloha Senate Committee on Judiciary,

Mahalo for this opportunity to testify on GM1. I oppose the governor's nomination of Daniel Gluck to the Intermediate Court of Appeals and ask that you vote to recommend disapproval.

I also urge Governor Ige to withdraw his name from this process and nominate the most qualified applicant.

Mahalo!

Mahina Poepoe

Molokai

**GM1**

**Tiare Lawrence <tiare4maui@gmail.com>**

Mon 7/26/2021 9:00 AM

To: JDC Committee <JDCCommittee@capitol.hawaii.gov>

Aloha Senate Committee on Judiciary,

Mahalo for this opportunity to testify on GM1. I oppose the governor's nomination of Daniel Gluck to the Intermediate Court of Appeals and ask that you vote to recommend disapproval.

I also urge Governor Ige to withdraw his name from this process and nominate the most qualified applicant.

Mahalo!

Tiare Lawrence

Maui

## Disapprove Daniel Gluck

Lani Eckart-Dodd <lanilehua@gmail.com>

Mon 7/26/2021 8:03 AM

To: JDC Committee <JDCCommittee@capitol.hawaii.gov>

Aloha Senate Committee on Judiciary,

Mahalo for this opportunity to testify on GM1. I oppose the governor's nomination of Daniel Gluck to the Intermediate Court of Appeals and ask that you vote to recommend disapproval.

I also urge Governor Ige to withdraw his name from this process and nominate the most qualified applicant.

Mahalo,  
Lani Eckart-Dodd  
Wailuku, Maui

## Testimony: Judiciary GM1

Michelei Kahae <micheleik@yahoo.com>

Mon 7/26/2021 8:22 AM

To: JDC Committee <JDCCommittee@capitol.hawaii.gov>

Aloha Senate Committee on Judiciary,

Mahalo for this opportunity to testify on GM1. I oppose the governor's nomination of Daniel Gluck to the Intermediate Court of Appeals and ask that you vote to recommend disapproval.

It saddens me, we live in Hawaii where the Hawaiian culture is our foundation, and the judiciary doesn't have Hawaiian representation?! In addition, the judiciary should also reflect our diversity. There are candidates with Hawaiian ancestry who's qualifications and experience out number the Governor's nomination.

I also urge Governor Ige to withdraw his name from this process and nominate the most qualified applicant.

Mahalo!  
Michelei Tancayo  
Lahaina

Sent from my iPhone

(No subject)

Jeff KS <jdks972@gmail.com>

Mon 7/26/2021 8:32 AM

To: JDC Committee <JDCCommittee@capitol.hawaii.gov>

Aloha Senate Committee on Judiciary,

Mahalo for this opportunity to testify on GM1. I oppose the governor's nomination of Daniel Gluck to the Intermediate Court of Appeals and ask that you vote to recommend disapproval.

I also urge Governor Ige to withdraw his name from this process and nominate the most qualified applicant.

Mahalo!

Jeff Kekauoha-Schultz

Wailuku, Maui

## Gluck

K. 'Ilima Long <setolong@gmail.com>

Mon 7/26/2021 8:33 AM

To: JDC Committee <JDCCommittee@capitol.hawaii.gov>

Aloha Senate Committee on Judiciary,

Mahalo for this opportunity to testify on GM1. I oppose the governor's nomination of Daniel Gluck to the Intermediate Court of Appeals and ask that you vote to recommend disapproval.

I also urge Governor Ige to withdraw his name from this process and nominate the most qualified applicant.

Mahalo,  
Kerry Long  
Mō'ili'ili

## Oppose GM1

Makena Fernandez <makenaf84@gmail.com>

Mon 7/26/2021 8:33 AM

To: JDC Committee <JDCCommittee@capitol.hawaii.gov>

Aloha Senate Committee on Judiciary,

Mahalo for this opportunity to testify on GM1. I oppose the governor's nomination of Daniel Gluck to the Intermediate Court of Appeals and ask that you vote to recommend disapproval.

I also urge Governor Ige to withdraw his name from this process and nominate the most qualified applicant.

Mahalo!

Makena Fernandez

Molokai



(No subject)

Ki'inaniokalani Kaho'ohanohano <hokulani23@hotmail.com>

Mon 7/26/2021 9:04 AM

To: JDC Committee <JDCCommittee@capitol.hawaii.gov>

Aloha Senate Committee on Judiciary,

Mahalo for this opportunity to testify on GM1. I oppose the governor's nomination of Daniel Gluck to the Intermediate Court of Appeals and ask that you vote to recommend disapproval. It is imperative that we have representation of Kanaka maoli here IN our own homelands and that should be a priority! We also need a women's perspective in the these spaces as we have almost no Women in these positions, therefore, little representation and voice for issues related to our life experience as women, especially of color, mothers, aunties, grandmothers. We are the glue of our families, and communities and it is crucial that our voices and concerns are heard and addressed. We understand that Mr. Gluck is an honorable white man, but we need diversity and the MOST qualified individual for this position. Mahalo for the opportunity to hopefully be heard, I stand with many in this same perspective and we are praying for balance, and healing in these systems.

I also urge Governor Ige to withdraw his name from this process and nominate the most qualified applicant.

Mahalo!

Ki'i Kaho'ohanohano

Kahakuloa/Wailuku, Maui

Pacific Birth Collective Board Member

Committee on the Status of Women Maui County Board Member

Na Wahine a Kauhiakama

JDCCommittee@capitol.hawaii.gov

## Disapproval

Ka'apuni Aiwahi <puniaiwohi@gmail.com>

Mon 7/26/2021 9:11 AM

To: JDC Committee <JDCCommittee@capitol.hawaii.gov>

Aloha Senate Committee on Judiciary,

Mahalo for this opportunity to testify on GM1. I oppose the governor's nomination of Daniel Gluck to the Intermediate Court of Appeals and ask that you vote to recommend disapproval.

I also urge Governor Ige to withdraw his name from this process and nominate the most qualified applicant.

This seems like a very forward decision to give the job to the most qualified candidate but instead regular people need to leave their day to day lives to ensure that justice is filled at every level.

Mahalo!

Ka'apuni Aiwahi

Wailuku, Maui

GM1

Shelly Stevens <shellsurfmaui@gmail.com>

Mon 7/26/2021 9:14 AM

To: JDC Committee <JDCCommittee@capitol.hawaii.gov>

Aloha kākou Senators!

I am opposed to the Governor's choice of the least qualified nominee, Daniel Gluck, for the Intermediate Court of Appeals. I'm asking that you please vote disapproval as there are many other extremely well qualified applicants to select from.

Mahalo for your consideration of this!

Shelly Stevens  
Haiku, Maui, HI  
District 13

## Please disapprove the governor's nomination of Daniel Gluck

sdd8978@gmail.com <sdd8978@gmail.com>

Mon 7/26/2021 9:19 AM

To: JDC Committee <JDCCommittee@capitol.hawaii.gov>

Aloha Senate Committee on Judiciary,

Mahalo for this opportunity to testify on GM1.

I oppose the governor's nomination of Daniel Gluck to the Intermediate Court of Appeals and ask that you vote to recommend disapproval.

I also urge Governor Ige to withdraw his name from this process and nominate the most qualified applicant.

Mahalo a nui,  
Sarah Freistat Pajimola  
Wailuku, Maui, Hawai'i

GM1

Mele McPherson <melemac3@gmail.com>

Mon 7/26/2021 9:21 AM

To: JDC Committee <JDCCCommittee@capitol.hawaii.gov>

Aloha Senate Committee on Judiciary,

Mahalo for this opportunity to testify on GM1.

I oppose the governor's nomination of Daniel Gluck to the Intermediate Court of Appeals and ask that you vote to recommend disapproval.

I also urge Governor Ige to withdraw his name from this process and nominate the most qualified applicant.

In this day and age, its time for a change of guard from the good 'ole "boys" club. Its time to start rewarding, honoring and giving due opportunities to the deserving candidate.

**She deserves it. We deserve it. Do the right thing.**

Mahalo,  
Mele McPherson  
Kawaihae, Hawai'i

## GM1

Jennifer Noelani Ahia <jennahia@yahoo.com>

Mon 7/26/2021 9:34 AM

To: JDC Committee <JDCCommittee@capitol.hawaii.gov>

Aloha Senate Committee on Judiciary,

Mahalo for this opportunity to testify on GM1. I oppose the governor's nomination of Daniel Gluck to the Intermediate Court of Appeals and ask that you vote to recommend disapproval.

I also urge Governor Ige to withdraw his name from this process and nominate the most qualified applicant.

Mahalo!

Noelani Ahia

Wailuku, Maui

**IDC NOMINATION - DANIEL GLUCK****Rita Medina <Rita.Medina@usw.salvationarmy.org>**

Mon 7/26/2021 9:37 AM

To: JDC Committee &lt;JDCCommittee@capitol.hawaii.gov&gt;

Aloha Senate Committee on Judiciary,

Mahalo for this opportunity to testify on GM1. I oppose the governor's nomination of Daniel Gluck to the Intermediate Court of Appeals and ask that you vote to recommend disapproval. I also urge Governor Ige to withdraw his name from this process and nominate the most qualified applicant.

My concern is that there are other candidates with much more case history experience and stronger Hawaii based backgrounds than Mr. Gluck. Please ser

Mahalo!

Rita Lei Medina  
Lahaina District**RITA LEI MEDINA***Family Services & Administrative Assistant  
Lahaina Lighthouse Corps*

The Salvation Army – Hawaiian and Pacific Islands Division  
131 Shaw Street, Lahaina, Hawai'i 96761  
p:808.661-5335 X4 f:808.661-8088  
[hawaii.salvationarmy.org](http://hawaii.salvationarmy.org)  
[Blog](#) | [Facebook](#) | [Twitter](#) | [Instagram](#)

We're providing food, supplies, emergency assistance and other services for those in need amid the COVID-19 Pandemic. [Make a donation or find other ways to send help at hawaii.salvationarmy.org.](#)

## Oppose GM1

Liko Wallace <likowallace@ymail.com>

Mon 7/26/2021 9:47 AM

To: JDC Committee <JDCCommittee@capitol.hawaii.gov>

Aloha Senate Committee on Judiciary,

Mahalo for this opportunity to testify on GM1. I oppose the governor's nomination of Daniel Gluck to the Intermediate Court of Appeals and ask that you vote to recommend disapproval.

I also urge Governor Ige to withdraw his name from this process and nominate the most qualified applicant.

Mahalo!

Faye L. Wallace  
Senate District 7



## Oppose GM1

pj\_paleka <pj\_paleka@yahoo.com>

Mon 7/26/2021 9:47 AM

To: JDC Committee <JDCCommittee@capitol.hawaii.gov>

Aloha Senate Committee on Judiciary,

Mahalo for this opportunity to testify on GM1. I oppose the governor's nomination of Daniel Gluck to the Intermediate Court of Appeals and ask that you vote to recommend disapproval.

I also urge Governor Ige to withdraw his name from this process and nominate the most qualified applicant.

Mahalo!

Paulie Jean A Paleka-Ku

Molokai

Sent from my Verizon, Samsung Galaxy smartphone

## GM1 - Nomination of Daniel Gulick

Lori Buchanan <molokailori@gmail.com>

Mon 7/26/2021 9:55 AM

To: JDC Committee <JDCCommittee@capitol.hawaii.gov>

Cc: Lori Buchanan <molokailori@gmail.com>

Aloha Senate Committee on Judiciary,

Mahalo for this opportunity to testify on GM1. I **OPPOSE** the governor's nomination of Daniel Gluck to the Intermediate Court of Appeals and ask that you vote to recommend disapproval.

I also urge Governor Ige to withdraw his name from this process and nominate the most qualified applicant.

Nominating a candidate that is obviously less qualified than other qualified candidates is unacceptable and disrespectful to the pool of very qualified candidates and will not serve the people of Hawaii well.

Mahalo!

Lori Buchanan

Molokai

## Court of appeals nominee

Rudy <keaurudy@gmail.com>

Mon 7/26/2021 9:58 AM

To: JDC Committee <JDCCommittee@capitol.hawaii.gov>

Aloha Senate Committee on Judiciary,

Mahalo for this opportunity to testify on GM1. I oppose the governor's nomination of Daniel Gluck to the Intermediate Court of Appeals and ask that you vote to recommend disapproval.

I also urge Governor Ige to withdraw his name from this process and nominate the most qualified applicant.

Mahalo!  
Rudy Kok  
Keaau, Hawaii.

Sent from my iPad

## Testify on GM1

Duke Au Hoon <konks@att.net>

Mon 7/26/2021 10:08 AM

To: JDC Committee <JDCCommittee@capitol.hawaii.gov>

Aloha Senate Committee on Judiciary,

Mahalo for this opportunity to testify on GM1. I oppose the governor's nomination of Daniel Gluck to the Intermediate Court of Appeals and ask that you vote to recommend disapproval.

I also urge Governor Ige to withdraw his name from this process and nominate the most qualified applicant. It's obvious that he hates Hawaiians and he doesn't like women. Showing a little racism!!!

Aloha & Mahalo (District 5)

### **Duke H Au Hoon**

Co-Owner Rachaelrayartcollection LLC.- U'i Gallery

# Makau Lures & Hakuole Designs



---

**From:** Jonee Peters <jp@conservehi.org>  
**Sent:** Monday, July 26, 2021 9:59 AM  
**To:** Sen. Jarrett Keohokalole <senkeohokalole@capitol.hawaii.gov>  
**Subject:** Gluck ICA nomination

Aloha Senator Keohokalole,

I oppose to the selection of Daniel Gluck as Judge to the Intermediate Court of Appeals. A disservice has been done with Governor Ige's selection. There are other candidates that have more years of experience and more cases than Mr. Gluck.

It is also a travesty that in Hawai'i that we do not have a judge of Hawaiian descent, but also none of any other race.

I would like to see someone with more experience and of color as the new ICA judge.

Mahalo for your time and consideration.

Jonnetta Kaina Peters

## GM1- Testimony

**gbraylin@aol.com <gbraylin@aol.com>**

Mon 7/26/2021 10:16 AM

To: JDC Committee <JDCCommittee@capitol.hawaii.gov>

Aloha Senate Committee on Judiciary,

Mahalo for this opportunity to testify on GM1. I oppose the governor's nomination of Daniel Gluck to the Intermediate Court of Appeals and ask that you vote to recommend disapproval.

I also urge Governor Ige to withdraw his name from this process and nominate the most qualified applicant.

Mahalo!

