

October 24, 2021

Senator Karl Rhoades and Judiciary Committee:

I submit this testimony in support of the appointment of Clarissa Malinao for Circuit Court Judge of the First Circuit.

I am Erin Warner and have been a close personal friend of Clarissa and her family for nearly 20 years. Clarissa and I worked hard together as law clerks at Circuit Court and while our career paths have taken different courses, we have remained closely connected for many reasons including our legal education and training. However, the real reason for our continued close connection is our shared values including characteristics such as integrity and judgement.

I am a Human Resources professional, serving in many different capacities for the last 15 years, including labor and employee relations, investigations, employee benefits, performance management, training and development, and compensation. One of the core functions that I have performed as a long-time HR professional is to assess the credibility and character of employees to conduct a full assessment about their conduct and job performance. This assessment sometimes leads to employees getting terminated and at other times results in employees being promoted or given opportunities to assist with their growth and development.

It is with this professional HR experience that I find Clarissa's character and professional legal experience as key abilities to perform the role of a Judge with integrity and the utmost judgement.

Many years ago, Clarissa demonstrated this integrity and judgement in our personal lives. Clarissa and I were a part of a larger group of individuals who began holding themselves out in a manner that was not consistent with those that have integrity and judgement. It was through this experience that I became familiar with Clarissa's values as a person and later as a legal professional. This personal experience was the foundation of our friendship and continues to bond us into our adulthood.

As a local, Filipino female, Clarissa represents the people of Hawaii and will be able to adhere to the law and do the right thing. Her legal experience speaks for itself. Her additional diverse professional background including running a family business, working in retail, and volunteer work add to her abilities as a well-rounded professional with the ability to use sound judgement.

While a majority of Clarissa's legal experience has been in criminal law, she does have experience with civil law and had been well exposed to civil proceedings. Additionally, with her foundational knowledge and ability to learn and observe, she will have no issues deepening and developing this area of law. The key asset in Clarissa's ability to learning and performing in the civil realm, remains to be integrity and judgement. The tactical and procedural elements may take some time to learn but she will nonetheless carry out the functions as judge with integrity and judgement.

Sincerely,
Erin Warner

GM-1

Submitted on: 10/24/2021 7:39:39 PM

Testimony for JDC on 10/27/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Page Ogata	Individual	Support	Yes

Comments: I am proud to write in support of Clarissa Malinao for the position of Circuit Court Judge for the First Circuit. I have had the privilege of knowing Clarissa as both a co-worker and as a judge, and I am confident that she is both qualified and well-suited for the job. As a litigator, I have appeared before Clarissa when she sat as a per diem judge in the District Court of the First Circuit. She was patient and kind with pro se litigators while moving the calendar and maintaining a professional demeanor. She was prepared for the hearings, thoughtful in her decisions, and did not "punt" anything that could have been handled that day. She also appeared to have a good rapport with the staff and had a good handle on the technology that was being used. I urge this committee sees what Clarissa will bring to the bench and will vote to confirm her.

GM-1

Submitted on: 10/26/2021 2:00:40 AM

Testimony for JDC on 10/27/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Susan L. Arnett	Individual	Support	Yes

Comments: Senator Rhoads & members of the committee, I write to indicate my very strong support for the nomination of Clarissa Malinao to the First Circuit Court. I've known Clarissa for over 15 years as a colleague at the Public Defender's Office & a close friend. I know her work as a lawyer to be based on diligent preparation & genuine dedication to her clients. As a per diem judge, she presides over civil & criminal matters, immersing herself in any area of law in which she has less experience. Clarissa represents the best of what someone sitting on the bench should be. She has a lifelong commitment to public service. She believes she is well prepared, as she is, but knows that she must continue to learn the entire length of her service as a judge. She believes that each person coming into a courtroom deserves to be treated with respect and for those involved in the case, given a real opportunity to be heard. She embodies the hard work, dedication and humility that a judge should possess. She will truly be an asset to the bench. I recommend her wholeheartedly. Thank you for the opportunity to comment.

MYRON H. TAKEMOTO

Attorney at Law

P.O. BOX 699
Kaneohe, HI 96744

TELEPHONE: (808) 536-2900

October 20, 2021

Senator Karl Rhoads, Chair
Members of the Senate Committee on Judiciary

RE: GM1 – Submitting for Consideration and Confirmation to the Circuit Court of the First Circuit, State of Hawai'i, Gubernatorial Nominee, CLARISSA Y. MALINAO, for a Term to Expire in 10 Years.

Dear Senator Rhoads, Members of the Senate Committee on Judiciary,

I am hereby submitting this written testimony in strong support for the confirmation of CLARISSA Y. MALINAO, as a Circuit Court Judge for the Circuit Court of the First Circuit.

I am an attorney, licensed to practice law in Hawai'i for over twenty-seven (27) years. I have known Ms. Malinao since 2007, when she was employed as a Deputy Public Defender for the State of Hawai'i Office of Public Defender.

Ms. Malinao and I became colleagues when we were both sworn in as Per Diem Judges in the District Court of the First Circuit in August 2019. Ms. Malinao has presided as a District Court Per Diem Judge with distinction, honor, compassion and fairness. I have witnessed her serve the judiciary with integrity, ethics, knowledge and the temperament that is befitting of a full-time Judge. Ms. Malinao cares not only about the people that appear before her as litigants, witnesses or parties, but she cares deeply for those who serve in the judiciary (clerks, bailiffs, law clerks, staff, etc.). With her experience as a Per Diem Judge, and her vast experience as a trial attorney in the District Court, Circuit Court, Family Court and the Federal Court in Hawai'i, Ms. Malinao is extremely qualified to be a Circuit Court Judge.

Ms. Malinao cares deeply about family, the people of Hawai'i and the system of justice in Hawai'i. Despite her busy schedule as a Per Diem Judge and a solo practitioner, Ms. Malinao has selflessly volunteered her time and energy in numerous HSBA and judiciary related organizations and committees, thus providing significant contributions to the legal community and the community at-large.

I firmly believe that Ms. Malino would serve the judiciary with the utmost integrity, dignity, honor and compassion. Accordingly, it is my privilege to offer my strong support for Clarissa Y. Malinao for the position of Circuit Court Judge in the Circuit Court of the First Circuit. Thank you very much for your time and consideration in this matter.

Sincerely,

/s/ Myron H. Takemoto

Myron H. Takemoto, Esq.

GM-1

Submitted on: 10/21/2021 7:07:39 AM

Testimony for JDC on 10/27/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Michael Edward Sheehy	Individual	Support	No

Comments: I would like to lend my support for Clarissa Y Malinao for circuit court judge for the first circuit. I believe her record as an attorney and temporary judge shows she is more than qualified and will make an excellent judge.

October 21, 2021

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

Re: GM1 – Testimony in STRONG SUPPORT of the appointment of Clarissa Y. Malinao to serve as Judge of the First Circuit Court of the State of Hawaii

In 2019, I volunteered to do pro bono legal work for the Volunteer Legal Services of Hawaii (VLSH) representing clients in its Reemployment and Community Service (RACS) program in District Court.

Having been a government and administrative law attorney for over 30 years, I had not appeared in court for a long time and was feeling a bit apprehensive about my first court appearance in decades in an area of law outside my expertise.

Two days before my pro bono court date, Ms. Malinao sent me an unsolicited email. As a longtime VLSH volunteer herself and also as a per diem district court judge who sometimes presided over RACS cases, Ms. Malinao generously shared with me general tips and advice on how to handle these cases. I was so touched by her gesture of mentorship.

Ms. Malinao's willingness to help and support fellow attorneys to succeed speaks to her selflessness and commitment to a fair and just judicial system. I was so grateful for her support that I paid it forward by mentoring another attorney for pro bono work.

Since 2019, I have at times appeared before per diem Judge Malinao in District Court for RACS cases. I have seen Judge Malinao deftly move the busy morning calendar with efficiency and aplomb. I am confident that she will serve the judiciary and the people of Hawaii with distinction.

Aloha,

Lily O.C. Ling
Retired Attorney and Former Executive Officer
to the Labor & Industrial Relations Appeals Board



October 21, 2021

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The Honorable Karl Rhoads, Chair (Fax: 808-586-6131)
The Honorable Jarrett Keohokalole, Vice Chair (Fax: 808-587-7220)
Senate Committee on Judiciary
415 S. Beretania Street
Hawaii State Capitol, Room 204
Honolulu, Hawaii 96813

Re: Circuit Court Nomination of Clarissa Y. Malinao

Dear Chair Rhoads, Vice Chair Keohokalole and Honorable Committee Members:

I write this letter in strong support of the Honorable Clarissa Y. Malinao's nomination to serve as a Circuit Court Judge in the First Circuit.

I currently serve as the President of the State of Hawaii Organization of Police Officers ("SHOPO"), which is the public employee union that represents all of our county police members serving throughout the State of Hawaii. As a police union, we have a special interest in judicial appointments since the outcome of our investigations and work are often decided in a courtroom before the very judges who are vetted through your committee. In addition, our officers spend a significant amount of time testifying in the courts, so we constantly monitor court proceedings to ensure our officers are meeting expectations and at the same time are being treated fairly.

Our review and evaluation of a nominee seeking an appointment to the judiciary is based on several key criteria, including the nominee's level of intelligence, legal knowledge/ability, professional experience, diligence, fairness, judicial temperament and integrity. We use our evaluations to determine whether we will support, oppose or remain neutral on a nomination. We take our evaluations and recommendations seriously as we know that the position we take could potentially negatively impact a nominee's confirmation.

As the largest public law enforcement labor organization in Hawaii, we voice our strong and unequivocal support for Clarissa Y. Malinao's nomination. As an experienced per diem District Court Judge who has served in that capacity since 2019, combined with her practice of law for approximately 15 years, Judge Malinao has done an outstanding job and been exemplary on the bench, is exceptionally qualified, and has wide ranging experience that has been invaluable to our community.