Gordon Lindsey  
Aiea, Oahu

## Oppose GM1 Nomination of Daniel Gluck

gregory kahn <geekahn@gmail.com>

Mon 7/26/2021 10:22 AM

To: JDC Committee <JDCCCommittee@capitol.hawaii.gov>

I oppose the Governor's nomination of Daniel Gluck to the Intermediate Court of Appeals and ask that you vote to recommend disapproval.

Mahalo,  
Gregory Kahn  
Molokai  
Senate District 7

## Testimony: GM1, nomination of Daniel Gluck to ICA

Laakea Poepoe <poepoe@hawaii.edu>

Mon 7/26/2021 10:39 AM

To: JDC Committee <JDCCCommittee@capitol.hawaii.gov>

Aloha Senate Committee on Judiciary,

Mahalo for this opportunity to testify on GM1. I oppose the governor's nomination of Daniel Gluck to the Intermediate Court of Appeals and ask that you vote to recommend disapproval.

I also urge Governor Ige to withdraw his name from this process and nominate the most qualified applicant.

Mahalo!

La'akea Poepoe

Molokai



## Nomination for

Lisa Darcy <lisa@shareyourmana.org>

Mon 7/26/2021 10:44 AM

To: JDC Committee <JDCCommittee@capitol.hawaii.gov>

Aloha Elected Hawai'i Representatives,

There are NO Hawaiian judges on the Intermediate Court Appeals or the Hawai'i Supreme Court. The most qualified applicant was a Hawaiian woman, Summer Kupau-Odo. We deserve the most qualified applicant to serve on the ICA.

Mahalo for your attention to this matter,  
Lisa Seikai Darcy  
Maui County resident

## Please Nominate the Most Qualified - Respect Diversity

Christopher Fritzius <christopher.fritzius@icloud.com>

Mon 7/26/2021 10:45 AM

To: JDC Committee <JDCCommittee@capitol.hawaii.gov>

Aloha Senate Committee on Judiciary,

Mahalo for this opportunity to testify on GM1. I oppose the governor's nomination of Daniel Gluck to the Intermediate Court of Appeals and ask that you vote to recommend disapproval.

I also urge Governor Ige to withdraw his name from this process and nominate the most qualified applicant.

Mahalo!

Christopher Fritzius

Makawao, Maui

**From:** Rosie Alegado <A>  
**Sent:** Monday, July 26, 2021 10:40 AM  
**To:** Sen. Jarrett Keohokalole <senkeohokalole@capitol.hawaii.gov>  
**Subject:** Opposition to GM 1

**HEARING OF THE SENATE COMMITTEE ON JUDICIARY  
ATTN: CHAIR KARL RHOADS & VICE CHAIR JARRETT KEOHOKALOLE**

**Testimony Opposing GM 1  
Nominating Daniel M. Gluck to Hawai'i's Intermediate Court of Appeals**

**July 27, 2021, 11:00 a.m.  
Via Videoconference**

Dear Chair Rhoads, Vice Chair Keohokalole, and Honorable Members of the Senate Committee on Judiciary:

My name is Rosie Alegado, and I am submitting testimony in strong opposition to the nomination of Daniel M. Gluck to Hawai'i's Intermediate Court of Appeals (ICA) for a term of ten years.

Our courts must reflect Hawai'i's diverse communities and cultures. There are currently ZERO Native Hawaiians, Filipino Americans, African Americans, or Pacific Islanders on Hawai'i's two highest courts. Governor Ige overlooked more qualified people of color and has put forward the least qualified nominee, who also happens to be a white male.

Please embrace your important and independent role and reject this nomination. Let Governor Ige's biases be his own and show our community that diversity matters and will start here, with your

committee. We call upon you to be part of the solution, instead of rubber-stamping systems and practices that have not benefited everyone equally.

Please vote today to oppose this nomination and ask Governor Ige to pick someone else from the ICA short list.

Ke aloha nui,  
Rosie

Thank you for your time and consideration. Sent from my iPhone

Testimony of Noelani Goodyear-Ka'ōpua, submitted July 26, 2021

Re: Intermediate Court of Appeals (ICA) Judicial Nomination and Confirmation.

Aloha honorable Senators,

**I write to ask you to vote no on confirming Governor Ige's appointment of Daniel Gluck to the vacancy on the Intermediate Court of Appeals (ICA).**

I do not question Mr. Gluck's integrity. What I ask you to seriously consider, however, is his experience compared with the other candidates. And I ask you to consider this appointment in the context of glaring inequalities in the composition of the highest and second highest courts in Hawai'i.

In terms of experience, Mr. Gluck has the least trial experience of all the six candidates on the list. I work in education, not in law. But I have been on the hiring side of many job searches. As an employer, we'd always consider and compare the experience of top candidates. One has to compare Mr. Gluck's experience against the highly-qualified candidates who are being overlooked. The difference in experience is not small. Two of the other candidates have more than 26 times the number of cases under their belts than Mr. Gluck. In selecting a candidate with about a dozen trials under his belt, you are overlooking three female candidates who have 368, 348, and 200 cases under their belts respectively. How can you rationalize this? In my line of work, this would be immediate grounds for an equal employment lawsuit.

I urge you to consider this individual appointment in the large context of a Hawai'i judiciary that is severely lacking diversity in the highest courts. There are no Hawaiian, Filipino, Pacific Islander, or Black judges at the Hawai'i Supreme Court or Intermediate Court of Appeals. It has been 20 years since there has been a Native Hawaiian justice on the Supreme Court and 30 years since a Kanaka Maoli nominee has been appointed to the ICA. This is not justice. When major segments of Hawai'i's population are not represented in the highest courts, that can only be described as institutional racism. Consider too that Gov. Ige's judiciary appointments, in his first and second terms, have been 71% male and 71% white or Japanese. In order to end institutional racism, people in positions of authority must consciously work against historically-rooted patterns of inequality. Decision-makers must become aware of the scientifically-proven phenomenon of implicit bias, and they must work to awaken to their own implicit biases. If you are not yet concerned about the context of racial and gender inequality in the judiciary, you should be.

I hope that your deliberations will not just focus on Mr. Gluck, but rather on the list of possible options. By centering the one white man on the list, and asking only whether or not he is qualified, or is a decent person, or demonstrates integrity, you would be excluding and marginalizing the other five extremely qualified candidates. You must ask whether these candidates are *more* qualified. If you overlook more qualified candidates of color, more qualified candidates who are women, because you are only looking at Mr. Gluck, then you are perpetuating institutional racism and sexism. If, on the other hand, you can consider the full list of options and the larger social context, then you have an opportunity to work toward justice.

Mahalo for your time and consideration,  
Dr. Noelani Goodyear-Ka'ōpua

## Opposition to GM1

Shane M. Sinenci <Shane.Sinenci@mauicounty.us>

Mon 7/26/2021 10:49 AM

To: JDC Committee <JDCCCommittee@capitol.hawaii.gov>

Aloha Nui Senate Committee and Judiciary,

Mahalo for this opportunity to testify on GM1. I strongly oppose the governor's nomination of Mr. Daniel Gluck to the Intermediate Court of Appeals for the following reasons, *"there was a list of six candidates including three Hawaiian women and one Filipino community member, but the Governor picked the only white male on the list, who also had the least experience practicing law before our courts. According to the Judiciary's eCourt Kōkua website, Gluck's name appears on the pleadings in only 13 state court cases, including 8 appellate cases before the ICA or Hawai'i Supreme Court. He has fewer cases in federal district court, about 5, and in most of those he is listed on the pleadings, but he relied on outside firm co-counsel for help. By comparison, most of the other ICA candidates have handled hundreds of cases. Currently, there are no Hawaiians, Filipinos, Blacks, or Pacific Islanders on the appeals courts. It's been decades since there's been any judge of Native Hawaiian descent on Hawai'i's highest courts – about 30 years for the ICA and more than 20 for the Supreme Court. We haven't had a Native Hawaiian woman on the Hawai'i Supreme Court since Kekāuluohi. Meanwhile, with Gluck, a majority of ICA judges would be white. The appellate courts have been vital for Native Hawaiians on a range of issues, from water and traditional and customary rights to issues around Hawaiian Homes or funding for the Office of Hawaiian Affairs. At the ICA level, we need judges who can hit the ground running – not folks with fewer cases than someone who is a year or two out of law school. Why should Hawaii residents settle for someone with so little experience, when we have others with significantly more experience on the ICA short list? For Kānaka and all cultural residents and our allies, other names on the short list include those who have lived our culture, worked with our communities, and gained knowledge and experience in natural and cultural resource management and Native Hawaiian rights".*

For these reasons, I strongly ask that you deny this appointment to the Intermediate Court of Appeals. Mahalo nui loa for your consideration of this testimony.

Sincerely,

Shane M. Sinenci

Maui County Council  
Agriculture and Public Trust Committee



**From:** Sybil Lopez <lopezs808@gmail.com>

**Sent:** Monday, July 26, 2021 10:56 AM

**To:** Sen. Karl Rhoads <SenRhoads@capitol.hawaii.gov>; Sen. Jarrett Keohokalole <senkeohokalole@capitol.hawaii.gov>; Sen. Lynn DeCoite <sendecoite@capitol.hawaii.gov>

**Subject:** Opposition to GM1

Aloha Chair Rhoads, Vice Chair Keohokalole, Senator DeCoite, and Honorable Members of the Senate Committee on Judiciary:

My name is Sybil K. Lopez and I am testifying today in strong OPPOSITION to the nomination of Daniel M. Gluck to Hawai'i's Intermediate Court of Appeals (ICA) for a term of ten years.

As a Native Hawaiian, I take particular interest in this nomination as it will have significant ramifications on our judiciary and the availability of justice in my community. The current nominee simply does not meet the minimum qualifications that we expect from ICA judges.

Because very few appeals go directly to the Hawai'i Supreme Court, the ICA is our workhorse and hears nearly all appeals from trial courts and administrative agencies from Kaua'i to the Big Island. We have only six judges who sit in panels of three. So, we need those judges to be able to hit the ground running and understand the real-world impacts of their rulings that affect not only the legal practice, but people's lives and communities' ways of life across the pae 'āina. That requires a basic level of practice experience that this nominee lacks.

Native Hawaiian issues are often in the appellate courts, and we need judges with actual practice experience, as well as lived experience that represents the diversity of Hawai'i's people and culture. This nominee simply doesn't have that. Our culture and practices are at stake, and this is too important to roll the dice on.

Please embrace your important and independent role and reject this nomination.

Mahalo for your time and consideration.

Sybil K. Lopez

## TESTIMONY on GM1

Jordan <jhocker07@gmail.com>

Mon 7/26/2021 11:00 AM

To: JDC Committee <JDCCommittee@capitol.hawaii.gov>

Aloha Senate Committee on Judiciary,

Mahalo for this opportunity to testify on GM1. I oppose the governor's nomination of Daniel Gluck to the Intermediate Court of Appeals and ask that you vote to recommend disapproval.

I also urge Governor Ige to withdraw his name from this process and nominate the most qualified applicant.

Mahalo!

Jordan Hocker  
Kula, Maui





## UNITED STATES DISTRICT COURT

J. MICHAEL SEABRIGHT  
CHIEF UNITED STATES DISTRICT JUDGE

DISTRICT OF HAWAII  
300 ALA MOANA BOULEVARD, C-409  
HONOLULU, HAWAII 96850-0409

TELEPHONE  
(808) 541-1804

July 26, 2021

The Honorable Karl Rhoads  
Chair, Committee on Judiciary  
State of Hawaii Senate  
State Capitol  
Honolulu, HI 96813

Re: Daniel Gluck

Dear Senator Rhoads:

I have been asked to submit comments regarding Daniel Gluck's nomination as an Associate Judge of the Intermediate Court of Appeals. Without any hesitation or reservation, I support Dan's nomination and recommend confirmation.

Dan served as my first law clerk from 2005 to 2006. During that time, I worked closely with Dan and learned about Dan as a lawyer and a person. Since that time, I have carefully followed Dan's career and observed him as a litigator in federal court.

Based on my professional relationship with Dan, I can attest that he possesses that unique combination of traits that is required of a thoughtful and successful appellate judge—clarity of thought, intelligence, a deep-seated sense of fairness, integrity, and an unquestionable work ethic. When Dan served as my law clerk, I was able to see firsthand—and on a daily basis—Dan's exceptional intelligence and analytical skills, his care for others, and his commitment and dedication to the law.

I am aware that an ICA judge handles an extremely heavy caseload, often requiring the judges to rule expeditiously but fairly and as the law requires. Without doubt, Dan can do this—his analytical skills and writing are beyond question and among the finest of any lawyer that I know. Dan will never substitute fairness for speed, but I believe that his

The Honorable Karl Rhoads

Page Two

July 26, 2021

skillset will permit Dan to handle the ICA's caseload demands while maintaining the highest level of professionalism.

Dan's professional background includes experience that has prepared him well to serve as an appellate judge. His time at the American Civil Liberties Union and Hawaii State Ethics Commission has provided Dan with a keen insight into the workings of the three branches of government and the interplay between the branches. If confirmed, as a member of the third branch I am sure that Dan would well understand the limitations of the judiciary. Moreover, Dan's broad legal experience—including not only litigation but also administration and legislation—gives him a unique perspective that would enrich the judiciary.

I also know that Dan cares deeply—very deeply—about the well-being and future of our State. While with the ACLU, Dan advocated for the most marginalized individuals in our community, offering them a voice, and more importantly, hope. The ACLU brought many of these cases in federal court, and I was able to observe first-hand Dan's full commitment to his clients. Dan cares deeply about access to justice for all, and I am sure that, if confirmed, he will work tirelessly as a judge to ensure that all members of our community have equal access to the courts.

Dan is also one of the most pleasant individuals that I know. He always treats those around him, whether opposing counsel or court staff, with respect and dignity. I am confident that if confirmed he would bring this positive attitude to the ICA and the judiciary.

Thank you for providing me the opportunity to offer my support for Dan's confirmation.

Very truly yours,



J. Michael Seabright

Chief United States District Judge

## Testimony opposing GM1 ICA appointment in Senate Judiciary on 072721

Mavis I. Medeiros <Mavis.Medeiros@mauicounty.us>

Mon 7/26/2021 11:00 AM

To: JDC Committee <JDCCommittee@capitol.hawaii.gov>

Aloha Senate Committee on Judiciary,

My name is Mavis Oliveira-Medeiros and I am testifying today in strong opposition to the nomination of Daniel M. Gluck to Hawai'i's Intermediate Court of Appeals (ICA) for a term of ten years.