The Honorable Karl Rhoads, Chair
The Honorable Jarrett Keohokalole, Vice Chair
Senate Committee on Judiciary
October 21, 2021
Re: Circuit Court Nomination of Clarissa Y. Malinao
Page 2 of 2


Our officers have appeared and testified numerous times in Judge Malinao's courtroom over the last several years. It is clear to us that Judge Malinao possesses a high level of judicial intellect which is reflected in her understanding and grasp of current legal decisions, laws and legal procedures, and displays the utmost respect for not only our officers but the public at large who appear in her courtroom. She is clearly a judge who sincerely cares and gives much thought and analysis before rendering her decisions and rulings. Judge Malinao is even-handed in her approach, fair minded, well balanced, possesses a mature judicial temperament and exhibits compassion for those who are less fortunate and come before her court under trying circumstances. She is a diligent judge who works hard and does her homework when it comes to understanding the law, recent appellate decisions and applying the law fairly. We have certainly had decisions rendered that may not have been in our favor, which is something we understand comes with the territory; however, Judge Malinao's decisions are well thought out, well-reasoned, and with particularly difficult issues she has displayed the courage it takes to make an unpopular call when that is what the law and facts dictate. That is something we truly respect and admire about Judge Malinao.

Based on our officers' experience and observations, Judge Malinao displays the utmost respect, compassion and understanding for defendants who come into her courtroom. She has consistently shown a sense of humility that is both genuine and effective in her handling of court matters.

In our experience, Judge Malinao combines her mature and balanced judicial temperament with a basic sense of fundamental fairness. Among our officers, Judge Malinao enjoys a well-earned reputation of being a woman of impeccable character and integrity. As a per diem District Court judge, we have seen how she effectively manages her calendar and other court business. We also appreciate how she is conscientious about avoiding keeping our officers waiting in the court hallways for cases so that they can return to their beats in an expeditious manner. She is also very mindful of the attorneys, parties and witnesses and their time constraints and expedites court business whenever possible to accommodate schedules.

We applaud Judge Malinao's judicial service and believe without reservation that she will continue to be an excellent and valuable asset to the judiciary. Thank you for this opportunity to comment on Judge Malinao's appointment and we sincerely hope she will receive your commission's favorable and unanimous endorsement.

Respectfully submitted,


MALCOLM LUTU
SHOPO President

The Honorable Karl Rhoads, Chair
The Honorable Jarrett Keohokalole, Vice Chair
Senate Committee on Judiciary
415 S. Beretania Street
Hawaii State Capitol, Room 204
Honolulu, Hawai'i 96813

October 21, 2021

Re: Circuit Court Nomination of Clarissa Y. Malinao

To whom it may concern:

I am writing this letter of recommendation on behalf of Clarissa Y. Malinao for Circuit Court Justice.

I have known Clarissa Malinao for many years, first as a private attorney, then while I was a bailiff for the First Circuit District Court, and lastly when I was a Court Clerk at the First Circuit District Court.

Clarissa Malinao would be an excellent Circuit Court Justice. She is an exceptional lawyer and she is an outstanding per diem District Court Judge. She has exhibited very good judicial temperament. She has a good sense of humor, and self discipline. Her work product is superior because she has a keen legal mind, and has demonstrated time and again her ability to analyze complicated legal issues and apply the law appropriately. She makes decisions that are just and fair. She is unbiased and impartial. She is intelligent, wise, and patient.

Clarissa Malinao has all of the credentials, experience and wisdom to be a fine Circuit Court Justice. I hope that you will highly consider her for appointment as a Circuit Court Justice. Thank you for your consideration.

Sincerely,
Lynne M. Kipi

SENATE COMMITTEE ON JUDICIARY
CHAIR KARL RHOADS
VICE CHAIR JARRETT KEOHOKALOLE
MEMBERS

October 21, 2021

Dear Chair Karl Rhoads, Vice Chair Jarrett Keohokalole, and Members,

This letter is submitted in support of Clarissa Malinao's nomination to the Circuit Court of the First Circuit. I wholeheartedly support Clarissa Malinao's nomination. While I have not had the opportunity to work with Clarissa, I know Clarissa to be a very intelligent and principled person. I believe Clarissa is uniquely suited to be a Circuit Court Judge as she consistently displays fairness, courtesy, and compassion in all aspects of her life whether it be a simple personal matter, complex legal matter, or anything in between. I am also confident Clarissa will approach a judiciary appointment with the same commitment and dedication she has to her long list of professional and civic activities. Thank you for the opportunity to provide this letter of support.

VERY TRULY YOURS,

CLAIRE E. GOLDBERG

October 21, 2021

The Honorable Kari Rhoads, Chair
The Honorable Jarrett Keohokalole, Vice Chair
Senate Committee on Judiciary
415 S. Beretania Street
Hawaii State Capitol, Room 204
Honolulu, Hawaii 96813

Re: **Circuit Court Nomination of Clarissa Y. Malinao**

To the Honorable Kari Rhoads,

My name is Rose C. Galanto, I am the new President of the Filipino Chamber of Commerce of Hawaii, (FCCH). Previously, I was the President of the Hawaii Association of the Filipino Travel Agents. I have been a small business owner of two companies, Aloha Tours and Travel and Hills Solid Gold, Inc., since 1976 and 1983 respectively. I am also a Hawaii licensed Real Estate Agents since 1980 at Granventure Realty.

I am writing to humbly request for your support for Clarissa Y. Malinao. On behalf of Filipino Chamber of Commerce of Hawaii, we are in support of Judicial Nominee, **CLARISSA Y. MALINAO**, to the Circuit of the First Circuit Judge. With her education and experience with our Judicial systems as she is Attorney at Law, Per Diem Judge District Court, Deputy Public Defender, Law Clerk, professional organizations volunteers helping the under-privilege community, and dealing with different ethnic background and different culture of the people in the State of Hawaii is her strong advantage and open-minded to serve our community in Judicial System as a Circuit Judge.

We have faith that her firmness, fervent, and consistency that she will be selected as the reasonable justice judge of the peace in the Circuit Court.

Respectfully,

Rose C. Galanto

Rose C. Galanto
FCCH President

GM-1

Submitted on: 10/21/2021 6:59:43 PM

Testimony for JDC on 10/27/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Aphirak Bamrungruan	Individual	Support	No

Comments: My name is Aphirak Bamrungruan and I am a licensed attorney in State of Hawaii. I submit this testimony in my personal capacity in strong support of Clarissa Y. Malinao's nomination's appointment to the Circuit Court of the First Circuit. I have known Ms. Malinao for many years at Volunteer Legal Services Hawaii where she has dedicated her time and expertise to assist those in need of legal assistance at the neighborhood legal clinics. Based on my first-hand observations, Ms. Malinao has always exhibited professionalism, due care, and civility when dealing with others. It has been my experience that Ms. Malinao is always prepared, polite, courteous, and patient with clients and staff at Volunteer Legal Services Hawaii. I have the utmost confidence that Ms. Malinao, if given the opportunity, would be an outstanding addition to the Hawaii State Judiciary. Thank you for the opportunity to support Ms. Malinao's nomination.

October 21, 2021

The Honorable Karl Rhoads, Chair
The Honorable Jarrett Keohokalole, Vice Chair
Senate Committee on Judiciary
415 S. Beretania Street
Hawaii State Capitol, Room 204
Honolulu, Hawai'i 96813

Re: Circuit Court Nomination of Clarissa Y. Malinao

Dear Sir,

I write to you in support of the appointment of Clarissa Malinao to the Circuit Court bench. I met Ms. Malinao about 20 years ago through a mutual friend. Later, she became a Deputy Public Defender, and I've had the opportunity to work with her in both District and Circuit Courts. Ms. Malinao has always represented her clients to the best of her ability and has always made decisions that were in the best interest of her clients. As a resident of this community, we'd be fortunate and lucky to have her serving as a judge on the circuit court bench. She has a solid background for this judgeship position.

However, it's not just Ms. Malinao's legal experience, it's her personal qualities that give us confidence that she would be a great judge. It's her work ethic and family values, her passion for the profession and her compassion for all those involved in court cases that define her as a truly exceptional.

I am confident that her knowledge of the law, and her positive and hardworking attitude will be a great asset to the Judiciary.

Sincerely,
Carrie Rivers

GM-1

Submitted on: 10/21/2021 10:02:35 PM

Testimony for JDC on 10/27/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Walter Shozo Kirimitsu	Individual	Support	No

Comments: I highly recommend CONFIRMATION OF CLARISSA Y. MALINAO AS JUDGE OF THE FIRST CIRCUIT based on her extensive trial experience and integrity, and her extensive record of public service. I am a former Judge of the State Intermediate Court of Appeals, and from that experience, I am familiar with the requirements of a circuit court judge. Clarissa Y. Malinao has all of the characteristics to be an outstanding circuit court judge.

Testimony of Jacquie Esser to the Senate Committee on Judiciary

October 22, 2021

JC1: TESTIMONY IN SUPPORT OF THE CONFIRMATION TO THE
CIRCUIT COURT OF THE FIRST CIRCUIT, STATE OF HAWAI‘I,
GUBERNATORIAL NOMINEE CLARISSA Y. MALINAO

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

I am writing in **strong support** of the confirmation of Gubernatorial Nominee
Clarissa Malinao to the Circuit Court of the First Circuit, State of Hawai‘i.

Thank you for the opportunity to testify on this measure.

GM-2

Submitted on: 10/24/2021 1:32:06 PM

Testimony for JDC on 10/27/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Sharon C Sheehy	Individual	Support	No

Comments: There are people in the world who are meant to do great things, and Clarissa is one of those people. Her intelligence and personality make for someone who is both competent and eminently likable. She is a great jurist, certainly, and that comes from being a genuine, hard working, caring person. She does what's right, and has a love of the legal profession, and of the law itself. I am thrilled to give her my recommendation, as I know she will do a wonderful job in the role!

October 22, 2021

The Honorable Karl Rhoads, Chair
The Honorable Jarrett Keohokalole, Vice Chair
Senate Committee on Judiciary
415 S. Beretania Street
Hawaii State Capitol, Room 294
Honolulu, Hawaii 96813

Re: Circuit Court Nomination of Clarissa Y. Malinao

Dear Sirs:

I am writing this testimony in strong support of Nominee Clarissa Malinao for Circuit Court Judgeship. I would like to introduce myself as Anazette Pasion working for the Judiciary as a Circuit Court Clerk for the Honorable Judge Dean Ochiai.

I have worked with Clarissa for over 10 years, first as a Public Defender than as a stellar lawyer at her own practice in Honolulu and have since formed a great friendship. She is very hard working person and everyone who knows her has immense respect for her. There has not been a single incident when there was a complaint against her.

Clarissa Malinao would be a fine Circuit Court Judge. She is a stellar lawyer and is now working as a Per Diem Judge at District Court. She exhibit excellent judicial temperament. She has a sense of humor and self-discipline. She is a good wife and a mom to her little doggie. Her work product is superior because she has a keen legal mind and has demonstrated time and again her ability to analyze complicated legal issues and apply the law appropriately. She makes decision that are just and fair. She is intelligent, wise and patient.

Clarissa Malino has all the credentials, experience and wisdom to be a fine Circuit Court Judge and I urge you to confirm her nomination.

Sincerely,

Anazette Pasion
Circuit Court Clerk

Date: October 23, 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 Circuit Court of the First Circuit,
Gubernatorial Nominee, Clarissa Y. Malinao

Hearing: Wednesday, October 27, 2021, 9:00 a.m.
Via Videoconference

It is my privilege to write this testimony in support of the confirmation of Gubernatorial Nominee, Clarissa Y. Malinao to the Circuit Court of the First Circuit. I have known Ms. Malinao since 2005, when we met studying for the Hawaii State Bar Exam. We served as law clerks at the First Circuit Court from 2005 to 2006. Afterwards, we worked together for eight (8) years at the State Office of the Public Defender.

Ms. Malinao possesses the characteristics and skills necessary to be an excellent judge. As a deputy public defender, she zealously advocated for her clients. She ensured they understood the strengths and weaknesses of the case along with the benefits and risks of each decision in resolving the case by pleading or going to trial. She presented the law in a manner her clients comprehended. When it was necessary to take cases to trial, she tirelessly fought for her clients. While at the State Office of the Public Defender, Ms. Malinao conducted approximately thirty (30) felony and misdemeanor jury trials.

Ms. Malinao is professional with everyone she encounters within the criminal justice system whether she is speaking to a judge or speaking to a member of the community. She treats everyone equally with dignity and respect regardless of status. I have never witnessed Ms. Malinao behave or speak in an inappropriate manner or in a manner which would discredit her.

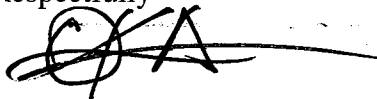
I consider Ms. Malinao a close friend. I discuss my professional problems with her and confide in her when I have personal problems. She is a great listener and gives me sound feedback and advice. She is a great counsel to me. She is supportive and encouraging. Ms. Malinao is trustworthy.

Ms. Malinao currently serves as a per diem judge. I spoke to some of our district court deputy public defenders regarding her performance as a judge. I was met with nothing but positive responses. The feedback I heard from the deputy public defenders that have appeared before her is that she is fair in her rulings. She is knowledgeable in the law and efficient in adjudicating cases. As a per diem judge, Ms. Malinao demonstrates the proper balance between compassion and accountability.

I fully support the confirmation of Gubernatorial Nominee, Clarissa Y. Malinao to the Circuit Court of the First Circuit. Ms. Malinao's nomination is a positive reflection of the Hawaii State

Judiciary. If given this opportunity to serve as a judge, she will not disappoint you. Thank you for taking the time to read and consider my testimony in support of her nomination.

Respectfully

A handwritten signature in black ink, appearing to be 'OKA' with a large flourish extending to the right.

Okechukwu "Okie" Amadi
Deputy Public Defender
State of Hawaii

GM-1

Submitted on: 10/23/2021 9:02:26 PM

Testimony for JDC on 10/27/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Bradley Davis DVM	Individual	Support	No

Comments: I have known Clarissa Y. Malinao for nearly 20 years, and never has there been a time where I wasn't impressed by her passion and energy, always working hard, and always with an incredibly positive attitude. She has a great love of the law, and is the type of person who pushes herself to make sure things are done correctly and fairly every single time. Clarissa, by her intelligence, her sense of duty and fairness, her caring, positive attitude, and willingness to sacrifice, would be, beyond anyone else I know, a perfect choice to be a Circuit Court judge. I know she will bring hard work, excellence, and honor with her to the position. I hope you will see fit to give her the opportunity.

GM-1

Submitted on: 10/24/2021 8:50:59 AM

Testimony for JDC on 10/27/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Travis Stephens	Individual	Support	No

Comments: October 24, 2021 To: The Senate Committee On Judiciary Re: Clarissa Y. Malinao Judicial Nomination for Circuit Court Judge of the First Circuit State of Hawaii
Dear Mr. Sir, My name is Travis J.L. Stephens, Jr.. Prior to retiring in 2017, I practiced law in the State of Hawaii in excess of thirty years. During this time, I had the opportunity of working with Ms. Malinao for approximately eight years at the Office of the Public Defender. While working with Ms. Malinao, I was able to observe her as both a mentor and a senior trial attorney. She excelled in each role. As a litigant, Ms. Malinao exemplifies what a true professional should be. She is always well prepared whenever she steps into a courtroom. I have also observed Ms. Malinao supervising younger attorneys within the Office of the Public Defender with patience, guidance and understanding. A trait that will bode well as a Circuit Court Judge. Throughout my career, I have had the opportunity to appear before excellent judges who had a few things in common. Each was well versed in the law, courteous to the litigants while being respectful to the defendant and witnesses. Ms. Malinao shares these same qualities. She understands that learning has no ending and is always looking to further her knowledge. You will not find an individual who will work harder and be a better representative of the First Circuit Court State of Hawaii than Ms. Malinao. I can state that Ms. Malinao is highly respected within the legal community for her high character, honesty and integrity. Anyone who would say anything to the contrary simply does not know her. It is my pleasure to offer my support for Ms. Clarissa Y. Malinao being appointed to the position of Circuit Court Judge of the First Circuit, State of Hawaii. Sincerely, Travis J.L. Stephens, Jr.

October 24, 2021

COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair

Senator Jarrett Keohokalole, Vice Chair

Dear Senator Rhoads, Senator Keohokalole, and members of the Committee On Judiciary,

This is written in support of the confirmation of Clarissa Malinao who has been appointed by Governor Ige to be a judge of the circuit court in the First Circuit of Hawai'i and reiterates my support of her appointment previously provided to Governor Ige. Ms. Malinao has an impressive record of trial experience, having tried 28 jury criminal cases and more than a hundred non-jury trials as a public defender, and having represented clients in state circuit court and federal court on felony offenses, and in family court in her current private practice of law.

Additionally, she has judicial experience, having served as a per diem judge in the district court of the First Circuit from August 2019, to the present. In that capacity she has handled civil trials and motions, criminal trials and motions and traffic cases. Thus, her professional experience spans both public service and private practice.

Overall courtroom experience as a trial attorney and as a trial judge is a substantial factor in assessing any appointee to the trial bench. Ms. Malinao's familiarity with the bench and the bar is invaluable to the successful engagement and interaction with lawyers, parties, court personnel, other judges, and the public—another factor that supports her appointment. Ms. Malinao has acquired knowledge and skills that pertain directly to courtroom presence and management. This is a definite asset in her qualifications to become a full-time judge.

Plainly, Ms. Malinao excels in her commitment to the advancement and maintenance of our justice system. I met her when she was a volunteer attorney for the Volunteer Legal Services of Hawai'i and helped in the Access to Justice Commission's recognition of pro bono service by attorneys. She herself was recognized as the VLSH's outstanding pro bono attorney in 2020. This is only one of the many commitments she has made in innumerable leadership positions and committees in federal court, the Hawai'i State Bar Association, the Access to Justice Commission, and other non-profit organizations.

Her devotion to improving the administration of justice is a significant attribute of a judicial appointee. I was impressed by her efforts and invited her to join the HSBA's Judicial Administration Committee, a committee of over 20 attorneys and judges that holds annual programs promoting the administration of justice. I have also worked with her on the Judicial Diversity Committee of the American Judicature Society which relates to the diversity of courts.

In working with her on these committees I found her to be thoughtful, collaborative, straight forward, diligent, and ready to take on responsibilities and challenges. I believe she possesses the integrity and sense of fairness essential for judicial office. Ms. Malinao has the qualities to be an outstanding judge.

Her professional record and personal attributes make Ms. Malinao an excellent appointment to the circuit court. I recommend her highly and strongly support her confirmation to that office. Thank you for your consideration of this recommendation.

Yours truly,

/s/ Simeon R. Acoba, Jr.

Katherine Y. Koga
745 Fort Street, Suite 1550
Honolulu, Hawai'i 96813

Hawaii Senate
Committee on Judiciary
Senator Karl Rhodes, Chair
Senator Jarrett Keohokalole, Vice Chair
Thirty-First State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

October 24, 2021

Dear Senators Rhodes and Keohokalole,

I am pleased to offer this written testimony in support of Clarissa Y. Malinao to serve as Judge of the State of Hawai'i First Circuit Court. I have known Ms. Malinao for almost 12 years. We met while I was a Deputy Prosecuting Attorney handling criminal cases at the District Court of the First Circuit, State of Hawaii, and Ms. Malinao was a Deputy Public Defender. I enjoyed working with her as she was always prepared for court and organized. With a heavy calendar of trials ranging anywhere from 20 to 40 cases in a half-day, this enabled she and I to negotiate and settle cases quickly. She could quickly assess the legal implications of new information discovered at court to facilitate our ability to resolve cases that would benefit from resolution without trial and spend more time on cases that needed to be litigated.