As a Native Hawaiian, I take particular interest in this nomination as it will have significant ramifications on our judiciary and the availability of justice in our communities. The current nominee simply does not meet even the minimum qualifications.

Because very few appeals go directly to the Hawai'i Supreme Court, the ICA is our workhorse and hears nearly all appeals from trial courts and administrative agencies from Kaua'i to the Big Island. We have only six judges who sit in panels of three. So, we need those judges to be able to truly represent us and understand the real-world impacts of their rulings that affect not only the legal practice, but people's lives and communities' ways of life across the pae 'āina. That requires a basic level of practice experience that this nominee lacks.

Native Hawaiian issues are often in the appellate courts, and we need judges with actual practice experience, as well as lived experience that represents the diversity of Hawai'i's people and culture. Our culture and practices are at stake, and this is too important to us.

Please embrace your important and independent role and reject this nomination.

Mahalo for your time and consideration,

Mavis Oliveira-Medeiros  
(808)866-7409



## UNITED STATES DISTRICT COURT

CHAMBERS OF  
SUSAN OKI MOLLWAY  
DISTRICT JUDGE

DISTRICT OF HAWAII  
300 ALA MOANA BOULEVARD, C-300  
HONOLULU, HAWAII 96850-0300

TELEPHONE  
(808) 541-1720  
FACSIMILE  
(808) 541-1724

July 26, 2021

Senator Karl Rhoads, Chair of the Senate Committee on the Judiciary  
Senator Jarrett Keohokalole  
Senator Mike Gabbard  
Senator Chris Lee  
Senator Donna Mercado Kim  
Senator Kurt Fevella

Dear Senators:

I am writing in response to a request from Senator Sharon Moriwaki that federal judges familiar with Daniel Gluck's legal work share their impressions with the Senate Committee on the Judiciary before the Committee addresses Mr. Gluck's nomination to the Intermediate Court of Appeals.

I met Mr. Gluck many years ago, even before he became a law clerk to my colleague, now-Chief Judge J. Michael Seabright. After his clerkship, Mr. Gluck appeared before me in his capacity as a lawyer with the American Civil Liberties Union of Hawaii. I have checked court records and note that Mr. Gluck was counsel in eighteen cases filed in the United States District Court for the District of Hawaii. I presided over four of those cases. Two of the cases were particularly notable. In both cases, Mr. Gluck prevailed on motions before me, after which he was able to negotiate settlements.

In *Alviado v. Kimoto*, Civ. No. 12-00259, Mr. Gluck's clients challenged a rule imposed by the Hawaii Department of Public Safety requiring prisoners to obtain permission from DPS before marrying while incarcerated. Such permission was denied to the named plaintiffs. Although the case did not proceed to trial, I held an evidentiary hearing on a motion for preliminary injunction. This hearing was akin to a nonjury trial, and I issued findings of fact and conclusions of law, just as I would have in a nonjury trial. Mr. Gluck advocated very effectively for his clients throughout the life of the case, both in briefs and in hearings and conferences.

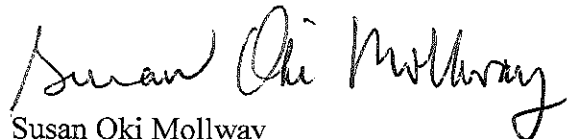
In *Guy v. County of Hawaii*, Civil No. 14-00400, Mr. Gluck's client challenged a County of Hawaii ordinance that the County relied on in trying to prevent the plaintiff from holding signs asking for donations. I granted a temporary restraining order, and the case subsequently settled. Again, Mr. Gluck's handling of the case was exemplary, intelligent, and ultimately successful.

Letter to Senators  
July 26, 2021,  
Page Two

If Mr. Gluck is confirmed to the ICA, I expect him to display the same care and commitment to thorough research and reasoning that I saw him display before me. Although he did not proceed to trial before me, that is not an unusual situation for many experienced civil litigators. The risks and expense of trials often lead civil practitioners to counsel their clients against trial. This is often the most prudent course for the clients, and attorneys who thereby lose opportunities to be in trial are actually serving their clients well. Particularly for appellate judges, who are not called upon to make the kind of instantaneous evidentiary rulings that trial judges routinely make during trials, thoughtfulness and good judgment are paramount, and my experience with Mr. Gluck indicates that he has no shortage of those attributes. Moreover, Mr. Gluck's experience is likely to make him very conscious of the rights of minorities and disadvantaged litigants. In the cases I have described above, Mr. Gluck represented women prisoners and an individual in financial need. From what I know of him, Mr. Gluck has not limited himself to promoting the interests of the powerful and is instead consistently aware of the need for fairness and equity.

Please do not hesitate to contact me if you have any questions (808 541 1720, or [susan\\_mollway@hid.uscourts.gov](mailto:susan_mollway@hid.uscourts.gov)).

Very truly yours,



Susan Oki Mollway  
Senior United States District Judge

**LATE**

**GM-1**

Submitted on: 7/26/2021 11:01:05 AM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lesley Harvey	Individual	Oppose	No

Comments: For any position, at an individual level, nearly anyone being seriously considered can be justified in one way or another. Qualified people who come from historically excluded communities are often overlooked for a number of reasons that may seem incidental on the surface. It is concerning that this nomination is going to Daniel Gluck, historically white men have held positions of power and privilege. The nominee's background shows much less experience than the other candidates who are from historically and currently discriminated against groups. To address systemic change, it means advocating for qualified representation for those who do not typically have a seat at the table. People of the global majority, those who are indigenous, Black, and people of color, have historically, literally and figuratively been compelled to give up their seats. Addressing systemic issues in these spaces means that those traditionally in power in spaces like this one must literally and figuratively give up their seat to, and the rest of us must advocate for, historically excluded to get a seat at the table. Please, don't overlook the others who are more qualified, in favor of the status quo.

# HAWAII FILIPINO LAWYERS ASSOCIATION

**LATE**

## Officers

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Radji Tolentno  
FLSA Student Rep: Harley Broyles

Date: July 27, 2021

To: Senator Karl Rhoads, Chair  
Senator Jarrett Keohokalole, Vice Chair  
Senate Committee on Judiciary

Re: Testimony on G.M.1 – Senate Confirmation of Gubernatorial Nominee to ICA –  
Daniel M. Gluck

---

The Hawaii Filipino Lawyers Association (HFLA) appreciates the opportunity to submit these comments with respect to G.M.1 - the Senate Confirmation of Gubernatorial Nominee, Daniel M. Gluck, to the Intermediate Court of Appeals (ICA).

Among the purposes of HFLA is to: *promote participation in the legal community by Filipino lawyers; to represent and to advocate the interests of Filipino lawyers and their communities; to foster the exchange of ideas and information among and between HFLA members and other members of the legal profession, the Judiciary and the legal community; to encourage and promote the professional growth of the HFLA membership; and to facilitate client referrals and to broaden professional opportunities for Filipino lawyers and law students.* It is therefore incumbent upon HFLA to express our deep concern; notwithstanding Mr. Gluck's skills and experience, that his nomination threatens to further erode the diversity of Hawaii's bench.

First, we wish to highlight, that from the district court level on up through our state supreme court, Filipinos are sorely underrepresented on the bench. In district court, Filipinos are the only minority category that is deficient in its representation among judges relative to its proportion of Hawaii's population – where just 3 out of 36 judicial positions are held by Filipinos. In circuit court, that number is 2 out of 30. More significantly, there are no Filipino judges of the 11 positions at the appellate level - in either the ICA or the Hawaii State Supreme Court. All of this is very troubling when DBEDT shows us that Filipinos represent 20%, when looking at race alone, or 25%, in combination with another race - of Hawaii's population.

Over the years, the Judicial Selection Committee has repeatedly vetted and offered up for the Governor's consideration many extremely qualified Filipino candidates for judicial appointments; yet very few have made it to senate confirmation. For example, one was rejected for not having enough experience; and another was considered too close to retirement age to justify the appointment. Shortly after, a younger candidate with lots of courtroom experience was up for judicial consideration, yet a candidate older than the earlier Filipino candidate - previously rejected for age - got the appointment. When the goalposts keep moving like this, and the result bears out in such poor statistics on representation, we have to challenge the process and our leadership - purportedly committed to diversity - for allowing such imbalances to persist.

Nevertheless, we are encouraged that over the last eight years, Chief Justice Recktenwald's judicial picks have been 56% women, and also *mostly* track the ethnic composition of Hawaii's population; except, however, one category - Filipinos.

Governor Ige's judicial diversity scorecard comes in significantly lower. Of Ige's appointments during his second term, 73% have gone to men, and 82% to white or AJA nominees.

HFLA believes that it is critical to highlight and support the diversity of Hawaii's bench; and emphasize that a decisionmaker's lived experience is integral to responsible, just, and fair jurisprudence. We need a diversity of perspectives to ensure that the contours and context of legally significant facts are given full, and necessary deliberation through lenses that are keen to insidious and systemic injustice – a counterpoint to traditional, more dominant perspectives. This is especially important when so many of the legal matters that reach our courts, particularly the ICA, disproportionately affect Hawaii's ethnic minorities.

Japanese Americans' legal and historical memory supports this as well. U.S. 9<sup>th</sup> Circuit Court of Appeals - Senior Judge Atsushi Wallace Tashima had previously described how his life experiences influenced his judicial decision-making— drawing particularly on his family's memory of their incarceration in a World War II U.S. internment camp for Japanese Americans and Japanese immigrants, explaining:

*“Because we are all creatures of our past, I have no doubt that my life experiences, including the evacuation and internment, have shaped the way I view my job as a federal judge and the skepticism that I sometimes bring to the representations and motives of the other branches of government.”*

We thus encourage this committee to promote greater diversity on Hawaii's bench because it will support the legitimacy of our courts; encourage more public confidence in judicial rulings; and case-by-case, right the injustices of our past.

Thank you for this opportunity to provide these comments.



July 27, 2021



To: Honorable Chair Karl Rhoads  
Honorable Vice Chair Jarrett Keohokalole  
Members of the Senate Committee on Judiciary

From: Catherine Betts, JD

Re: Testimony in Strong Support of GM 1, Daniel M. Gluck

Thank you for this opportunity to voice my strong support for the appointment of Daniel Gluck to the Intermediate Court of Appeals. I am writing this in my personal capacity. I have worked with Dan in various capacities over the last 10 years. Dan and I co-chaired the Hawaii State Bar Association's Diversity, Equality, and the Law (DEAL) Committee for several years, where we endeavored to make access to justice and the law more equitable for marginalized communities in Hawaii. We organized various brown bag seminars on sexual harassment, intersections of domestic violence and immigration law, and women involved in the criminal justice system. While I was working in the field of advocacy for women, both Dan and I took a keen interest in the lack of Title IX litigation. He was, and continues to be, one of our strongest allies in strengthening Title IX protections for women. In fact, out of an entire legal community, Dan was the only plaintiff's attorney who was willing to take a Title IX case to litigation. This was well before the expansion of Title IX under the Obama presidency and many still erroneously believed that Title IX was only related to athletics.

While Dan was at the ACLU, he took unpopular stances on issues impacting Hawaii, including the notion that houseless individuals had constitutional rights to their belongings. While others were actively trying to expand the sit lie ban, Dan was on the forefront advocating for houseless individuals and families who had very few advocates on their side. When a houseless individual is disrupted, they can lose their vital documents necessary to obtain public benefits and healthcare, they can lose what little they have in their name, and most of all, their agency and dignity is taken. Dan has focused on impact litigation, recognizing that a just result has the ability to positively impact countless individuals.

While Dan has been at the State Ethics Commission, he has proven to be of wise and fair counsel to many of us in state government. He has been measured, fair, articulate, hardworking, and ethical. Most importantly, Dan has been an ally to many of us in the legal community and has personally mentored me through complex and difficult situations. I believe Dan will be just as fair, measured, and ethical on the bench. I strongly support his appointment to the ICA. Thank you for this opportunity to voice my support.

July 26, 2021

**LATE**

Hawai'i State Legislature

### Testimony In Support of Nomination of Daniel Gluck

I have been a lawyer in Hawai'i for nearly 50 years. During that time, I have supervised over 100 lawyers in both public and private practice, been lead counsel in nearly 100 appeals in state and federal courts, and been lead counsel in dozens of state and federal trials. From all that experience, I know what it takes to be a first-rate lawyer and a first-rate judge. I also know—beyond any doubt—that Dan has all the essential skills, as well as the temperament, intellectual curiosity, and commitment to excellence that will serve the people of Hawai'i very well.

I have known Dan since he first began practicing law in Hawai'i, after clerkships with both Justice James Duffy, of the Hawai'i Supreme Court and Michael Seabright, of the Federal District Court. Dan worked closely with me at my law firm before leaving to pursue his passion—public service. As staff attorney, and then Legal Director, of the ACLU, Dan confirmed what we knew: he is an extraordinarily talented lawyer.

When he was in private practice, Dan worked on significant commercial cases and did fine work on cutting edge issues. Then, when he was at the ACLU, we worked together, as co-counsel on multiple groundbreaking cases for homeless children deprived of educational opportunities and for homeless adults whose rights were being abused by the City and County of Honolulu. These cases were unpopular and the clients were challenging, but Dan played a leading role for a team that achieved significant victories.

I know people have said that Dan does not have enough experience or that his work has been too limited. Those concerns are unfounded. Legal skill is not a function of quantity or repetition. Handling lots of routine cases means nothing when it comes to judging the hard cases that end up on appeal.

July 26, 2021  
Page 2

Dan graduated from Harvard Law 18 years ago, and he has devoted his entire career to the law and developed expertise in areas that will be useful on the Intermediate Court of Appeals—public law, administrative law, civil rights. No judge will bring expertise in all areas. So, what the Court, the bar, and the public need is impeccable character, good temperament, love of the law, and curiosity. Those are the skills that will drive a jurist's career, and Dan has them.

Sincerely,



PAUL ALSTON

PA:rjkp

**LATE**

July 26, 2021

Senator Karl Rhoads, Chair  
Senator Jarrett Keohokalole, Vice Chair

RE: Letter in Support of Daniel M. Gluck as Associate Justice, Intermediate Court of Appeals  
GM 1, Hearing: 7/27/21 at 11 a.m.