As our careers progressed, Ms. Malinao continued to develop her litigation and legal analysis skills. She was a staunch advocate for her clients, yet she can understand and appreciate the position of the opposing side. We would have heated legal arguments in various courts and when the case concluded we had conversations with each other and the court staff about our families and common friends. Ms. Malinao treats everyone with the respect they deserve as human beings despite the various roles they play in the judicial system. Ms. Malinao and I became friends as she is a kind and supportive woman that wants to help others succeed. Her generosity and professional diligence will lend itself to the needs of the Judiciary to protect the needs of the community with legal expertise while pushing and supporting professionals touching the legal system to continue to grow and develop.

Thank you for your consideration of this testimony in support of Ms. Malinao.

Thank you,

Katherine Y. Koga

October 23, 2021

The Honorable Karl Rhoads
and Members of the Senate Committee on Judiciary
Thirty-First State Legislature
State Capitol, Room 204
415 S. Beretania Street
Honolulu, Hawai'i 96813

Re: Clarissa Y. Malinao's Appointment to the Circuit Court of the First Circuit

Dear Committee Chair Rhoads and Members of the Committee:

I am writing to express my support for Governor Ige's appointment of Clarissa Y. Malinao to fill the vacancy created by the retirement of First Circuit Court Judge Edwin C. Nacino and to share with you why I personally believe that she is the best candidate to preside as a First Circuit Court judge.

I have had the privilege of knowing Ms. Malinao for over 15 years. I was first introduced to her keen legal mind when we were both Deputy Public Defenders. At the time, I was impressed with Ms. Malinao's work ethic, high moral standard and uncanny ability to recall facts and the law. More importantly, however, I was able to witness firsthand her passion for the rights of the indigent accused and ensure that everyone has equal access to fair and just representation.

To that end, since leaving the Office of the Public Defender, Ms. Malinao made the conscious decision to open up her own solo practice in Waipahū, where minorities are in the majority. As a champion of social justice, Ms. Malinao has volunteered countless hours for the Re-Employment and Community Service (RACS) program and Neighborhood Legal Clinics. For that reason, Ms. Malinao was distinguished as the 2020 Volunteer Legal Services Hawaii Pro Bono Celebration Honoree.

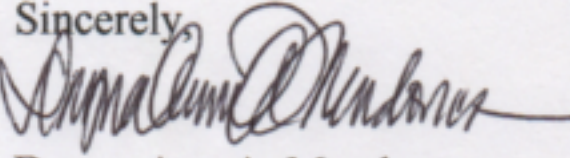
Since our years as Deputy Public Defenders, I've explored different careers, but eventually returned to the legal field and the Judiciary in 2018. In 2019, our career paths intersected again when Ms. Malinao – now a per diem District Court judge – was assigned to Wahiawā District Court where I was employed as a District Court Clerk. In that capacity, I had a front row seat for all proceedings in the courtroom because I sat at the right hand of the judge. I observed Ms. Malinao quickly get to the heart of the legal issues before her while keeping a contemplative open mind and judiciously weighing all facts from a disciplined and objective point of view. Even in a crowded courtroom, Ms. Malinao listened intently to each individual, tried to assist them as best as possible, and displayed patience and kindness to each person having matters before the Court. In each of her appearances on the bench in Wahiawā District Court, Ms. Malinao not only demonstrated her ability to analyze complicated legal issues and apply the law appropriately, but she also displayed her commitment to finding justice in every situation. This is especially noteworthy given that some who have ascended to the bench seem to have forgotten, when they don the black robe, the values and ideals they advocated so strongly for as practitioners. As a former Deputy Public Defender, it warmed my heart to see that Ms. Malinao was – and continues to be – an unbiased, impartial, just and patient judge.

Those who know Ms. Malinao can attest that she is a woman of integrity and moral character who treats those around her with the highest level of kindness and consideration. As a judge, she embodies

Letter of Support for Clarissa Malinao
October 23, 2021
Page 2

each of the traits that a judge should possess: diligence, temperance, hard work and attentiveness. On a personal level, she also has a sharp rapier wit and great sense of humor, self discipline, and varied interests outside the law (which I think is extremely important).

I hope it is obvious that I hold Ms. Malinao in the highest of regards and firmly believe that she has all of the credentials, experience, and wisdom to be a fine addition to the judges at Ka'ahumanu Hale. I urge you to confirm Governor Ige's appointment of Ms. Malinao to the Circuit Court of the First Circuit bench. If I can answer any questions about my knowledge of Ms. Malinao, I would welcome the opportunity to speak with you. Thank you very much for the opportunity to provide my comments.

Sincerely,

Dayna-Ann A. Mendonca

GM-1

Submitted on: 10/24/2021 12:25:11 PM

Testimony for JDC on 10/27/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Rebecca Sue Lester	Individual	Support	No

Comments: I am in support of the appointment of Clarissa Malinao to the circuit court. I have known and worked with Clarissa for many years. She is a hard-working and dedicated person. She loves the law and more especially, loves helping people. Besides her law practice, Clarissa volunteers her time not only in the bar community but also in the general community. She is a fair and unbiased person. She will work extremely hard in very position that she maintains. Her only desire is to bring fair, consistent justice to our community. Clarissa would be a excellent addition to the circuit court bench.

GM-1

Submitted on: 10/24/2021 12:34:15 PM

Testimony for JDC on 10/27/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Audrey Stanley	Individual	Support	No

Comments: To whom it may concern: Clarissa Malinao has the experience, skill, dedication, and temperament to be a great judge. I have known her for approximately ten years. She has the experience, as she has done many jury trials, and has practiced civil and criminal law. Having served as a per diem judge, she has gained important experience working as a judge and making rulings. Also, she is very diligent, dedicated, and hard working. She works extremely hard for her clients; I have no doubt she will do the same as a Judge. Moreover, she has the temperament for a judge - she is very patient, calm, and understanding, even in the most difficult of circumstances. I support her nomination and have no doubt she will be a valuable asset to the judiciary. Thank you.

The Honorable Karl Rhoads, Chair
The Honorable Jarrett Keohokalole, Vice Chair
Senate Committee on Judiciary
415 S. Beretania Street
Hawaii State Capitol, Room 204
Honolulu, Hawaii 96813

Re: Circuit Court Nomination of Clarissa Y. Malinao

I am writing in support of the nomination of Clarissa Y. Malinao to the Circuit Court of the First Circuit. I have been a licensed attorney in the State of Hawaii since May of 1983 and am a senior associate attorney with Greg Ryan and Associates.

Ms. Malinao and I are colleagues at the District Court of the First Circuit, where we have served as per diem judges. It is in this context that I have come to know Ms. Malinao, both professionally and personally. Before being appointed to the bench, Ms. Malinao appeared before me on the Civil Traffic Calendar in 2018. She appeared on behalf of the Volunteer Legal Services of Hawaii (“VLSH”), a non-profit Agency, to assist those indigent and underserved defendants seeking to have their traffic fines converted to re-employment opportunities or community service work. There were many cases on the calendar that morning. But Ms. Malinao handled every case meticulously. She was poised, articulate, passionate and caring about every one of her clients.

Her patience and humble demeanor carries over to the bench. I have observed Judge Malinao preside over the traffic/criminal arraignment, plea and trial calendars, where there could be up to a hundred pro se parties in the morning and/or afternoon session. In spite of the immense pressure to clear the calendar, she is calm and courteous to all litigants and attorneys; yet, able to move the cases in a fast and efficient manner, without compromising the rights and remedies of any party.

Ms. Malinao is a formidable litigator. She has years of state and federal district court trial experience, having particular expertise in the area of criminal defense. She has written appeals and volunteered in the Judiciary’s “Courts in the Community Program.” The latter is the program where our high school students participate in a mock supreme court oral argument.

Since Ms. Malinao has been in private solo practice for many years, she is very adept at the use of information technology and is often called upon to help fellow judges learn and adapt to the use of virtual and on-line applications. As the Committee can appreciate, the pandemic has significantly affected the everyday lifestyle of our citizens including the practice and operations of our judiciary. Therefore, our Judges need to be proficient and up-to-date in modern day platforms and software applications. Ms. Malinao meets these expectations and will have to address the overwhelming backlog of jury trials that are awaiting disposition at the Circuit Court.

Beyond her qualifications and skill set, lies a dedicated public servant. I have seen firsthand how committed Ms. Malinao is at wanting to do her best on the bench. She is well prepared for her assignments. She studies hard. She voluntarily participated in off- hour field training to learn about DUI enforcement and laser gun usage (for speeding citations) and takes every opportunity to learn about our judicial responsibilities.

As a District Court Judge, she is regularly assigned to the Civil Calendar where which she presides over the Temporary Restraining Order (hereinafter "T.R.O.") calendars. I have had the privilege of training under her and observing how she runs her calendar. The TRO calendar, like the Abuse of Household Member calendar in the Family Court, requires empathy, listening skills and adept courtroom management, to ensure that legitimate victims of domestic violence and harassment are protected from further harm. Judge Malinao has the keen ability to relate to people of all walks of life. In the cases I observed, she listened to the petitioners, heard their grievances, lowered the emotional temperatures and brought closure to the cases in a way which made the parties feel that they had both had their day in court. In short, she is intelligent, knows the case law, the rules of evidence; and is fair and unbiased to both sides. She is compassionate and even tempered. Litigants and counsel alike will walk away with a sense that they have been treated fairly regardless of the ultimate ruling in the case.

She has significant expertise and experience in Criminal Law, Criminal Procedure and knowledge of the courtroom policies, procedures and process. She has served as the Grand Jury Counsel. She is a committee member for the Criminal Pattern for Jury Instructions. She has appeared before all of the current State Circuit Court Criminal Judges representing Defendants in bench and jury trial misdemeanor demand and felony cases. She has also served as court appointed counsel, representing indigent clients in State Circuit Criminal Court. If confirmed by the Committee, she will be able to hit the ground running.

Her character, demonstrated commitment to public service and exemplary qualifications make her the best candidate for the Circuit Court judiciary positions left vacant by Retired Judge Edwin C. Nancino. If confirmed, I know Ms. Malinao would continue to serve the community to the best of her abilities and uphold the integrity of the Judiciary.

Thank you for allowing me to speak to her nomination.

Sincerely,

Ann S. Isobe

Received By:
Lono J. Lee

I strongly support the confirmation of Clarissa Malinao for Judge in the First Circuit Court State of Hawaii.

As the retired Deputy Chief Judge of the First Circuit District Court, I have supervised many judges and per diem judges. Ms. Malinao was recruited as a per diem Judge in the First Circuit and excelled in her duties. She exemplifies judicial temperament, judgment and knowledge necessary for a judge. She maintains a strong legal basis (professional competence and legal ability) in her decisions. Furthermore, she has the integrity and moral courage to address difficult issues. Utmost, her compassion and fairness to execute difficult sentences or decisions are tantamount to her impartiality to all. Lastly, she is diligent and decisive which is necessary when dealing with large calendars, often faced by every court in the State.

On a personal basis, Ms. Malinao is a good citizen, humble and respectful to all as a product of Hawaii.

Mahalo nui loa for your thoughtful consideration of Clarissa Malinao for Judge of the First Circuit Court, State of Hawaii.



mitsuyama + rebman
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October 20, 2021

Senate Committee On Judiciary
Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice-Chair

RE: Circuit Court Of The First Circuit Gubernatorial Nominee Clarissa Y. Malinao

Dear Chair Rhoads and fellow Committee members:

I submit this letter in overwhelming support of the confirmation of Ms. Clarissa Y. Malinao as Circuit Court Judge of the First Circuit. I ask that you confirm her nomination not because she is a minority female, but because she is a highly qualified individual with the skills to excel on the Circuit Court bench.

Ms. Malinao has extensive litigation experience in both state and federal courts here in Hawaii. Moreover, she has and is still currently serving as a *per diem* Judge in the District Court. As you know, the First Circuit District Court presides over court proceedings on Oahu island-wide. A huge cross-section of the public come through District Court for traffic, civil and/or criminal matters. The transition from practitioner to Judge is not easy for all, but Ms. Malinao mastered it with sheer diligence and determination.

Ms. Malinao currently presides in civil matters in the District Court, which are not limited to just landlord/tenant claims, assumpsit cases and/or Injunctions, i.e., TROs. Presiding in the District Court calendar includes Small Claims Court and Regular Claims Court where almost any Civil matter could be brought so long as the relief requested does not exceed the monetary limits.

Her versatility and tenacity in juggling different roles and different subjects on a daily basis clearly shows she can easily transition to the Circuit Court regardless if she is assigned to the Civil or Criminal calendars. Her litigation skills and experience are what is needed rather than mastering a specific subject.

What is remarkable is despite the volume and the complexity of the cases before her, she has and is always enthusiastic about presiding. This is where I have come to experience and observe her firm commitment to serving the public. She works well with her peers and the Judiciary staff. She is always willing to share her time and knowledge with those who ask for her guidance.

She is professional and yet approachable. Her judicial temperament is appropriate in any situation that comes before her. In other words, sometimes Judges do need to be firm, but she exudes compassion for the litigants that come before her. Her selflessness is further

Page 2

demonstrated in her volunteerism- she is a member of various committees, groups, and associations all in the interest of serving the public. She does not just "join", she actively participates such that she is an integral part of the organizations.

For all the reasons set forth above, she would be an asset to the Circuit Court bench.

Thank you for your time.

Very Truly Yours,

/s/
Dyan K. Mitsuyama

GM-1

Submitted on: 10/24/2021 7:05:19 PM

Testimony for JDC on 10/27/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Regina Toguchi	Individual	Support	No

Comments: I have known Clarissa for more than 30 years as students at Wheeler Intermediate School. Her strong moral character has proven consistent throughout these years. I strongly support her nomination as judge to the First Circuit Court. I am confident that she will work tirelessly, as she always does, to promote civic education and access to justice for all. Her confirmation will allow her to continue to service our community in a tremendous way. I kindly ask for your support in her confirmation.
Mahalo

HAWAII FILIPINO LAWYERS ASSOCIATION

To: Judiciary Committee

Date: October 25, 2021

Re: Letter in Support to Nominate CLARISSA Y. MALINAO to the First Circuit Court

The Hawaii Filipino Lawyers Association (HFLA) respectfully submits these comments asking that you consider nominating Clarissa Y. Malinao to the distinguished judicial post on the First Circuit Court.

First, HFLA believes that Clarissa Y. Malinao is an unquestionably qualified candidate of impeccable moral character. She is a woman and a Filipina. As such, she will bring diversity and a fresh, unique perspective to the bench. She is already and undoubtedly putting her vast legal knowledge and experience as a solo practitioner and former Deputy Public Defender into her position as a Per Diem Judge, where she presides over civil matters and petty misdemeanor and misdemeanor criminal trials.

As a solo practitioner, she represents clients at all stages of their criminal proceedings. She represents witnesses before federal grand jury proceedings. She advocates for her clients in family court cases running the gamut – from paternity cases, to contested custody matters, to welfare services, to juvenile and adult Guardian at Litem matters. Before hanging her shingle and opening her solo practice, she was a fierce advocate as a Deputy Public Defender at the Office of the Public Defender. She already has the necessary knowledge, background, and experience to serve as a qualified, well-rounded, and fair Judge on the First Circuit Court. Likewise, she is a long time HFLA member and avid supporter of the Filipino community.

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 your consideration many extremely qualified Filipino candidates for judicial appointments; yet very few have made it to senate confirmation. During your second term, 82% of your appointments went to white or AJA nominees.

It's also worth noting that of Chief Justice Recktenwald's judicial picks over the last eight years, 56% have been women and altogether *mostly* track the ethnic composition of Hawaii's population, except one category - Filipinos.

Given the marked lack of Filipino representation, particularly Filipino women representation, on Hawaii's bench, HFLA would like to 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 First Circuit Court or even the ICA, disproportionately affect Hawaii's ethnic minorities.

Japanese Americans' legal and historical memory supports this as well. U.S. 9th 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.”

Promoting greater diversity by nominating Clarissa Malinao will support the legitimacy of our courts; encourage more public confidence in judicial rulings; and case-by-case, right the injustices of our past.

HFLA can attest to Clarissa's commitment to Hawaii's community. Along with juggling work and family, she always finds the time to volunteer and give back to our local community. She serves as a Committee Member on the Access to Justice Commission. She also volunteers for the Family Law Clinic at Volunteer Legal Services of Hawaii. In addition, Clarissa is a long-standing, valued member of HFLA as well as Hawaii Women Lawyers.

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.

We are therefore proud to further support your consideration of Clarissa's nomination and thank you for this opportunity to provide these comments.



**VOLUNTEER LEGAL
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www.vlsh.org

October 25, 2021

Hawaii State Legislature
Judiciary Committee
Hawaii State Capitol
415 South Beretania Street
Honolulu, HI 96813

RE: Judicial Appointment of Clarissa Y. Malinao

Dear Hawaii State Legislature Judiciary Committee:

It is my pleasure to write this letter in support of Clarissa Y. Malinao ("Malinao") for the position of judge in the Circuit Court of the First Circuit, State of Hawaii. I have worked with Ms. Malinao for nearly four years, specifically with Volunteer Legal Service Hawaii's ("VLSH") Neighborhood Clinics & Re-Employment and Community Service Program ("RACS").

Ms. Malinao is a true example of an attorney who believes and promotes access to justice, educating, and mentoring fellow colleagues. Prior to Ms. Malinao's appointment as Per Diem Judge, Ms. Malinao regularly represented VLSH RACS clients, advocating for their past outstanding traffic cases to be converted to community service so they would be able to drive again and be gainfully employed because of it. With her prior experience as a public defender, Ms. Malinao was a great resource when it came to questions my staff would come across. We often inquired with her and she provided insight on how we could expand access to Hawaii residents. In addition, she helped recruit additional volunteers to our program by reaching out to her colleagues and helping VLSH lead a Continuing Legal Education seminar on RACS in 2020 and at the "Lifting Stoppers, Lifting Barriers" Workshop at the Access to Justice Conference.

Ms. Malinao continues to this day to be one of VLSH's regular Neighborhood Legal Clinic family law volunteer attorneys. During this pandemic, the need for our volunteer attorneys has been ever so great and we know we can count on her to volunteer. Ms. Malinao is VLSH's 2020 Pro Bono Celebration Honoree in recognition for all her pro bono work with our organization. The above highlights just some of the traits and what Ms. Malinao can bring to this position. If you have any questions, please contact me at grant@vlsh.org.

Sincerely,

Grant T. Teichman
Acting Executive Director
Volunteer Legal Services Hawaii



Aloha United Way
70170

October 25, 2021

Letter of Recommendation for Judicial Nominee Clarissa Y. Malinao for Circuit Court of the First Circuit

The Honorable Karl Rhoades, Chair
The Honorable Jarrett Keohokalole, Vice Chair
Senate Committee on Judiciary
415 S. Beretania Street
Hawaii State Capitol, Room 204
Honolulu, HI 96813

Re: Circuit Court Nomination of Clarissa Y. Malinao

Senator Rhoades and Members of the Committee,

I am pleased to submit this letter of recommendation on behalf of Ms. Clarissa Malinao. I have the pleasure of knowing Ms. Malinao on a personal basis for over 10 years, during which time I have come to know her as an intelligent, caring and confident individual. In our close circle of friends, Clarissa is the one who organizes events, keeps everyone up to date, and is quick to lend an understanding ear. Despite the pandemic, she is ever watchful of her extended family, always sending the latest communique and updates surrounding this dangerous disease. And, at the end of each message, she asks that we stay strong and keep safe; a testament to her strong commitment to family and friends.