Dear Members of the Judiciary Committee:

In my individual capacity, I write in strong support of Daniel Gluck's nomination to the Intermediate Court of Appeals. I have known Mr. Gluck for over 15 years, when he first approached me in my capacity as Supervising Attorney at the former Domestic Violence Clearinghouse (now DVAC) and offered to volunteer. I had the honor of working closely with Mr. Gluck to develop and implement a legal information class to assist survivors of domestic violence to represent themselves in protection order hearings at Family Court. Although he was already working full-time as a law clerk, Mr. Gluck spent 1-2 lunch hours per week for the next two years teaching the pro se legal information clinic in a dedicated courtroom at Family Court. Even as a new attorney, Mr. Gluck approached his volunteer work as a consummate professional, displaying compassion and a deep sense of responsibility to pro se survivors of domestic violence, providing them with procedural knowledge and legal information so that they may be better equipped to face their abusers and feel more empowered to seek safety through the civil legal protection order process. The clinic would not have succeeded but for his integrity and dedication to assisting survivors regain a sense of dignity and confidence in justice systems.

For many years, in our respective roles as social justice attorneys, I have observed Mr. Gluck with the same deep commitment to working to better the lives of those on the margins. In both personal and professional capacities, we have collaborated on numerous civil rights, immigrant rights and gender equity issues toward increasing access to justice and preventing discrimination for those most marginalized. In 2009, Mr. Gluck once again accepted volunteer work at my request, through the HSBA Diversity, Equality and the Law Committee (DEAL), an entity I chaired for a number of years. He later became DEAL Co-Chair. He has assisted me in supporting students at the William S. Richardson School of Law to seek public interest and social justice careers and has helped to coordinate educational panels on language access and DACA. He has been a committed and insightful ally working with me on gender equity issues in the educational landscape, most recently in my capacity as the Director of the UH Office of Institutional Equity, working to strengthen the implementation of Title IX.

Throughout our collaborative work on access issues, he has consistently provided thoughtful and effective advocacy for undocumented students and immigrants with limited English proficiency, survivors of sexual violence and intimate partner abuse, those living in poverty and/or houseless and those incarcerated. Time and time again, I have witnessed Mr. Gluck's courage to take unpopular and controversial positions, showing moral fortitude in his advocacy and always remaining calm, articulate and reasoned. His sense of fairness and ethics are unquestionable. He has a brilliant legal mind, keen analytical skills, is pragmatic and possesses a sophisticated understanding of how policy and legislative advocacy can transform the lives of those most disenfranchised.

Thank you for the opportunity to provide written testimony in strong support of Daniel Gluck's nomination to the ICA.

Respectfully submitted,  
Jennifer Rose  
/s/ Jennifer Rose

**LATE**

**GM-1**

Submitted on: 7/26/2021 11:36:09 AM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Robyn Chun	Individual	Comments Only	No

Comments: I write in support of Governor Ige's appointment of Dan Gluck to the Intermediate court of Appeals. I have worked with Dan for the last 5 years while he has been the Executive Director/General Counsel of the State Ethics Committee and have found Dan to be articulate and diligent. Dan is also collegial, easy to work with and willing to help to meet a deadline. Dan writes clearly and will bring thoughtful insight to the issues presented in appeals before the Intermediate Court of Appeals. The Senate should confirm Governor Ige's appointment of Dan Gluck to the Hawaii Intermediate Court of Appeals.

**LATE**

**GM-1**

Submitted on: 7/26/2021 12:51:02 PM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Viliami Tauatevalu	Individual	Oppose	No

Comments: My name is Viliami Tauatevalu and I am writing in opposition of GM1 for the consideration and confirmation of DANIEL M. GLUCK to the Intermediate Court of Appeals as an Associate Judge. There are other more qualified candidates that have the legal background and experience, that would better represent the people of Hawai'i. Hawai'i is a unique community, and the current make-up of our Intermediate Court of Appeals does not do our state justice. As people in positions of power, you have the opportunity to change our state. There are some decisions that seem small, or it seems like it doesn't matter. Do not take mistake today's decision as one of those small decisions. This appointment and confirmation is for one of the highest judicial positions in our state. To approve this nomination, knowing there were other, more qualified candidates that are Native Hawaiian, and/or are women continues the colonized and patriarchal narrative. Hawai'i needs to be better, and you have the opportunity to do what is right.

**LATE**

**GM-1**

Submitted on: 7/26/2021 1:49:22 PM  
Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Clarence Ching	Individual	Oppose	No

Comments: I oppose - on the grounds of gender and racial non-quitability! - as there are "no" female candidates nor any non-white or non-oriental justices under possible consideration or constitution - a failure of gender and racial participation (non-representative of the community's population makeup).

**GM-1**

Submitted on: 7/26/2021 1:58:38 PM

Testimony for JDC on 7/27/2021 11:00:00 AM



<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Victor Gregor Limon	Individual	Oppose	No

Comments: I am submitting this testimony to record my opposition to the confirmation of Daniel Gluck's appointment to the state's Intermediate Court of Appeals. As the founder of Anakbayan Hawaii, the local chapter of the largest Filipino youth organization in the United States, I am gravely concerned about the appointment of Mr Gluck to the ICA. If confirmed, Mr Gluck's appointment will come at a great cost to Filipinos, Native Hawaiians, and other disadvantaged communities who have the greatest stake in the justice system. In filling such an important post, what Hawaii needs is someone who is the most experienced and most professionally qualified among the candidates for the position, someone who has a consistent record of service to the most disadvantaged populations in the islands, someone whose appointment to the ICA will make it more representative of Hawaii's racial diversity. Daniel Gluck does not fit this description, and his selection among a pool of candidates who are far more qualified is an affront to justice itself. I urge the state legislature to fulfill its kuleana, to uphold the interest of its constituents, and to decide in favor of appointing a better candidate to the ICA.



**LATE**

**GM-1**

Submitted on: 7/26/2021 2:25:59 PM  
Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Russell Akira Suzuki	Individual	Support	No

Comments: I support the confirmation of Daniel Gluck to the Hawaii Intermediate Court of Appeals. I have known Mr. Gluck professionally as the Executive Director of the State Ethics Commission and have interacted with him on numerous occasions in that capacity. He was always courteous and thorough in his analysis and explanation of issues. His advice is always well reasoned. Mr. Gluck has the right personality and character to be an excellent ICA judge.

**LATE**



Hawai'i State Legislature  
Senate Committee on Judiciary

*Pō'akahi, Iulai 26, 2021*

*Via Wikiō*

*Ke Kapikala Moku 'āina*

415 South Beretānia Street

Re: Opposition to GM1

*Aloha Luna Ho 'omalu* Karl Rhoades, *Hope Luna Ho 'omalu* Jarrett Keohokalole, and members of the Senate Committee on Judiciary:

The Association of Hawaiian Civic Clubs **OPPOSES** GM1, which would confirm Daniel M. Gluck as Associate Judge to the Intermediate Court of Appeals (ICA).

At its third quarter meeting, on July 23, 2021 the Board of directors deliberated and affirmed that the Association stands in solidarity with Ke One O Kākuhihewa to express our deep concerns over Mr. Daniel Gluck's lack of legal experience and expertise in Hawai'i specific law, especially areas of direct concern to Native Hawaiians, including Public Land Trust, Water Rights, Traditional and Customary Access and Gathering Rights, Burial Rights, the Hawaiian Homes Commission Act, the Island of Kaho'olawe, Indigenous Cultural Property, Native Hawaiian Health, and Hawaiian Language and Education. The Association recognizes that there were other nominees reviewed by Governor Ige with legal practice and lived experience in Hawai'i specific laws. In addition, the Association is concerned with the current lack of diversity on the Hawai'i bench and would encourage the Senate to ensure that the Judiciary is reflective of the diverse wisdom and experience of our islands.

Thus, the Association respectfully urges that the committee not recommend Daniel M. Gluck for consent by the Senate.

The civic club movement was founded in 1918 by Congressional Delegate Prince Jonah Kūhiō Kalanianaʻole with the creation of the Hawaiian Civic Club; the Association was formally organized in 1959 and has grown to a confederation of over sixty (60) Hawaiian Civic Clubs located throughout the State of Hawaiʻi and the United States. The Association is the oldest Hawaiian community-based grassroots organization. The Association is governed by a 16-member Board of Directors; advocates for improved welfare of Native Hawaiians in culture, health, economic development, education, social welfare, and nationhood; and perpetuates and preserves language, history, music, dance and other Native Hawaiian cultural traditions.

*Mahalo* for allowing us to share our *mana* ʻo.

*Me ka ʻoia ʻi ʻo,*

Hailama Farden  
*Pelekikena*



24 N. Church St Ste. 407 || Wailuku, HI 96793  
808-727-2150 || annalisa@wlchi.com

Monday, July 26, 2021

Re: Nomination of Daniel M. Gluck to Hawai'i Intermediate Court of Appeals

Dear Chair Rhoads, Vice Chair Keohokalole, and Honorable Members of the Senate Committee on Judiciary:

My name is Annalisa Bernard, and I am writing in strong opposition to the nomination of Daniel M. Gluck to Hawai'i's Intermediate Court of Appeals (ICA).

I am a Hawaiian, Puerto Rican, Portuguese, Filipino woman, born and raised on the island of Maui. I am also a criminal defense attorney with cases in the First, Second, and Third Circuits. Prior to going into private practice, I was a Deputy Prosecuting Attorney for the County of Maui for five years. I also had the privilege of serving the community as a Deputy Public Defender for over ten years, both on Maui and on Oahu. With over 16 years of practice, I have done bench trials, jury trials, appeals, and even had the privilege of arguing before the Hawaii Supreme Court.

As an attorney here in Hawai'i who appears in court, and has appealed to the ICA, it is not easy to oppose a judicial nominee. However, I submit this letter because I believe that the nomination of Daniel Gulick will have significant ramifications to quality of justice in our community.

Very few appeals go directly to the Hawai'i Supreme Court. Nearly all trials and administrative agency appeals are heard by the ICA. As such, the judges who sit on the ICA should require a basic level of practice experience in Hawai'i courts. It is my understanding that Daniel Gluck has had experience in only five Circuit Court Cases and eight appellate cases, while other candidates, such as Taryn Gifford, Summer Kupau-Oda, and Sonja McCullen have served well over 200 cases, in both the Circuit and appellate level courts.

I am sure that Daniel Gluck is a good man, with integrity, who is smart and certainly has a decent resume, but what about his lack of experience in the courtroom? I cannot recall someone ever being nominated to Hawai'i appellate courts with so little practice experience. Why would we want to allow a Junior Varsity player to referee the Professionals, when we have qualified Professionals who are in the running? There are several other candidates who do in

**Re: Daniel Gluck**

Page 2 of 2

fact have the professional experience in the courtroom and with appeals; candidates who are lawyers and judges who understand the practical workings of the court and the impacts of its rulings on those who are actually practice law in the courtrooms day in and day out.

While it is not necessary that an appellate Judge have substantial experience in the courtroom, it is certainly important and it absolutely matters. It matters to the attorneys who are appealing their cases; it matters to the Petitioners and Respondents who are seeking justice; it matters to the integrity of our judicial system; and it matters to the State of Hawai'i. By confirming this nominee, the Senate would be throwing practice experience out the window and setting dangerous precedent.

My first concern is Daniel Gluck's lack of experience compared to the other significantly more qualified candidates. My second concern is our need for diversity. It is disheartening that there are currently no native Hawaiian, Filipino, Pacific Islander, or African American judges in our Court of Appeals. It is concerning that Daniel Gluck is the only white male out of a list of six candidates who have more experience practicing law.

The State of Hawai'i needs more diversity. Our judiciary needs more diversity. We need to see Hawaiians, Filipinos, Pacific Islanders, African Americans, and WOMEN sit as a judge in our court of appeals; to bring their knowledge, background and experience to the table.

Qualification should be more than a good resume and who someone clerked, or worked for. We want and need someone who is experienced; someone who has walked in our shoes; someone who has been through the grind truly practicing law. A person can know all the rules, but they need to know to play the game in order to truly understand the ins and outs of being a attorney who makes an appeal to the higher court. When you put Glucks resume up against the experiences of the likes of Summer Kupau Oda, Taryn Gifford, and Sonja McCullen, it is surely a loss to the Hawai'i Bar and the State of Hawaii that Governor Ige did not appoint exactly what we need in our Appellate courts.

Please do not confirm this nominee. There are far better candidates that would better serve the State of Hawaii.

Thank you for your consideration.

Sincerely,

**Wong Leong || Cuccia**

Annalisa Bernard

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Annalisa Bernard, Esq

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Date

Senator Karl Rhoads, Chair  
Senator Jarrett Keohokalole, Vice Chair  
Committee on Judiciary

**LATE**

Date: Monday, July 26 2021

Subject: Opposition to Gubernatorial Nominee Daniel M. Gluck for Associate Judge to the Intermediate Court of Appeals

My name is Louisa Lee, I am the Director of Operations at a Hawaiian Language Immersion School in East Hawai'i (Hawai'i Island), the mother of three young boys, a resource care giver for the Hawai'i State Department of Human Services, and an active member of the Keaukaha/Lelewi community. In all my capacities I am strongly opposed to the selection/confirmation of Daniel Gluck for Associate Judge to the Intermediate Court of Appeals. I am not opposed to Daniel Gluck as an individual, attorney, or Judge; but rather the message and long-term impacts his confirmation will have on our Hawai'i community. The selection of Mr. Gluck by Governor Ige is a stark reminder of the systemic racism that exists here in Hawai'i, as he represents the privilege of a non-local, all white, male. This is best evidenced by the fact that of all nominees, Mr. Gluck has the least amount of appellate experience.

While I am troubled by what Mr. Gluck's confirmation may mean for the larger issues that will most definitely face Hawai'i courts in the next ten years (over-representation of Native Hawaiians in Hawai'i's prison system, accountability for legal obligations to Native Hawaiians, community property rights), I am most concerned about what his confirmation would represent for our local professionals and youth. The judiciary like the legislature, and other essential parts of our society should be a reflection of our diverse community. It is essential for our youth to see representations of themselves at all levels of our government and legal systems. Without such representations the pervasive feeling often faced by many local youth, that they do not belong, will continue to be the narrative of their lives and careers.

We all have an obligation to create opportunities for social justice and equity in our society. I ask you to consider the long-lasting implications that this nomination could have on our youth, and the pervasive yet hidden systems of injustice that exist in our legal systems. Thank you for this opportunity to testify.

## Opposition to nomination

Daryl Fujiwara <sfdhawaii@gmail.com>

Mon 7/26/2021 12:34 PM

To: JDC Committee <JDCCommittee@capitol.hawaii.gov>

Aloha Senate Committee on Judiciary,

Mahalo for this opportunity to testify on GM1. I oppose the governor's nomination of Daniel Gluck to the Intermediate Court of Appeals and ask that you vote to recommend disapproval.

I also urge Governor Ige to withdraw his name from this process and nominate the most qualified applicant.

Mahalo!

Daryl Fujiwara  
Wailuku, Maui



**LATE**

**RE: Appointment of Daniel Gluck**

Sandra Ann K. Pratt-Aquino, Esq. &lt;kau@prattlawhi.com&gt;

**LATE**

Mon 7/26/2021 1:07 PM

To: JDC Committee &lt;JDCCommittee@capitol.hawaii.gov&gt;

Aloha Senate Committee on Judiciary,

Mahalo for this opportunity to testify on GM1. Mr. Gluck has done some really great work over his career. However, when compared to other candidates, he is the least qualified to fill this seat. There are several female candidates that have a tremendous record and are more qualified than he is.

I oppose the governor's nomination of Daniel Gluck to the Intermediate Court of Appeals and ask that you vote to recommend disapproval.

I also urge Governor Ige to withdraw his name from this process and nominate the most qualified applicant.

Mahalo!

--

Sandra Ann Kau'ionālani Pratt-Aquino, Esq.

Attorney

Pratt Law Hawai'i, LLLC

Phone: (808) 393-1948

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**LATE**

Aloha Senate Committee on Judiciary,

Mahalo for this opportunity to testify on GM1. I oppose the governor's nomination of Daniel Gluck to the Intermediate Court of Appeals and ask that you vote to recommend disapproval.

I also urge Governor Ige to withdraw his name from this process and nominate the most qualified applicant.

Mahalo!  
Bridget A. Mowat  
Kaunakakai, Hi 96748

## Testimony on GM 1

George Burnette <ggb7676@gmail.com>

Mon 7/26/2021 6:20 PM

To: JDC Committee <JDCCommittee@capitol.hawaii.gov>



Aloha Senate Committee on Judiciary,

Mahalo for this opportunity to testify on GM1. I oppose the governor's nomination of Daniel Gluck to the Intermediate Court of Appeals and ask that you vote to recommend disapproval.

I also urge Governor Ige to withdraw his name from this process and nominate the most qualified applicant.

Mahalo!

George Burnette  
Wailuku, Maui

## Testimony

Ilima-Lei Macfarlane <imacfarlane09@yahoo.com>

Mon 7/26/2021 7:30 PM

To: JDC Committee <JDCCommittee@capitol.hawaii.gov>



Aloha mai Chair Rhoads, Vice Chair Keohokalole, and Honorable Members of the Senate Committee on Judiciary:

My name is Ilima-Lei Macfarlane and I am testifying today in strong opposition to the nomination of Daniel M. Gluck to Hawai'i's Intermediate Court of Appeals (ICA).

As a Native-Hawaiian and a woman, I am so disappointed in the election by Governor Ige of Daniel M. Gluck over much more qualified candidates who represent the diversity needed in our leaders. The current nominee simply does not meet the minimum qualifications that we expect from ICA judges, nor does he represent the diversity of Hawaii's people or culture. As Native-Hawaiians, our culture, identity and practices are at stake, and we must have more representation at all levels.

Please consider our need for a more qualified and diverse leader for this position, and reject this nomination.

Mahalo for your time and consideration.  
Ilima-Lei Macfarlane

oppose the nomination of Daniel Gluck to the ICA

Aiko Yamashiro <aikoy@hawaii.edu>

Mon 7/26/2021 8:32 PM

To: JDC Committee <JDCCommittee@capitol.hawaii.gov>

Aloha Senate Committee on Judiciary,

Mahalo for this opportunity to testify on GM1. I oppose the governor's nomination of Daniel Gluck to the Intermediate Court of Appeals and ask that you vote to recommend disapproval.

I believe Daniel Gluck has done an excellent job in his most recent leadership position on the Ethics Commission. However, I would urge the Senate Committee to consider the more highly experienced and qualified candidates available for the Intermediate Court of Appeals appointment. A number of these candidates are leaders in under-resourced communities and have a long connection to and understanding of the uniqueness of Hawai'i. It would advance equity and justice in Hawai'i for the Senate to carefully consider diverse representation and leadership in our important judiciary body.

It was inspiring to see bold advances this past year--with Chief Justice Recktenwald leading public conversations and training around racial equity. I would hope that we can continue on this path together.

Mahalo for your work for the people of Hawai'i,  
Aiko Yamashiro  
Kaneohe, Oahu

**LATE**

**LATE**

**GM-1**

Submitted on: 7/26/2021 5:09:10 PM  
Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kayla Shaw	Individual	Oppose	No

Comments: I oppose this. There are others who are more qualified for this position and represent the diversity of Hawaii's population.

**LATE**

**GM-1**

Submitted on: 7/26/2021 5:16:07 PM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jenifer Jenkjns	Individual	Oppose	No

Comments: Aloha, I write to respectfully oppose Daniel Gluck's nomination to the ICA. Although he is a bright lawyer, the other nominees were clearly more experienced in both trial and appellate advocacy. It was also a missed opportunity to create a court that includes Native Hawaiians. Of course, it's not too late to right this wrong. Please deny Mr. Gluck's appointment and appoint another candidate with more experience before Hawai'i's courts and who is Native Hawaiian. Mahalo, Jen J., J.D.

**LATE**

**GM-1**

Submitted on: 7/26/2021 5:25:01 PM  
Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michelle Cabalse	Individual	Comments Only	No

Comments: After reviewing all nominees, it is clear that he is not the most qualified candidate.

**LATE**

**GM-1**

Submitted on: 7/26/2021 5:38:59 PM

Testimony for JDC on 7/27/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Laura Boles	Individual	Oppose	No

Comments: Aloha kākou, I am writing this testimony is full opposition to the nomination of Daniel Gluck to the Hawai'i Intermediate Court of Appeals (ICA). I share my opposition with the specific concern that this nomination represents yet another attempt by the state of Hawai'i to bypass Kanaka Maoli and women of color in leadership and expertise. In this particular instance the Kanaka Maoli (and other) candidates far supersede the experience held by Gluck. By every meaningful metric, Gluck is clearly the least experienced of all finalists. In fact the only thing that does distinguish Gluck on this list is that he is the only candidate whose appealant experice is accounted for in single digits. Gluck's inexperience should be enough to disqualify him in a field of such supremely qualified candidates. However, there are additional issues that are major causes for concern. Across Gov. Ige's tenure, his prejudices are clear. 71% of all of his appointments have been men, and 71% have been white/asian Settlers. Currently, there are no Kanaka, no Filipino, no Pacific Islander, nor Black judges at the Hawai'i Supreme Court or Intermediate Court of Appeals. And it has been 20 years since we had a Kanaka on the Hawai'i Supreme Court and 30 years for the ICA. And yet, Ige has chosen Gluck as his nomination even as a far more experienced and appropriate field of candidates has been presented to him. With the critical role the ICA plays in the Hawai'i judiciary, our community deserves a court that is not only represented by highly experienced and qualified individuals; we also deserve a court that is representative of our people. There are few avenues to properly address the interest of our native Hawaiian population via the legislative branch. This is not surprising considering that Hawaiians make up less than 10% of the legislature, while making up over 20% of our population. This empty seat in the ICA represents an opportunity to work towards ensuring that at the very least our judiciary be more representative of our people. Please do the right thing and honor the expertise of the other, much more qualified candidates for this position, and deny the confirmation of Gluck Nomination. Mahalo, Laura Boles



**LATE**

**GM-1**

Submitted on: 7/26/2021 5:40:46 PM

Testimony for JDC on 7/27/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Laurie Akana	Individual	Oppose	No

Comments: Aloha kākou, I am writing this testimony in full opposition to the nomination of Daniel Gluck to the Hawai'i Intermediate Court of Appeals (ICA). I share my opposition with the specific concern that this nomination represents yet another attempt by the state of Hawai'i to bypass Kanaka Maoli and women of color leadership and expertise. In this particular instance the Kanaka Maoli (and other) candidates far supersede the experience held by Gluck. By every meaningful metric, Gluck is clearly the least experienced of all finalists. In fact the only thing that does distinguish Gluck on this list is that he is the only candidate whose applicant experience is accounted for in single digits. Gluck's inexperience should be enough to disqualify him in a field of such supremely qualified candidates. However, there are additional issues that are major causes for concern. Across Gov. Ige's tenure, his prejudices are clear. 71% of all of his appointments have been men, and 71% have been white/asian Settlers. Currently, there are no Kanaka, no Filipino, no Pacific Islander, nor Black judges at the Hawai'i Supreme Court or Intermediate Court of Appeals. And it has been 20 years since we had a Kanaka on the Hawai'i Supreme Court and 30 years for the ICA. And yet, Ige has chosen Gluck as his nomination even as a far more experienced and appropriate field of candidates has been presented to him. With the critical role the ICA plays in the Hawai'i judiciary, our community deserves a court that is not only represented by highly experienced and qualified individuals; we also deserve a court that is representative of our people. There are few avenues to properly address the interest of our native Hawaiian population via the legislative branch. This is not surprising considering that Hawaiians make up less than 10% of the legislature, while making up over 20% of our population. This empty seat in the ICA represents an opportunity to work towards ensuring that at the very least our judiciary be more representative of our people. Please do the right thing and honor the expertise of the other, much more qualified candidates for this position, and deny the confirmation of Gluck Nomination. Laurie Akana

**GM-1**

Submitted on: 7/26/2021 5:40:53 PM

Testimony for JDC on 7/27/2021 11:00:00 AM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Justine Hura	Individual	Support	No

Comments: Aloha kākou, Thank you for the opportunity to submit comments in SUPPORT of the appointment of Dan Gluck to our Intermediate Court of Appeals. Seventeen years ago, back when I was a newly admitted law student at the William S. Richardson School of Law, Dan was kind enough to volunteer to mentor students with an interest in law outside the “traditional” framework of corporate law firms. At that time, he was new to Hawai‘i himself, and engaged in a judicial clerkship. Nevertheless, he immediately jumped into our local legal community with both feet. His guidance and perspective were invaluable to formulating a picture of life after law school, and outside of the law firm. No doubt, he could have picked any firm, in any state. Over the years, I have had a chance to watch him in practice what he preached, with his career at the ACLU, as well as the Hawai‘i State Ethics Commission. He’s always had an unflaggingly appropriate demeanor, exercised common sense, and the ability to listen, in addition to his excellent legal reasoning skills. I look for exceptional fairness and an exceptional work ethic in our judicial nominees. I see both these traits in Dan. Thank you for your time, Justine Hura

**LATE**

**GM-1**

Submitted on: 7/26/2021 5:45:41 PM

Testimony for JDC on 7/27/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dayton Seto Myers	Individual	Oppose	No

Comments: Aloha kākou, I am writing this testimony in full opposition to the nomination of Daniel Gluck to the Hawai'i Intermediate Court of Appeals (ICA). I share my opposition with the specific concern that this nomination represents yet another attempt by the state of Hawai'i to bypass Kanaka Maoli and women of color leadership and expertise. In this particular instance the Kanaka Maoli (and other) candidates far supersede the experience held by Gluck. By every meaningful metric, Gluck is clearly the least experienced of all finalists. In fact the only thing that does distinguish Gluck on this list is that he is the only candidate whose applicant experience is accounted for in single digits. Gluck's inexperience should be enough to disqualify him in a field of such supremely qualified candidates. However, there are additional issues that are major causes for concern. Across Gov. Ige's tenure, his prejudices are clear. 71% of all of his appointments have been men, and 71% have been white/asian Settlers. Currently, there are no Kanaka, no Filipino, no Pacific Islander, nor Black judges at the Hawai'i Supreme Court or Intermediate Court of Appeals. And it has been 20 years since we had a Kanaka on the Hawai'i Supreme Court and 30 years for the ICA. And yet, Ige has chosen Gluck as his nomination even as a far more experienced and appropriate field of candidates has been presented to him. With the critical role the ICA plays in the Hawai'i judiciary, our community deserves a court that is not only represented by highly experienced and qualified individuals; we also deserve a court that is representative of our people. There are few avenues to properly address the interest of our native Hawaiian population via the legislative branch. This is not surprising considering that Hawaiians make up less than 10% of the legislature, while making up over 20% of our population. This empty seat in the ICA represents an opportunity to work towards ensuring that at the very least our judiciary be more representative of our people. Please do the right thing and honor the expertise of the other, much more qualified candidates for this position, and deny the confirmation of Gluck Nomination. These are the words of Jamaica Osario who sums up my concerns in totality and detail. I maintain a continued concern with Ige's choice to inexplicably reject qualified candidates who have significantly better resumes than Gluck's. I also want to voice solidarity with the opinions voiced by the Honolulu advertiser report published recently. Ige has intentionally and corruptively chosen a candidate which furthers the oppression of people of color, low socioeconomic status, and Indigenous Kānaka Maoli. Once again, we as a Kānaka Maoli community, maintain a shock at the corruption and colonization promoted by Governor Ige. As such, and given ample evidence, it is only logical and pragmatic to reject Gluck's nomination. Mahalo, Buddy

**LATE**

GM 1

Submitting for consideration and confirmation to the Intermediate Court of Appeals

Senate Committee on Judiciary

July 27, 2021; 11:00 a.m.

As an active attorney in Hawai'i, I offer this testimony in my personal capacity to request you to vote against the nomination before you for the Intermediate Court of Appeals. As an attorney working in public interest for over 10 years, it was difficult for me to decide to testify against the nomination of a professional, competent, and gracious attorney that is an incredibly valued member of the legal community. I and others hold him with respect and regard. However, when evaluating the workload of the court, the criteria, and other qualified candidates put before the Governor, I believe that other candidates represented a better choice. By both objective tests that evaluate numerical data, as well as evaluations that consider other factors of leadership and Hawai'i experience, this candidate represents the choice with the least apparent experience. Now more than ever, we must not set precedent where by numerical and seemingly objective measurements of experience, as well as other larger considerations for leadership, the candidate with the least experience prevails.

As a woman attorney who represents only indigent clients, it is difficult to get my clients to trust in a legal system that they view as rigged. They understand from a deep level that way that identity, personality, and community connections play into who receives jail time, who is ticketed for sitting on the street, whose cases are dismissed, and whose testimony is viewed as credible. As lawyers we can tell them that the law strives for justice along with impartiality, merging objective fact finding with judicial discretion. Examples like this appointment, however, only add to the appearance that the court is a place of politics rather than experience. If we confirm the choice of the candidate who appears to be the least qualified on both factors of leadership, from case numbers to community expertise and experience, and in the face of public opposition, we cannot continue to expect our community to trust that our legal system is qualified and representative.

Mahalo for the opportunity to provide testimony.

Deja Ostrowski, J.D.