In addition to her charismatic personality, Clarissa is a dedicated community servant, always willing and able for volunteer and fundraising activities. Never too busy, she is a masterful multi-tasker, an independent thinker and someone who has the necessary skills and temperament to be a great addition to the Courts.

I am delighted to provide my wholehearted endorsement of Ms. Malinao's character, work ethic and most importantly a best friend.

If you would like to contact me for further information, please feel free to call or email me.

Sincerely,



Bob Shiroma

927-0087

shiromabob@gmail.com

To: Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair
Senate Committee on Judiciary

RE: GM 1, Submitting for consideration and confirmation to the Circuit Court of the First Circuit, State of Hawai'i, Gubernatorial Nominee **CLARISSA Y. MALINAO**

HEARING: Wednesday, October 27, 9:00 A.M., Via Videoconference

Re: Testimony in Support for the nomination of Clarissa Malinao for Circuit Court of the First Circuit

I am providing my testimony of strong support for Ms. Malinao from the perspective of a practicing attorney for over 33 years. I have personally known Judge Malinao for about 14 years. Based upon my experience, I firmly believe that Ms. Malinao would be an excellent Circuit Court Judge.

I first came to know Ms. Malinao when I supervised her as a deputy public defender starting in 2007. During that time, I worked with her while she rotated through our District Court and Family Court divisions. With that experience, I was able to observe her work ethic, legal analysis, and trial abilities first-hand. Ms. Malinao was an excellent deputy public defender. She was vigorous in her representation and exercised due diligence in the preparation of her cases.

Clarissa is bright, high energy and industrious. She has also gained invaluable, more well-rounded experience in her private practice. Also, as a Per Diem Judge, she has worked on civil matters. She has handled all civil matters heard in District Court including Regular Civil Claims Trials and Motions including Summary Possession matters, Temporary Restraining Order Trials and Motions, Small Claims Trials and Motions just to name a few. Furthermore, in addition to her substantial criminal experience, she has other types of experiences involving juvenile, involuntary commitment, child custody, CPS hearings and adult guardianships. In matters that may be new to her, I firmly believe her diligence, commitment, and vigor will see her through.

As a Judge, Ms. Malinao has been fair and even handed with the parties that have appeared before her. Thus far, Ms. Malinao is cultivating a reputation of a Judge that knows the law, and who is respectful, compassionate as well as decisive. Furthermore, Ms. Malinao has displayed excellent judicial demeanor.

Her parents are hard-working immigrants from the Philippines. They truly nurtured and exemplify many of Clarissa's values, strengths, and character. For the aforementioned reasons, I fully support Clarissa Malinao's nomination for Circuit Court Judge. Thank you for considering my testimony.

Sincerely, /s/ William C. Bagasol

STATE OF HAWAI‘I
OFFICE OF THE PUBLIC DEFENDER

**Testimony of James S. Tabe,
State Public Defender**

Senate Committee on Judiciary

October 27, 2021

GM1: Submitting for consideration and confirmation to the Circuit Court of the First Circuit, Judicial Nominee, Clarissa Y. Malinao

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

It is a privilege for me to support Ms. Clarissa Y. Malinao’s nomination to the Circuit Court of the First Circuit. She is an exceptional nominee who has demonstrated her qualities as a per diem district court judge and as an attorney.

Ms. Malinao has served as a per diem judge in the District Court of the First Circuit bench since 2019. Based on the comments and remarks from the deputy public defenders who have appeared before Ms. Malinao, I can say without reservation that she possesses all the aforementioned qualities. The attorneys truly have high praise and respect for her. By all accounts, she has conducted herself compassionately, competently, and fairly.

Ms. Malinao also currently has a successful law practice and commits herself to community engagement with volunteer legal services and access to justice committees. She is a hard worker and a tireless advocate for justice to those she serves. Ms. Malinao is a current Fellow of the Leadership Institute and a Lawyer Delegate to the United States District Court, District of Hawai‘i, Judicial Conference. She also serves on the Hawai‘i Standing Committee on Pattern Criminal Jury Instructions and on the Special Committee on Judicial Performance.

Ms. Malinao, during her time with the Office of the Public Defender, distinguished herself as a trial attorney. She represented her clients with competence, zealously, and compassion. She was professional, fair, and cordial to opposing counsel, as well as to the judges and the court staff. She treated everyone with dignity and respect.

Ms. Malinao has demonstrated that she possesses the ability, the experience, and the qualities of a circuit court judge. Ms. Malinao will be an asset to the judiciary, and I enthusiastically support her appointment.

Thank you for the opportunity to provide testimony in this matter.

Sincerely,



James S. Tabe

Date: 10/25/2021

To: Members of the Senate Committee on the Judiciary

Re: GM1, Testimony in Support of the Confirmation to the First Circuit Court, Judicial Nominee, CLARISSA Y. MALINAO

Hearing: Tuesday, October 27, 2021, 9:00 a.m.

Aloha members of the Senate Committee on the Judiciary,

I am writing in support of Clarissa Malinao's nomination as a Circuit Court Judge. I worked with her at the Office of the Public Defender for eight and a half years. She had a bit more seniority, but we spent years in similar rotations and courtrooms, so I had many opportunities to see her in action. Ms. Malinao was a zealous advocate, and a force to be reckoned with at trial or a contested hearing. Her combination of preparation and passion led to many successful outcomes for her clients, and I saw her develop close ties with defendants from all walks of life via a combination of tough love, straight talk, and a sense of humor. These are qualities that will serve her well as a Judge.

After she left my office for private practice, we unfortunately did not cross paths as much as we used to, but I still consider her a friend. Although I haven't observed much of her practice since late 2015, and never appeared in front of her when she became a *per diem* Judge, I can only assume her dedication and work ethic continues to drive her to excellence in the courtroom, regardless of what side of the bench she's been on recently.

I believe Ms. Malinao has the intelligence, work ethic, and demeanor to be an excellent Judge. She also got plenty of trial experience at the Public Defender's office, which will be invaluable as she takes over a trial calendar. I expect her to be as organized on the bench as she was as a deputy public defender, which means she will be very good at clearing backlogged calendars and closing cases, easing the long delays in many cases that frustrate complainants, witnesses, and defendants.

In my opinion, Ms. Malinao is going to be the kind of judge who can cut to the chase to speed up a long and confusing process, but still make correct rulings, reach just verdicts, and impose fair sentences the first time around, reducing the burden on the appellate courts. I support her appointment, and I believe she will be a credit to the bench.

Sincerely,

/s/ Sat K. Freedman
Sat K. Freedman

Mary Gwak Nakamura

mawygwak@ltic.com

949-842-4578

October 25, 2021

RE: Clarissa Y. Malinao

Dear Judiciary Senate Committee Members,

I am writing in support of Clarissa Malinao's nomination as a Circuit Court Judge. I wanted to offer my support and testimony for the Senate Committee. I met Clarissa over 21 years as students at Seattle University. I knew from the moment I met her, that she would accomplish big things in life. Clarissa was a hardworking student that never allowed herself to giving nothing but 110% to anything she tackled or was assigned. It is no surprise that she has been nominated to take part in such an important role in her community and for the Circuit Court.

Not being in the legal field I cannot speak to the details of all that Clarissa has accomplished however I am confident that she is the candidate that will work the hardest and most passionately for the citizens of Hawaii. Clarissa is truly one of a kind; she is one of the most intelligent and hard working individuals I have met. Those that have to pleasure to know her personally and professionally can attest to what a great person she is.

Thank you for allowing this testimony. I hope you confirm Clarissa Y. Malinao.

Mary Gwak Nakamura

October 20, 2021

Dear Senators,

I am writing in support of Clarissa Malinao for appointment to the Circuit Court. I have previously worked with Clarissa at the Public Defender's. As a fellow public defender, Clarissa and I worked in many of the same divisions. It was here that I witnessed Clarissa's exemplary work ethic and her passion for the judicial system. I was always impressed at Clarissa's level-headedness for tough situations and clients. She handled clients professionally and was an excellent advocate for them. In trial, she was always well prepared and well versed in her legal arguments.

In addition to her work ethic, Clarissa also was a person who would help her coworkers. She always took the time to brainstorm my cases and work with my clients, despite having her own case load to consider. I believe Clarissa has the temperament to be a great judge. She is respectful in the way she addresses people and very thoughtful in her ways.

Thank you for your time in reading my thoughts about Clarissa Malinao. I appreciate your time and thought for the decision ahead.

Sincerely,

Doris Lum

Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair
COMMITTEE ON JUDICIARY

Senate of the State of Hawai'i

Lance D. Collins, Ph.D
Law Office of Lance D. Collins

Wednesday, October 27, 2021 at 9:00 AM
Support for GM1, Judicial Nominee Clarissa Y. Malinao
to the Circuit Court of the First Circuit

My name is Lance D. Collins and I am an attorney in private practice. I testify in support of the nomination of Clarissa Malinao to the Circuit Court of the First Circuit giving my unqualified support to her appointment.

I became acquainted with Judge Malinao through the Hawai'i Filipino Lawyers Association nearly fifteen years ago. I have become familiar with her reputation through others in the O'ahu bar for integrity and clarity in legal reasoning.

While I have not appeared before her during her tenure on the bench as a per diem, she has a well known reputation within the legal community on O'ahu for being humble, intelligent, open-minded, compassionate, patient and committed to equal justice.

Additionally, Filipinos are significantly underrepresented on the bench and in the circuit courts in particular. Judge Malinao's elevation to the circuit court bench will strengthen the perception of the Judiciary as being representative of the community it serves.

I urge this Committee to recommend confirming Judge Malinao to the Circuit Court for the First Circuit. Mahalo for this opportunity to provide testimony.