**GM-1**

Submitted on: 7/26/2021 6:30:53 PM

Testimony for JDC on 7/27/2021 11:00:00 AM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tia Anae	Individual	Oppose	No

Comments: I oppose this nomination of Mr. Gluck, in favor of the other more qualified Native Hawaiian women candidates. It's been 20 years since Hawai'i had seen a Hawaiian in the Hawai'i State Supreme Court and 30 years since they held a spot in this specific court.

**GM-1**

Submitted on: 7/26/2021 7:34:17 PM

Testimony for JDC on 7/27/2021 11:00:00 AM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ilima-Lei Macfarlane	Individual	Oppose	No

Comments: Aloha mai Chair Rhoads, Vice Chair Keohokalole, and Honorable Members of the Senate Committee on Judiciary: Â My name is Ilima-Lei Macfarlane and I am testifying today in strong opposition to the nomination of Daniel M. Gluck to Hawai'iâ€™s Intermediate Court of Appeals (ICA).Â Â As a Native-Hawaiian and a woman, I am so disappointed in the election by Governor Ige of Daniel M. Gluck over much more qualified candidates who represent the diversity needed in our leaders. The current nominee simply does not meet the minimum qualifications that we expect from ICA judges, nor does he represent the diversity of Hawai'iâ€™s people or culture. As Native-Hawaiians, our culture, identity and practices are at stake, and we must have more representation at all levels. Â Please consider our need for a more qualified and diverse leader for this position, and reject this nomination. Â Â Â Mahalo for your time and consideration.Â Ilima-Lei Macfarlane Â

On The Following Measure: **GM1, Submitting for consideration and confirmation to the Intermediate Court of Appeals as Associate Judge, Gubernatorial Nominee, DANIEL M. GLUCK, for a term of ten years.**

Before the Senate Committee on Judiciary

Date: Tuesday, July 27, 2021 at 11 a.m.

Location: Via Videoconference

Testifier: Kimberly T. Guidry

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**LATE**

Chair Rhoads and Members of the Committee:

I strongly support Daniel Gluck's confirmation to the Intermediate Court of Appeals (ICA) as an Associate Judge.<sup>1</sup>

I first met Dan when he was litigation director of the ACLU of Hawai'i. I also had the opportunity to work with him in his present capacity as Executive Director of the Hawai'i State Ethics Commission. I know Dan to be smart and analytical. He conveys his thoughts clearly, both orally and in writing, and thinks deeply about legal issues. I have no doubt that, as an ICA judge, he will author thoughtful, carefully nuanced opinions on complex legal issues. Dan is pleasant and professional; he would have an excellent judicial demeanor on the bench. He would be a positive role model and mentor to future law clerks.

In short, I think Dan would make a very fine appellate court judge. I respectfully urge his swift confirmation.

Sincerely,

Kimberly T. Guidry

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<sup>1</sup> I express support for Dan solely in my individual, personal capacity.

**LATE**

**GM-1**

Submitted on: 7/26/2021 7:44:19 PM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Chantell Cambia	Individual	Oppose	No

Comments: Aloha everyone, I am writing this testimony is full opposition to the nomination of Daniel Gluck to the Hawai'i Intermediate Court of Appeals (ICA). I share my opposition with the specific concern that this nomination represents yet another attempt by the state of Hawai'i to bypass Kanaka Maoli and women of color leadership and expertise. In this particular instance the Kanaka Maoli (and other) candidates far supersede the experience held by Gluck. By every meaningful metric, Gluck is clearly the least experienced of all finalists. Across Gov. Ige's tenure, his prejudices are clear. 71% of all of his appointments have been men, and 71% have been white/asian Settlers. Currently, there are no Kanaka, no Filipino, no Pacific Islander, nor Black judges at the Hawai'i Supreme Court or Intermediate Court of Appeals. And it has been 20 years since we had a Kanaka on the Hawai'i Supreme Court and 30 years for the ICA. This empty seat in the ICA represents an opportunity to work towards ensuring that at the very least our judiciary be more representative of our people. Please do the right thing and honor the expertise of the other, much more qualified candidates for this position, and deny the confirmation of Gluck Nomination. Thank you, Chantell Cambia



**GM-1**

Submitted on: 7/26/2021 7:49:03 PM

Testimony for JDC on 7/27/2021 11:00:00 AM



<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Henry Michael Kaai Kidder	Individual	Oppose	No

Comments: I oppose the nomination of Daniel Gluck, as a Judge to the Hawai'i Court of Appeals. The list of six candidates included three Hawaiian women and one Filipino community member, but the Governor picked the only white male on the list, who also had the least experience practicing law before our courts. According to the Judiciary's eCourt Kāhā website, Gluck's name appears on the pleadings in only 13 state court cases, including 8 appellate cases before the ICA or Hawai'i Supreme Court. He has fewer cases in federal district court – about 5 – and in most of those he is listed on the pleadings, but he relied on outside firm co-counsel for help. By comparison, most of the other ICA candidates have handled hundreds of cases. Currently, there are no Hawaiians, Filipinos, Blacks, or Pacific Islanders on the appeals courts. It's been decades since there's been any judge of Native Hawaiian descent on Hawai'i's highest courts – about 30 years for the ICA and more than 20 for the Supreme Court. We haven't had a Native Hawaiian woman on the Hawai'i Supreme Court since Kekū'uluohi. Meanwhile, with Gluck, a majority of ICA judges would be white.

**LATE**

**GM-1**

Submitted on: 7/26/2021 8:03:02 PM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Renee M Goff	Individual	Oppose	No

Comments: Aloha, I am writing this testimony in opposition to the nomination of Daniel Gluck to the Hawai'i Intermediate Court of Appeals (ICA). I share my opposition with the specific concern that this nomination represents yet another attempt by the state of Hawai'i to bypass Kanaka Maoli and women of color leadership and expertise. In this particular instance the Kanaka Maoli (and other) candidates far supersede the experience held by Gluck. By every meaningful metric, Gluck is clearly the least experienced of all finalists. In fact the only thing that does distinguish Gluck on this list is that he is the only candidate whos appealant expertise is accounted for in single digits. Gluck's inexperience should be enough to disqualify him in a field of such supremely qualified candidates. However, there are additional issues that are major causes for concern. Across Gov. Ige's tenure, his prejudices are clear. 71% of all of his appointments have been men, and 71% have been white/asian Settlers. Currently, there are no Kanaka, no Filipino, no Pacific Islander, nor Black judges at the Hawai'i Supreme Court or Intermediate Court of Appeals. And it has been 20 years since we had a Kanaka on the Hawai'i Supreme Court and 30 years for the ICA. And yet, Ige has chosen Gluck as his nomination even as a far more experienced and appropriate field of candidates has been presented to him. With the critical role the ICA plays in the Hawai'i judiciary, our community deserves a court that is not only represented by highly experienced and qualified individuals; we also deserve a court that is representative of our people. There are few avenues to properly address the interest of our native Hawaiian population via the legislative branch. This is not surprising considering that Hawaiians make up less than 10% of the legislature, while making up over 20% of our population. This empty seat in the ICA represents an opportunity to work towards ensuring that at the very least our judiciary be more representative of our people. Please do the right thing and honor the expertise of the other, much more qualified candidates for this position, and deny the confirmation of Gluck Nomination. Mahalo, Mx. Renee Goff

July 26, 2021

**LATE**

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

From: Matthew Tuthill

Re: SUPPORT OF GM1 Intermediate Court of Appeals Nominee, DANIEL M. GLUCK

Hearing: Tuesday, July 27, 2021, 11:00 a.m., Video Conference

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

I write in unreserved support of Daniel Gluck's nomination to the Intermediate Court of Appeals.

Given that Honolulu is a somewhat close-knit community, I have crossed paths with Mr. Gluck numerous times over the years. Because of these interactions, and the pronounced impression Mr. Gluck has had on me, I feel compelled to share my experiences and views of Mr. Gluck.

Nearly fifteen years ago Mr. Gluck asked me to serve on an ACLU (America Civil Liberties Union) panel that sought to educate (in part) the general public on GMOs (genetically-modified organisms) and gene patents. Given that I (both) create these organisms (altered human and germ cells) routinely and have a deep respect for the broader environment within the State (of Hawaii), Mr. Gluck believed I might be a balanced expert for his (ACLU) public forum. It was because of Mr. Gluck's willingness to (openly) educate the greater public (and himself) on relevant issues that I participated in his forum. After this forum Mr. Gluck and I occasionally reached out to each other when help was needed (from either of us), and always he pulled together any information I needed.

Years later, when Mr. Gluck served as Executive Director for the Hawaii State Ethics Commission, he began lecturing Kapiolani College faculty, staff and administration on the ethical standards required of State employees. His presentations were efficient and educational, and his tone was one of humble sincerity. It was also during this time that Mr. Gluck once again asked for help in tracking down specific DNA testing for a case he was addressing. Being a consummate professional, Mr. Gluck provided only the details I needed to properly route his questions. More importantly, from our discussions I once again observed that he did not show bias towards his case, he simply sought the truth that the (scientific) evidence could provide.

More recently, while I served on the UHPA Board of Directors, I witnessed Mr. Gluck solely presenting testimony on numerous bills down at the legislature. This dedication to do the heavy lifting for the greater good of the (generally unaware) public and its servants (politicians, departments...) serves as a testament to his dedication for all of us.

Mr. Gluck is so very different from many of the successful people I know. Mr. Gluck earned his achievements through hard work, impeccable integrity, and sound and fair judgement. I am certain that Mr. Gluck will continue to serve the greater community with these values, and sincerely hope you approve his nomination.

Thank you,  
Matthew C. Tuthill, Ph.D.  
Professor, Molecular Biology and Microbiology

**LATE**

**GM-1**

Submitted on: 7/26/2021 8:23:39 PM

Testimony for JDC on 7/27/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Steven Thomas	Individual	Oppose	No

Comments: I, Steven Thomas, oppose the nomination of Daniel Gluck, as a Judge to the Hawai'i Court of Appeals. The list of six candidates included three Hawaiian women and one Filipino community member, but the Governor picked the only white male on the list, who also had the least experience practicing law before our courts. According to the Judiciary's eCourt Kāhuna website, Gluck's name appears on the pleadings in only 13 state court cases, including 8 appellate cases before the ICA or Hawai'i Supreme Court. He has fewer cases in federal district court "about 5" and in most of those he is listed on the pleadings, but he relied on outside firm co-counsel for help. By comparison, most of the other ICA candidates have handled hundreds of cases. Currently, there are no Hawaiians, Filipinos, Blacks, or Pacific Islanders on the appeals courts. It's been decades since there's been any judge of Native Hawaiian descent on Hawai'i's highest courts "about 30 years for the ICA and more than 20 for the Supreme Court. We haven't had a Native Hawaiian woman on the Hawai'i Supreme Court since Kekūāiulua. Meanwhile, with Gluck, a majority of ICA judges would be white.

**LATE**

**GM-1**

Submitted on: 7/26/2021 8:51:20 PM

Testimony for JDC on 7/27/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Monique Cariaga	Individual	Oppose	No

Comments: Aloha kākou, I am writing this testimony is full opposition to the nomination of Daniel Gluck to the Hawai'i Intermediate Court of Appeals (ICA). I share my opposition with the specific concern that this nomination represents yet another attempt by the state of Hawai'i to bypass Kanaka Maoli and women of color leadership and expertise. In this particular instance the Kanaka Maoli (and other) candidates far supersede the experience held by Gluck. By every meaningful metric, Gluck is clearly the least experienced of all finalists. In fact the only thing that does distinguish Gluck on this list is that he is the only candidate whose appealant experience is accounted for in single digits. Gluck's inexperience should be enough to disqualify him in a field of such supremely qualified candidates. However, there are additional issues that are major causes for concern. Across Gov. Ige's tenure, his prejudices are clear. 71% of all of his appointments have been men, and 71% have been white/asian Settlers. Currently, there are no Kanaka, no Filipino, no Pacific Islander, nor Black judges at the Hawai'i Supreme Court or Intermediate Court of Appeals. And it has been 20 years since we had a Kanaka on the Hawai'i Supreme Court and 30 years for the ICA. And yet, Ige has chosen Gluck as his nomination even as a far more experienced and appropriate field of candidates has been presented to him. With the critical role the ICA plays in the Hawai'i judiciary, our community deserves a court that is not only represented by highly experienced and qualified individuals; we also deserve a court that is representative of our people. There are few avenues to properly address the interest of our native Hawaiian population via the legislative branch. This is not surprising considering that Hawaiians make up less than 10% of the legislature, while making up over 20% of our population. This empty seat in the ICA represents an opportunity to work towards ensuring that at the very least our judiciary be more representative of our people. Please do the right thing and honor the expertise of the other, much more qualified candidates for this position, and deny the confirmation of Gluck Nomination. Mahalo, Monique Cariaga

**GM-1**

Submitted on: 7/26/2021 9:19:51 PM

Testimony for JDC on 7/27/2021 11:00:00 AM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Debra M Javar	Individual	Oppose	No

Comments: I STRONGLY OPPOSE GM 1. Mr Gluck has the LEAST AMOUNT of EXPERIENCE. We should have female representation please, on this Judicial committee. Thank you.

**LATE**

**GM-1**

Submitted on: 7/26/2021 9:31:47 PM

Testimony for JDC on 7/27/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Amy Ono	Individual	Oppose	No

Comments: Aloha. With all due respect to Mr. Gluck, he does not have the experience to be an effective and appropriate addition to our Intermediate Court of Appeals. He has practiced law for 15+ years in Hawai'i; however, he has handled a mere 13 cases before the Circuit and Appellate Courts in the State of Hawai'i. He chose an administrative path rather than the path of a trial attorney. For some unfortunate and unknown reason, the candidate with the least courtroom/trial experience was selected by Gov. Ige for a court that will review the lower courts and claims that a trial judge or jury made a mistake. As I have heard and completely agree, "the best judges are the ones with the most practical, actual experience" and "there's no substitute for experience". With respect, Mr. Gluck does not have the experience. In stark contrast, 3 of the women nominated for this important position are clearly more qualified for the job and unequivocally stronger candidates. Each one has practiced law for 15+ years and has handled 150+ cases before the Circuit and Appellate Courts. These women have dedicated their careers to public service from the trial courtroom to the higher court. They have "been in the trenches" and know from experience the black letter law and possess the knowledge/understanding of the nuances and complexities of the circuit and appellate courts. Each one of these 3 women candidates can adjudicate appellate cases with sound reason far better than Mr. Gluck. To make matters worse, to know that 3 Native Hawaiian women were passed over for someone starkly less qualified than them sends a loud and clear message to our community. After all, we haven't had a Native Hawaiian on any appellate bench in the last 21 years and here we are presented with 3 vastly more qualified Native Hawaiian candidates who were passed over for someone who is distinctly less qualified. Representation matters. In no way does it make any sense that those who would represent our Native Hawaiian community are vastly more qualified yet not one of them became the nominee. Please do what is right and do not confirm Mr. Gluck for the Intermediate Court of Appeals. Mahalo nui loa for your attention and consideration.