//

October 25, 2021

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

From: Asami Williams

Re: Confirmation Hearing for Clarissa Malinao scheduled for October 27, 2021

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

I am writing in **strong support** of Clarissa Malinao's nomination to the Circuit Court of the First Circuit. In my current capacity as a Deputy Attorney General in the Family Law Division, I have had the pleasure of working with Ms. Malinao in cases involving child welfare services. Ms. Malinao is an extremely experienced and diligent attorney, who represents her clients zealously and with compassion. Ms. Malinao was always professional, prepared, and dedicated. Although Ms. Malinao and I represented opposing sides, I truly enjoyed working with her.

I wholeheartedly believe that Ms. Malinao would make an excellent Circuit Court Judge. Thank you for your time and consideration.

Sincerely,



Asami Williams

GM-1

Submitted on: 10/25/2021 8:39:39 PM

Testimony for JDC on 10/27/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Voltaire Gansit	Individual	Support	No

Comments: I write in support of nomination.

GM-1

Submitted on: 10/25/2021 8:40:31 PM

Testimony for JDC on 10/27/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Alan Akao	Individual	Support	No

Comments: Aloha Chair and Committee Members. I submit my support for Clarissa Malinao to the Circuit Court of the First Circuit. I am an attorney who has practiced in front of this nominee as she as sat as per diem Judge in the District Court of the First Circuit. I know her to be knowledgeable and skilled with a fine level of legal skill. I support her nomination to continue to serve the State of Hawaii in her role as a circuit court Judge. Mahalo.

GM-1

Submitted on: 10/25/2021 10:46:36 PM

Testimony for JDC on 10/27/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Stephanie Ku-Tangonan	Individual	Comments Only	No

Comments: My Testimony for Judicial Nominee, Clarissa Y. Malinao. She is strong and very professional as a Judge right now. I've known her for 10 years and value her honesty, integrity and opinion. She has a strong family connection and very respectful towards her parents. I can see her doing great things as a Full Time Judge. She has a "It's not Who is RIGHT, but What is RIGHT" attitude, which you do need to be a JUDGE !

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

From: Simeona A. Mariano, Esq.

RE: Confirmation Hearing for Clarissa Y. Malinao
October 27, 2021 at 9:00 a.m.

Chair Rhoads, Vice-Chair Keohokalole and members of the Committee:

I **SUPPORT** the confirmation of Clarissa Y. Malinao for Circuit Court Judge of the First Circuit.

I believe that Clarissa is well qualified and suited for this position. She has extensive experience in the courtroom as a trial attorney and as a judge. She would be an exceptional addition and will contribute in so many ways to the judicial bench and justice system.

I first got to know Clarissa as undergraduates at Seattle University 25 years ago. Clarissa's hard work and commitment was evident back then as she was very involved with organizing numerous Hawaii Club and United Filipino Club events and activities.

Although we attended different law schools, our paths crossed again, back home. Clarissa was a Deputy Public Defender on Circuit Court cases in which I handled as a Deputy Attorney General, and more recently we both handled Family Court cases. She diligently represented all clients, was well versed in the law and displayed professionalism.

I know Clarissa to give it her all when she commits to a case or a cause. She's passionate and very driven in all she does because she truly cares about the work she puts forth. I've seen Clarissa demonstrate great knowledge in the law, a team player attitude, and great moral integrity. Her involvement with various legal organizations and her volunteer work speaks to her continued commitment to the legal profession, community and to her character. Clarissa's work as a Deputy Public Defender and her Pro Bono recognition with Volunteer Legal Services Hawaii shows her dedication to public service.

I've been fortunate to participate in the Courts in the Community program with Clarissa and work with high school youth learning about cases on appeal before the Hawaii Supreme Court. Clarissa was very knowledgeable in every case and the applicable laws, and a natural with the students, who have expressed praise and gratitude.

I have no doubt that Clarissa Y. Malinao has the temperament and ability to fulfill the duties and responsibilities of Circuit Court Judge.

Sincerely,

A handwritten signature in blue ink, appearing to read "Simeona A. Mariano". The signature is fluid and cursive, with a prominent initial "S" and a long, sweeping horizontal stroke at the end.

Simeona A. Mariano, Esq.

Florence T. Nakakuni
246 Halemaumau Street
Honolulu, Hawaii 96821

October 25, 2021

Honorable Karl Rhoads, Chair
Honorable Jarrett Keohokalole, Vice Chair
Senate Judiciary Committee
State Capitol
Honolulu, Hawaii 96813

Re: GM 1, Gubernatorial Nominee Clarissa Y. Malinao, Circuit Court, First Circuit

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

I am writing in my personal capacity to recommend, without reservation, Clarissa Y. Malinao, to the First Circuit Court, State of Hawaii. Ms. Malinao's personal integrity, character and humility along with her litigation practice, make her, in my opinion, very well-qualified for the position. I got to know Ms. Malinao when I was a Per Diem Judge. She was appointed as a Per Diem Judge by the Chief Justice in 2019 and she "hit the ground running." She has a strong work ethic, she is a quick study and is committed to the rule of law and to seek justice. Her litigation background is diverse—she has practiced in federal and state court and has focused on criminal law. Ms. Malinao is also very community-oriented. Her office was located in Waipahu where she served an underserved community. She has also been active in volunteer work with the Hawaii State Bar Association and other community organizations.

I have had the opportunity to observe Ms. Malinao in the courtroom when she has presided as a Per Diem Judge. She knows the law; she knows her Evidence; she is an observant listener and will ask questions because she wants to make sure she has before her all the relevant and material information when making a decision. Ms. Malinao will be a good judge because she truly cares about people and she seeks justice and she is decisive. She knows that as a judge, she presides over cases but each case is about at least one person. She is patient with defendants, witnesses and counsel. She is a true professional, always civil and she has excellent judicial temperament. I have the highest regard for her character and legal abilities. Ms. Malinao is ready to serve the community as a jurist in the Circuit Court of the First Circuit.

Ms. Malinao has no agenda; she is not a zealot for defendant's rights or a zealot for law enforcement; she believes in the rule of law. Ms. Malinao will follow the law; she will thoughtfully but firmly and correctly interpret the law, according to precedent, and make a decision. I know she will be an effective judge because she is fair and reasonable, a clear and thoughtful communicator, is open to new or different ways of viewing an issue, and can disagree without being disagreeable.

Thank you for the opportunity to tell you about Clarissa Malinao. I believe she will well serve the people of the State of Hawaii as a Judge in the First Circuit.

Very truly yours,

Florence T. Nakakuni

October 26, 2021

Senator Karl Rhoads, Chair
Senator Jarret Keohokalole, Vice Chair
Senate Committee On Judiciary

Re: *GM1 – Submitting for consideration and confirmation to the Circuit Court of the First Circuit, State of Hawai'i, Gubernatorial Nominee CLARISSA Y. MALINAO, for a term to expire in 10 years.*

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

I am writing in strong support of Clarissa Y. Malinao's nomination to serve as a Judge of the Circuit Court of the First Circuit.

I have known Ms. Malinao for the better part of two decades, both as former colleague at the Office of the Public Defender and as a close friend. Ms. Malinao is a person I deeply respect personally and professionally.

As her colleague, I had a chance to closely work with her on a case where she demonstrated, not only her impressive legal acumen, but also her deep compassion for people. Although the client and his family were quite difficult, Ms. Malinao treated them and the case with diligence, resolve, patience, and most of all, class. These are extremely important qualities that I believe are crucial for a judge.

Ms. Malinao would make an outstanding Judge of the Circuit Court of the First Circuit and I urge you to confirm her nomination to serve as Judge of the Circuit Court of the First Circuit.

Sincerely,



E. Edward Aquino

GM-1

Submitted on: 10/26/2021 12:34:37 AM

Testimony for JDC on 10/27/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jason Kramberg	Individual	Support	No

Comments: I fully support the confirmation of Gubernatorial Nominee CLARISSA Y. MALINAO to the Circuit Court of the First Circuit.

GM-1

Submitted on: 10/26/2021 5:48:15 AM

Testimony for JDC on 10/27/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Darcia Forester	Individual	Support	No

Comments: I would like to submit my support for the confirmation of Clarissa Malinao as a Circuit Court Judge in the First Circuit

GM-1

Submitted on: 10/26/2021 5:48:17 AM

Testimony for JDC on 10/27/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Joan Mali Bird	Individual	Support	No

Comments: Dear Senate President Kouchi and Members of the Senate: My name is Joan Bird, and I am humbly asking for your support of Ms. Clarissa Y. Malinao by appointing her to be a judge of the First Circuit of the State of Hawai'i. As a domestic violence advocate for over 20 years, I've heard the same complaint from victims of domestic violence that judges don't understand their impact when they make decisions. I've heard the complaint that judges don't understand domestic violence, especially when it is mostly emotional. I've found myself having to continually explain to clients that it isn't because a judge doesn't care, but because they are not educated in domestic violence. The last time I had to say this was yesterday, 10/25/21. When I think about Ms. Malinao, I think about the public defender I met years ago that represented my immigrant client. My client couldn't speak English. Prior to meeting Ms. Malinao my client was afraid of the legal system. When my client was arrested, she was not given an interpreter. She was placed in jail without fully understanding what was happening. My client was charged with a felony when her husband filed a false statement about the incident that happened after she told him that she was leaving him. Her husband used a false report to control her because she stood up to him when he was abusing her. Most attorneys I meet get frustrated with cases that result from domestic violence because of the emotional issues that are part of the victim's experience. I know that it takes patience (of a saint) and listening skills to actively listen to a victim. Some victims "emotionally vomit" all their story because they've held it in for so long. Prior to meeting Ms. Malinao, most of the attorneys I worked with outside of the non-profit I worked with didn't see the need to spend time with an emotional client. I was asked to "hold her hand" and "you deal with her" when a client would be crying. Ms. Malinao was one of the exceptions because she took the time to listen to my client and understand her. Ms. Malinao was able to build and maintain the trust of the client. Ms. Malinao was not afraid to ask questions and learn from other people about domestic violence. Ms. Malinao was down to earth and approachable. Everything that Ms. Malinao did, showed me and my client, that she was there because she cared about the client and her outcome. Ms. Malinao continually showed that she understood that what she did and how the client went through the legal system had real life consequences. Unlike attorneys that just wanted to get the case over with, Ms. Malinao would look beyond the actual case and think about what the consequences would be for the client. Ms. Malinao knew that applying the law had human consequences that affected victims, defendants, and their families. I support Ms. Malinao not because I know her, but because I know her worth as an attorney that understands the impact of decisions made in a court case. I support Ms. Malinao because the Hawai'i State Judiciary needs