**LATE**

**GM-1**

Submitted on: 7/26/2021 9:31:56 PM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
MICAH KAIMANA PACATANG	Individual	Oppose	No

Comments: I oppose Governor Ige's™ nomination of GULICK, based on inexperience compared to the other nominees.



**LATE**

**GM-1**

Submitted on: 7/26/2021 11:21:11 PM

Testimony for JDC on 7/27/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
kaupena k. kalima	Individual	Oppose	No

Comments: July 26, 2021 Aloha & Good Evening! My name is kaupena k. kalima of Maui, Hawaii. I oppose the nomination of Daniel Gluck, as a Judge to the Hawai'i Court of Appeals. The list of six candidates included three Hawaiian women and one Filipino community member, but the Governor picked the only white male on the list, who also had the least experience practicing law before our courts. According to the Judiciary's eCourt Kāhā website, Gluck's name appears on the pleadings in only 13 state court cases, including 8 appellate cases before the ICA or Hawai'i Supreme Court. He has fewer cases in federal district court "about 5" and in most of those he is listed on the pleadings, but he relied on outside firm co-counsel for help. By comparison, most of the other ICA candidates have handled hundreds of cases. Currently, there are no Hawaiians, Filipinos, Blacks, or Pacific Islanders on the appeals courts. It's been decades since there's been any judge of Native Hawaiian descent on Hawai'i's highest courts "about 30 years for the ICA and more than 20 for the Supreme Court. We haven't had a Native Hawaiian woman on the Hawai'i Supreme Court since Kekāuluohi. Meanwhile, with Gluck, a majority of ICA judges would be white. I STRONGLY OPPOSE the nomination of Daniel Gluck, as a Judge to the Hawai'i Court of Appeals Mahalo for your time in reading my written testimony

**LATE**

To Chair Karl Rhoads,  
Vice Chair Jarrett Keohokalole, and the rest of the committee on Judiciary,

Aloha, and mahalo for the work that you do.

It has come to my attention that today you are all taking into consideration the nomination of Mr. Daniel Gluck to the ICA. I didn't think much of it, until I saw both the Council for Native Hawaiian Advancement and Jamaica Osorio post about it on Instagram. Oh, the power of social media...and oh, the many hours I spend on it. I'm glad I was spending some time on it today, though, because it has been a while since I have actively engaged in local politics, something I very much care about. Seeing those posts led me to action, and here we are.

There are others more eloquent than I, like Dr. Osorio, that will have expressed more or less what I feel about this situation in their testimony, so I'll try not to take that much time nor be repetitive. Upon briefly just glancing at the nominees' websites and reading their bios (after digging and searching online, miraculously finding the Governor's office's press release), Mr. Gluck's resume seems pretty impressive, though by comparison (from a layman's perspective) the people that stand out are Ms. Gifford, with her past connection to the ICA, and Ms. Kupau-Odo, by virtue of already being a judge.

To be quite honest, I get uncomfortable when staffing seems to be more about race than qualifications. It's not because I can't handle: I grew up listening to Bula`ia and Frank and Rap. It just concerns me when hiring someone is only based on how impressive their resume is, or because they're a good talker, or because nepotism, or whatever: the best person for the job should be hired. I think though, in this instance, my greater concern is not just about representation of koko, but representation of `ike. In this case, as in many others, we should support local. Who else is better equipped to care for this land and its people? How will this nomination affect not just this generation, but future ones? How are we, as a state, encouraging civic discourse around these issues?

I trust you will all have a robust and healthy dialogue around the business at hand.

Mālama pono,  
Sean Choo

**GM-1**

Submitted on: 7/27/2021 1:27:11 AM

Testimony for JDC on 7/27/2021 11:00:00 AM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jaylin Kanani Afia	Individual	Oppose	No

Comments: Aloha mai kākou, I am writing this testimony is full opposition to the nomination of Daniel Gluck to the Hawai'i Intermediate Court of Appeals (ICA). Although Daniel Gluck may fit few of the qualifications, there are more qualified candidates to choose from. Those of which who are, and understand the Native Hawaiian community. There should be more Native Hawaiian representation in the Hawai'i's judicial system. Across Gov. Ige's tenure, his prejudices are clear. 71% of all of his appointments have been men, and 71% have been white/asian Settlers. Currently, there are no Kanaka, no Filipino, no Pacific Islander, nor Black judges at the Hawai'i Supreme Court or Intermediate Court of Appeals. And it has been 20 years since we had a Kanaka on the Hawai'i Supreme Court and 30 years for the ICA. And yet, Ige has chosen Gluck as his nomination even as a far more experienced and appropriate field of candidates has been presented to him. With the critical role the ICA plays in the Hawai'i judiciary, our community deserves a court that is not only represented by highly experienced and qualified individuals; we also deserve a court that is representative of our people. Mahalo, Jaylin Kanani Afia

**GM-1**

Submitted on: 7/27/2021 4:26:11 AM

Testimony for JDC on 7/27/2021 11:00:00 AM



Submitted By	Organization	Testifier Position	Present at Hearing
Ikaika Rosa	Individual	Oppose	No

Comments: Aloha kōkou, I am writing this testimony is full opposition to the nomination of Daniel Gluck to the Hawai'i Intermediate Court of Appeals (ICA). I share my opposition with the specific concern that this nomination represents yet another attempt by the state of Hawai'i to bypass Kanaka Maoli and women of color leadership and expertise. In this particular instance the Kanaka Maoli (and other) candidates far supersede the experience held by Gluck. By every meaningful metric, Gluck is clearly the least experienced of all finalists. In fact the only thing that does distinguish Gluck on this list is that he is the only candidate whos appealant experice is accounted for in single digits. Gluck's inexperience should be enough to disqualify him in a field of such supremely qualified candidates. However, there are additional issues that are major causes for concern. Across Gov. Ige's tenure, his prejudices are clear. 71% of all of his appointments have been men, and 71% have been white/asian Settlers. Currently, there are no Kanaka, no Filipino, no Pacific Islander, nor Black judges at the Hawai'i Supreme Court or Intermediate Court of Appeals. And it has been 20 years since we had a Kanaka on the Hawai'i Supreme Court and 30 years for the ICA. And yet, Ige has chosen Gluck as his nomination even as a far more experienced and appropriate field of candidates has been presented to him. With the critical role the ICA plays in the Hawai'i judiciary, our community deserves a court that is not only represented by highly experienced and qualified individuals; we also deserve a court that is representative of our people. There are few avenues to properly address the interest of our native Hawaiian population via the legislative branch. This is not surprising considering that Hawaiians make up less than 10% of the legislature, while making up over 20% of our population. This empty seat in the ICA represents an opportunity to work towards ensuring that at the very least our judiciary be more representative of our people. Please do the right thing and honor the expertise of the other, much more qualified candidates for this position, and deny the confirmation of Gluck Nomination. Mahalo, Ikaika

**GM-1**

Submitted on: 7/27/2021 6:39:18 AM

Testimony for JDC on 7/27/2021 11:00:00 AM

**LATE**

Submitted By	Organization	Testifier Position	Present at Hearing
Michelle Morin	Individual	Oppose	No

Comments: ALOHÄ€ My name is Michelle MORIN & I am full opposition to Gov. David Igeâ€™s nomination of Daniel Gluck in to the Hawaii Intermediate Court of Appeals (ICA). It is clear by the numbers shown that Daniel Gluck is NOT the most qualified individual for this position & those that are more qualified have been overlooked! It is clear that all of Gov. David Igeâ€™s appointments have been 71% Men! & 71% white/Asian settlers. Kanaka Maoli make up 20% of Hawaii & have not had representation in the Hawaii Supreme Court for over 20years! We live in Hawaii & there is something wrong if kanaka maoli are not being represented fairly!!! It is clear that our Governor is making these nominations not on merit & experience! Kanaka maoli & women of color are being overlooked for this position unfairly! It is clear whom is the most qualified but yet our Governor chooses the least qualified of them all! Please consider my plea to appoint a kanaka maoli & woman of color to the office that is rightly theirs by the experience & qualifications that are clear!!! I OPPOSE ALL OF OUR GOVERNORâ€™s appointments as self serving & not for the good of all!!! UA MAU KE EA I KA Ä€INA IN KA PONO!!!

**GM-1**

Submitted on: 7/27/2021 6:57:10 AM

Testimony for JDC on 7/27/2021 11:00:00 AM



<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kelsey Pickard	Individual	Oppose	No

Comments: Aloha kākou, I am writing in full opposition to the nomination of Daniel Gluck to the Hawai'i Intermediate Court of Appeals (ICA). I am concerned that this nomination represents yet another attempt by the state of Hawai'i to bypass the leadership and expertise of Kanaka Maoli and women of color. The Kanaka Maoli (and other) candidates' experience far supersedes that of Gluck's. Gluck is clearly the least experienced of all finalists. Gluck's inexperience should be enough to disqualify him in a field of such supremely qualified candidates. Currently, there are no Kanaka, no Filipino, no Pacific Islander, nor Black judges at the Hawai'i Supreme Court or Intermediate Court of Appeals. It has been 20 years since we had a Kanaka on the Hawai'i Supreme Court and 30 years for the ICA. And yet, Ige has chosen Gluck as his nomination even as a far more experienced and appropriate field of candidates has been presented to him. Our community deserves a court that is not only represented by highly experienced and qualified individuals; we also deserve a court that is representative of our people. There are few avenues to properly address the interest of the native Hawaiian population via the legislative branch. Hawaiians make up less than 10% of the legislature, while making up over 20% of our population. This is an opportunity to work towards ensuring that at the very least our judiciary be more representative of our people. Please do the right thing and honor the expertise of the other, much more qualified candidates for this position, and deny the confirmation of Gluck Nomination. Mahalo, Kelsey Pickard, Kaua'i Resident

**LATE**

**GM-1**

Submitted on: 7/27/2021 7:20:13 AM  
Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ariel Keopuolani Ani-Angway	Testifying for LEIRA Organics	Oppose	No

Comments: There are 3 overly qualified native Hawaiians next to this individual. We are opposed to this nomination. Choose a more qualified person for the position! Mahalo nui MĀ• lama pono.

Testifier: Kelly Osorio

I am writing this testimony in opposition to the nomination of Daniel Gluck to the Hawai'i Intermediate Court of Appeals (ICA). Daniel Gluck's nomination has raised questions about his lack of experience compared to other candidates as well as the attempt to bypass Kanaka Maoli and Women of Color with leadership and expertise. Daniel Gluck has the least amount of experience of the six names submitted. His inexperience should be enough to disqualify him in a field of such supremely qualified candidates.

Currently, there are no Kanaka, no Filipino, no Pacific Islander, nor Black judges at the Hawai'i Supreme Court or Intermediate Court of Appeals. And it has been 20 years since we had a Kanaka on the Hawai'i Supreme Court and 30 years for the ICA. With the critical role the ICA plays in the Hawai'i judiciary, our community deserves a court that is not only represented by highly experienced and qualified individuals; we also deserve a court that is representative of our people. There are few avenues to properly address the interest of our native Hawaiian population via the legislative branch. This is not surprising considering that Hawaiians make up less than 10% of the legislature, while making up over 20% of our population. Please do the right thing and honor the expertise of the other, much more qualified candidates for this position, and deny the confirmation of Gluck Nomination.

K. Osorio

**LATE**



**GM-1**

Submitted on: 7/27/2021 7:50:57 AM

Testimony for JDC on 7/27/2021 11:00:00 AM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Anela Evans	Individual	Oppose	No

Comments: I strongly oppose the nomination of Daniel Gluck as an Associate Judge to the Intermediate Court of Appeals. I urge the Committee on Judiciary to deny this nomination. I do not believe that Mr. Gluck's nomination is representative of the diversity of Hawai'i's people. I also strongly believe that there are better qualified candidates with more experience that will better serve Hawai'i through this appointment. Thank you for the opportunity to share my opinion. Aloha.

**GM-1**

Submitted on: 7/27/2021 8:08:15 AM

Testimony for JDC on 7/27/2021 11:00:00 AM



<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Shannon McClish	Individual	Oppose	No

Comments: To whom it may concern: I encourage you to consider the importance of a judiciary that reflects the demographic of Hawaii to best serve the citizens of Hawaii and promote a just and fair judicial process.

**LATE**

**GM-1**

Submitted on: 7/27/2021 8:10:04 AM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lauren Esaki-Kua	Individual	Oppose	No

Comments: Aloha, I am writing in opposition to the nomination of Daniel Gluck to the Hawai'i Intermediate Court of Appeals (ICA). I share my opposition with the specific concern that this nomination represents yet another attempt by the state of Hawai'i to bypass Native Hawaiian and women of color leadership and expertise. In this particular instance the other candidates far supersede the experience held by Mr. Gluck. The only thing that does distinguish Gluck on this list of candidates is that he is the only candidate whos appelant experience is accounted for in single digits. Gluck's inexperience should be enough to disqualify him in a field of such supremely qualified candidates. However, there are additional issues that are major causes for concern. Across Gov. Ige's tenure, his prejudices are clear. 71% of all of his appointments have been men, and 71% have been White/Asian Settlers. It has been 20 years since we have had a Native Hawaiian on the Hawai'i Supreme Court and 30 years for the ICA. And yet, Ige has chosen Gluck as his nomination even as a far more experienced and appropriate field of candidates has been presented to him. With the critical role the ICA plays in the Hawai'i judiciary, our community deserves a court that is not only represented by highly experienced and qualified individuals; we also deserve a court that is representative of our people. There are few avenues to properly address the interest of our native Hawaiian population via the legislative branch. This is not surprising considering that Hawaiians make up less than 10% of the legislature, while making up over 20% of our population. This empty seat in the ICA represents an opportunity to work towards ensuring that at the very least our judiciary be more representative of our people. Please do the right thing and honor the expertise of the other, much more qualified candidates for this position, and deny the confirmation of Gluck Nomination. Mahalo, Lauren Esaki-Kua

**LATE**

**GM-1**

Submitted on: 7/27/2021 8:14:21 AM

Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Pahnelopi McKenzie	Individual	Oppose	No

Comments: Greetings, Thank you for your time today. I am submitting testimony today to oppose the nomination of Daniel Gluck to the immediate court of appeals. In the court in which is allegedly to be set up for the well being of the people is lacking this on many fronts. The fact that there is majority Men and white/asian settlers filling these seats of justice is unacceptable. The voice of the people must be represented by the people. Here in Hawaii where there is no Kanaka Maoli, fillipio, pacific islander, nor black Judges at the Hawai'i supreme court or Intermediate Court of Appeals is absurd and shameful. There are more qualified folks who can sit for this position that are more qualified in all ways than Mr Gluck. I ask that this nomination is to not move forward and a person of higher qualification in all ways is nominated to support the court systems that are created for justice for the people by the people. This pandemic showed us we are all connected and there is no going back to evil, white patriarchal supremacist normal's. Please deny the conformation of Daniel Gluck to the ICA. Thank you for your time and consideration in this matter. Blessings Pahnelopi McKenzie

**GM-1**

Submitted on: 7/27/2021 8:51:14 AM

Testimony for JDC on 7/27/2021 11:00:00 AM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Raylene Pratt	Individual	Oppose	No

Comments: I strongly oppose Governor Ige's nomination of Daniel Gluck to the ICA! Why would a person more qualified AND with much more experience be looked over unless the intention was to have the worst possible person in that position so that the people of Hawai'i (especially kanaka) would not have the best chance for a ruling in their favor? I personally would like to finally see kanaka wahine nominated into these positions in Hawai'i so that they can truly make a positive difference for our people. It's time that the State of Hawai'i balance the patriarchal and matriarchal energies in every department of government. This patriarchal structure is no longer doing the best justice for humanity. I demand positive change!

**LATE**

**GM-1**

Submitted on: 7/27/2021 9:18:19 AM  
Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Charles Tutto	Individual	Support	No

Comments: I fully support the nomination of Dan Gluck as a judge on the Intermediate Court of Appeals. I have had the opportunity to work with Dan in my capacity as the former Executive Director and Legal Counsel for the Honolulu Ethics Commission, and as a contract special investigator for Dan and the Hawai'i State Ethics Commission. Dan exemplifies the highest professional integrity, intellectual capacity and executive efficiency. His background shows that he is no stranger to controversy. In those matters, he consistently uses his calm demeanor to speak truth to power for the benefit of all of Hawai'i's people. Dan will be a most valuable additional to the ICA.

**LATE**

**GM-1**

Submitted on: 7/27/2021 9:24:30 AM  
Testimony for JDC on 7/27/2021 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Amy Parsons	Individual	Oppose	No

Comments: Aloha, I'm writing to oppose the nomination of Daniel Gluck to the Hawai'i Intermediate Court of Appeals (ICA). It is very concerning to me that he has less experience than other candidates. Additionally, passing up the opportunity to get a more qualified Hawaiian candidate into the position seems like a huge miss. Hawaii needs Native Hawaiian representation in the legal system. Mahalo, Amy Parsons

**GM-1**

Submitted on: 7/27/2021 9:54:17 AM

Testimony for JDC on 7/27/2021 11:00:00 AM

**LATE**

Submitted By	Organization	Testifier Position	Present at Hearing
Melissa Akoni	Individual	Oppose	No

Comments: Aloha kākou, I am writing this testimony to express my full opposition to the nomination of Daniel Gluck to the Hawai'i Intermediate Court of Appeals (ICA). I share my opposition with the specific concern that this nomination represents yet another attempt by the state of Hawai'i to bypass Kanaka Maoli and women of color leadership and expertise. In this nomination the other candidates expertise and experience far outweigh that of Mr. Gluck's. Gluck's inexperience should be enough to disqualify him in a field of such supremely qualified candidates. This nomination of Gluck over the other proposed candidates also raises concern given that across Gov. Ige's tenure, his prejudices are quite clear. 71% of all of his appointments have been men, and 71% have been white/asian Settlers. Currently, there are no Kanaka, no Filipino, no Pacific Islander, nor Black judges at the Hawai'i Supreme Court or Intermediate Court of Appeals. And it has been an entire two decades since we had a Kanaka on the Hawai'i Supreme Court and three decades for the ICA. And yet, Ige has chosen Gluck as his nomination even as a far more experienced and appropriate field of candidates has been presented to him. With the critical role the ICA plays in the Hawai'i judiciary, our community deserves a court that is not only represented by highly experienced and qualified individuals; we also deserve a court that is representative of our people. There are few avenues to properly address the interest of our native Hawaiian population via the legislative branch. This is not surprising considering that Hawaiians make up less than 10% of the legislature, while making up over 20% of our population. This empty seat in the ICA represents an opportunity to work towards ensuring that at the very least our judiciary be more representative of our people. Please do the right thing and honor the expertise of the other, much more qualified candidates for this position, and deny the confirmation of Gluck Nomination. Mahalo, Melissa Akoni



**GM-1**

Submitted on: 7/27/2021 10:54:56 AM

Testimony for JDC on 7/27/2021 11:00:00 AM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sharra Dancel	Individual	Oppose	No

Comments: I would like to oppose the appointment of Mr. Gluck on the basis that there were more qualified applicants with more court case experience. Experience matters when it comes to representation.

**LATE**

**GM-1**

Submitted on: 7/27/2021 10:49:29 AM

Testimony for JDC on 7/27/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Shannon Pomaika'i Hennessey	Individual	Oppose	No

Comments: Aloha kākou, I am writing this testimony in full opposition to the nomination of Daniel Gluck to the Hawai'i Intermediate Court of Appeals (ICA). I share my opposition with the specific concern that this nomination represents yet another attempt by the state of Hawai'i to bypass Kanaka Maoli and women of color leadership and expertise. In this particular instance the Kanaka Maoli (and other) candidates far supersede the experience held by Gluck. By every meaningful metric, Gluck is clearly the least experienced of all finalists. In fact the only thing that does distinguish Gluck on this list is that he is the only candidate whose appealant experience is accounted for in single digits. Gluck's inexperience should be enough to disqualify him in a field of such supremely qualified candidates. However, there are additional issues that are major causes for concern. Across Gov. Ige's tenure, his prejudices are clear. 71% of all of his appointments have been men, and 71% have been white/Asian Settlers. Currently, there are no Kanaka, no Filipino, no Pacific Islander, nor Black judges at the Hawai'i Supreme Court or Intermediate Court of Appeals. And it has been 20 years since we had a Kanaka on the Hawai'i Supreme Court and 30 years for the ICA. And yet, Ige has chosen Gluck as his nomination even as a far more experienced and appropriate field of candidates has been presented to him. With the critical role the ICA plays in the Hawai'i judiciary, our community deserves a court that is not only represented by highly experienced and qualified individuals; we also deserve a court that is representative of our people. There are few avenues to properly address the interest of our native Hawaiian population via the legislative branch. This is not surprising considering that Hawaiians make up less than 10% of the legislature, while making up over 20% of our population. This empty seat in the ICA represents an opportunity to work towards ensuring that at the very least our judiciary be more representative of our people. Please do the right thing and honor the expertise of the other, much more qualified candidates for this position, and deny the confirmation of Gluck Nomination. Mahalo, Shannon Pomaika'i Hennessey

**LATE**

**From:** Matthew Weyer <mbweyer@gmail.com>  
**Sent:** Tuesday, July 27, 2021 10:59 AM  
**To:** Matthew Weyer <mbweyer@gmail.com>  
**Subject:** Please Oppose GM1 ICA Confirmation

Aloha Senator,

I am emailing to relay opposition to GM1 relating to the Governor's appointment of Daniel Gluck to the Intermediate Court of Appeals (ICA).

I have nothing but respect for Mr. Gluck. But I also think our judiciary is undermined when someone with the least experience is appointed over nominees with far more experience in court and legal practice. We are not talking about a handful of cases more in experience; we are talking about other nominees with ten and twenty times the experience of the proposed appointee. What makes it even more alarming is that the pool of more experienced attorneys included four women, three attorneys of Native Hawaiian ancestry, and one attorney of Filipino ancestry. This diverse pool was overlooked during a time when our appellate courts lack representation from the Native Hawaiian, Pacific Islander, Filipino, and African American communities. Practicing in our courts, working with incarcerated youth during law school, and working with students in our public schools through HSBA's Young Lawyers Division has revealed to me the importance of having a judiciary that represents all of our community. All of us benefit from a diverse judiciary.

I am proud to be a graduate of the William S. Richardson School of Law, a school named for a Chief Justice that demonstrated why diversity and representation are so important in our legal system. I am grateful for legal precedent informed by diversity and culture that protects both Native Hawaiian rights and the rights enjoyed by all citizens, particularly relating to the public trust and our natural resources. The power of CJs decisions do not only come from him taking the correct legal stance on issues before the court; the power of those decisions also comes from court opinions informed by voices from the communities they most affect.

Please oppose GM1 and ask the Governor to appoint someone to the ICA with the experience and diversity that the position warrants.

Mahalo,  
Matt Weyer

**LATE**

**From:** Mele Spencer <[muspencer@hawaii.rr.com](mailto:muspencer@hawaii.rr.com)>

**Date:** July 26, 2021 at 9:39:59 AM HST

**To:** "Sen. Lorraine R. Inouye" <[seninouye@capitol.hawaii.gov](mailto:seninouye@capitol.hawaii.gov)>, "Sen. Laura Acasio" <[senacasio@capitol.hawaii.gov](mailto:senacasio@capitol.hawaii.gov)>, "Sen. Dru Mamo Kanuha" <[senkanuha@capitol.hawaii.gov](mailto:senkanuha@capitol.hawaii.gov)>, "Sen. Joy A. San Buenaventura" <[SenSanBuenaventura@capitol.hawaii.gov](mailto:SenSanBuenaventura@capitol.hawaii.gov)>

**Subject:** Testimony to the Senate Judiciary Committee against Mr. Gluck's nomination

Aloha Senators,

I was unable to access the link to submit testimony and therefore am appealing to you by email. This email is my personal opinion.

I am opposed to Mr. Gluck's nomination to judge. For reasons stated below, it would appear that there is something skew on the Governor's recommendation.

While I am a firm believer in empowering women, I am a firm believer that all decisions must be made on the merit of the person or situation and not on gender, race, or equity. This does seem the case. True justice is blind.

Respectfully submitted,

Mele Spencer

Chair, D9 Bylaws Committee

Past Governor, Zonta International, District 9

Hawaii County Committee on Status of Women

961 Auwae Rd., Hilo, HI 96720, USA

Phone/Facsimile: 808-959-5026

Mobile: 808-937-5119

Email: [muspencer@hawaii.rr.com](mailto:muspencer@hawaii.rr.com)

Websites: [www.zonta.org](http://www.zonta.org); [www.zontadistrict9.org](http://www.zontadistrict9.org); [www.zontahilo.org](http://www.zontahilo.org)

**OPPOSE GM1**

hayntitah8o8 <hayntitah8o8@aol.com>

Tue 7/27/2021 6:54 AM

To: JDC Committee <JDCCommittee@capitol.hawaii.gov>

Aloha Senate Committee on Judiciary,



Mahalo for this opportunity to testify on GM1. I oppose the governor's nomination of Daniel Gluck to the Intermediate Court of Appeals and ask that you vote to recommend disapproval.

I also urge Governor Ige to withdraw his name from this process and nominate the most qualified applicant.

Mahalo!

Iolana Corpuz

Kaunakakai, Molokai

Sent from my iPhone



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

**Daniel M. Gluck**  
**Judge of the Intermediate Court of Appeals (GM1)**

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

FROM: Levi Hookano  
President, Hawaii State Bar Association

Hearing: Tuesday, July 27, 2021 at 11:00 a.m.  
Via Videoconference  
State Capitol

The Board of Directors of the Hawaii State Bar Association (HSBA) appreciates the opportunity to submit comments on the nomination of Daniel M. Gluck for the position of 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 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.
- Meeting of the President, the Executive Director, and the nominee prior to the scheduled interview of the nominee by the Board.

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- 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 Mr. Gluck on July 21, 2021 to discuss the subcommittee's findings. On July 22<sup>nd</sup>, Mr. Gluck was interviewed by the HSBA Board of Directors in executive session.

Documentation submitted by Mr. Gluck 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 Mr. Gluck 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

The task of the HSBA was to determine the qualifications and suitability of the Appointee utilizing in large part, the judicial appointments criteria of the American Bar Association. The criteria are not ranked in terms of importance as it is used universally to review the qualifications of appointees for trial and appellate positions. The determination of qualified or unqualified is based on a totality of the documentation received, member and reference comments, and the interview of the individual appointed.

While most attorneys select a linear career path and pursue professional opportunities in a specific area of the law such as civil practice, criminal practice, government service, or nonprofit or corporate counsel, Daniel Gluck has had varied work experiences before and after passing the Hawaii Bar exam.

Prior to pursuing a degree from Harvard Law School, Mr. Gluck served in the AmeriCorps National Civilian Community Corps in South Carolina establishing and coordinating a summer literacy program; clearing trails and planting trees and assisting the National Forest Service to fight fires; and renovating low-income apartment units. He also worked as an immigration paralegal in a private law firm in North Carolina.

During his law school years, Mr. Gluck served in: the U.S. Attorney's Office in Honolulu as a legal intern; the Gay and Lesbian Advocates and Defenders organization in Boston; and the U.S. Department of Justice as a legal intern in the Environmental & Natural Resources Enforcement Division. As a law student he was a leader in an organization that represented indigent clients.

After passing the Hawaii Bar exam, Mr. Gluck was a law clerk for a Hawaii Supreme Court Justice and a Federal District Court Judge. He transitioned to a local law firm specializing in civil litigation. From 2007 to 2016 Mr. Gluck was employed by the ACLU of Hawaii as a senior staff attorney and subsequently as its Executive Director. The ACLU is well-known for its service to marginalized populations including the homeless and immigrants. In 2016, Mr. Gluck began his tenure as the Executive Director of the State Ethics Commission enforcing State ethics statutes, implementing rules, responding to advisory opinion requests and representing the Commission in administrative law and court proceedings.

Mr. Gluck is acknowledged by supporters and others to possess exceptional educational credentials, thorough research and precise analytical skills, collaborative efforts, high intellect, leadership, and integrity.

After a review of all documentation submitted and the interview of the nominee, which included dialogue and questioning relating to his background, experiences, and reasons for pursuing the position of Judge of the Intermediate Court of Appeals, the Board of the Hawaii State Bar Association found Mr. Daniel M. Gluck to be **QUALIFIED** for the position of 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.