more judges that understand domestic violence and the real-life impact that their decisions have outside of the court room. I support Ms. Malinao because I would like to stop having to console clients and explain why a judge didn't understand what their abuser did to them. I support Ms. Malinao because I want a judge that understands that their decision is more than just a part of the legal process but can have lasting real-life consequences on the generations to come because I am tired of working with several generations of victims and offenders in a single family. Ms. Malinao has shown that she understands the law and each human being that she touches. Ms. Malinao has also shown that she is fair and understands that even good people make bad decisions. Ms. Malinao has also shown the empathy and understanding needed to address a person's needs while appropriately applying the law. I know that Ms. Malinao will be a judge that can appropriately and fairly apply the law, while addressing the real-life human consequences that will result from the decision. Ms. Malinao will be the kind of judge that Hawaii and the people in the legal system need. Ms. Malinao will be the kind of judge that treats people as human beings and not just parties in a case. Ms. Malinao has the intelligence, experience, and emotional strength that tells me that she will be a "game changer" in the judiciary and build more trust in the legal system. I humbly asking for your cooperation and support by appointing Ms. Clarissa Y. Malinao to the position of Judge of the First Circuit Court. Mahalo for your time and consideration. Sincerely, Joan M. Bird

GM-1

Submitted on: 10/26/2021 6:00:28 AM

Testimony for JDC on 10/27/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kaiwi Ching	Individual	Support	No

Comments: Dear Chair Rhoads, Vice Chair Keohokalole, and Senate Judiciary Committee Members: My name is Kaiwi Ching and I write this letter in strong support of the nomination of Clarissa Y. Malinao for the position of Circuit Court Judge. I first met Ms. Malinao while practicing in family court. Although we were on opposing sides and advocating steadily for our respective clients, Ms. Malinao was smart, professional, practical, and above all a pleasure to deal with. I have witnessed firsthand her exceeding legal acumen and trial skills and have no doubt that Ms. Malinao will make a great judge. Thank you for the opportunity to submit testimony on this matter. Kaiwi Ching

JAMIE S. MIYASATO
95-1058 HOALIA STREET
MILILANI, HAWAII 96789

October 25, 2021

Office of the Governor
The Honorable Karl Rhoads, Chair
The Honorable Jarrett Keohokalole, Vice Chair
Senate Committee on Judiciary
415 S. Beretania Street
Hawaii State Capitol, Room 204
Honolulu, Hawai'i 96813

Re: Circuit Court Nomination of Clarissa Y. Malinao

I am writing in strong support of Clarissa Malinao for Judge of the First Circuit Court. I am a court reporter at the First Circuit Court and have known Clarissa for over 15 years.

As a public defender, Clarissa was always punctual, well-prepared, and firm yet compassionate to her clients. Now that she is a per diem judge, Clarissa exhibits fairness, intelligence, common sense and is kind to all parties. Fortunately for me, she speaks loudly and clearly and makes a great record.

Clarissa exudes positivity. She has the judicial temperament needed to sit on the Circuit Court bench and is a great asset to the Judiciary and the State of Hawaii. Thank you for your consideration in appointing Clarissa Malinao as Judge of the First Circuit Court.

Sincerely,

/s/ Jamie Miyasato

Jamie Miyasato

Date: October 26, 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 Circuit Court of the First Circuit, State of Hawai'i, Governorial Nominee CLARISSA MALINAO.

Hearing: Wednesday, October 27, 2021, 9:00 a.m.

I am writing in **SUPPORT** of Clarissa Y. Malinao's nomination for Judge of the Circuit Court of the First Circuit.

I have had the privilege of knowing Clarissa for the past 8 years. We met when we were both employed at the Office of the Public Defender. Clarissa is trustworthy, hardworking, and intelligent. The professional manner in which she addresses the court and opposing counsel and the patience and understanding she shows for her clients convey the respect she has for everyone. Working at the Office of the Public Defender is a tireless job and you always feel like there is more you need to do. As a Deputy Public Defender, Clarissa showed empathy, compassion, and eloquence in all that she did.

Clarissa and I also served together on the board of the Hawaii Filipino Lawyers Association. An organization that is near and dear to both of our hearts. She participated in planning meetings and events organized by the Hawaii Filipino Lawyers Association. She also carves out time to be a volunteer attorney through Volunteer Legal Services Hawaii and is a staunch advocate of the organization. Clarissa has made it her mission to give back to the community.

Clarissa's skills as a trial attorney and an advocate for her clients will allow her to participate thoughtfully and respectfully in discussions and decision making. Working for and with the people of Hawai'i has given Clarissa the values and abilities to be able to serve as a Judge of the Circuit Court of the First Circuit. Clarissa has always been passionate about helping the people of Hawai'i because she truly cares for the people of Hawai'i. The knowledge and background experience that Clarissa will bring to this position will be a tremendous asset to the Judiciary.

Thank you for your consideration.

Jessica R. Domingo, Esq.

JAMES S. TABE
STATE PUBLIC DEFENDER

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HONOLULU OFFICE
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3060 EIWA STREET
LIHUE, HAWAII 96766
TEL. NO. 274-3418
FAX NO. 274-3422

MAUI OFFICE
81 N. MARKET STREET
WAILUKU, HAWAII 96793
TEL. NO. 984-5018
FAX NO. 984-5022

October 26, 2021

Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair
Committee on Judiciary and Labor

RE: Appointment of Clarissa Y. Malinao to the Circuit Court of the First Circuit, State of Hawaii

Members of the Committee on Judiciary and Labor,

I am writing in support of Clarissa Y. Malinao for selection to the Circuit Court of the First Circuit, State of Hawaii. She has the qualities that would make her an excellent addition to the Hawaii judiciary. As a Per Diem judge in the District Court of the First Circuit, she has shown the ability to quickly identify the relevant legal issues and come to a fair decision in each case that she has presided. As a fellow Deputy Public Defender, she worked hard for her clients and conducted many difficult trials with enthusiasm. I believe Clarissa Y. Malinao will make an excellent addition to the Hawaii Circuit.

Thank you for your attention.

Sincerely,

Jerry A. Villanueva
Supervising Attorney
District Court Division
Office of the Public Defender

ESTHER FUKUSHIMA
1464 Ala Amoamo Street
Honolulu, Hawaii 96819

October 26, 2021

Senate Judiciary Committee
Hawaii State Capitol
415 South Beretania Street
Honolulu HI 96813

Re: GM1, Testimony in Support of the Confirmation to the Circuit Court of the First Circuit, Gubernatorial Nominee, Clarissa Y. Malinao

Dear Senator Rhoads and the Senate Judiciary Committee members,

I write to you in strong support for Gubernatorial Nominee, Clarissa Y. Malinao, to the Circuit Court of the First Circuit.

I have had the privilege of knowing Clarissa both professionally and personally. I first met Clarissa in 2007 when she became employed by the Office of the Public Defender. She displayed a high degree of integrity and determination in fulfilling her responsibility as a Deputy Public Defender. Her attitude, enthusiasm and energy in her work are exemplary.

One thing I found as I continued to work with Clarissa is that we quickly became personal friends as well. She is very down-to-earth, has a quick wit and is a true island girl at heart. We both have very hectic schedules but am grateful that we still find time to text and meet up on occasion.

I believe Clarissa would be an outstanding full-time judge and recommend her wholeheartedly. Thank you for taking the time to review my comments on Gubernatorial Nominee, Clarissa Y. Malinao.

Sincerely,

Esther Fukushima

Esther Fukushima

Taryn Tomasa
1130 N. Nimitz Hwy. A-254
Honolulu, HI 96817
(808) 586-2080
taryn.r.tomasa@Hawaii.gov

October 26, 2021

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

Re: GM1 Circuit Court Judge Nominee Clarissa Y. Malinao
Hearing: October 27, 2021, 9:00 AM

Dear Chair and Committee Members:

This letter is in support of the nomination of CLARISSA Y. MALIANO to the circuit court bench. I have worked with Ms. Malinao for a number of years, both as a colleague in the Office of the Public Defender, during her years in private practice and her tenure as a per diem judge. Throughout it all, Ms. Maliano consistently demonstrated diligence, zealousness and compassion in her practice and administration of the law. These qualities will undoubtedly serve her well as a circuit court judge.

Thank you for taking my comments into consideration. Should you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,



Taryn Tomasa

Date: 10/26/2021

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 Circuit Court of the First Circuit, State of Hawaii, Gubernatorial Nominee Clarissa Y. Malinao.

Hearing: Wednesday, October 28, 2021, 9:00 a.m.

It is a privilege for me to support Clarissa Malinao's nomination to be a judge of the Circuit Court of the First Circuit. I initially worked side-by-side with Clarissa as a deputy public defender, handling felonies in the First Circuit Court. Smart and charming, Clarissa made an excellent trial attorney. As a deputy public defender, Clarissa was a team player and often took on additional work and duties to assist the office. Perhaps the one thing that stands out the most during her time at the Office of the Public Defender was Clarissa's compassion and genuine care for her clients. A loving and devoted daughter, Clarissa is very close to her parents and, of course, her dog.

Leaving the office and opening her own law firm, Clarissa was quickly successful and did her best to serve her communities in Waipahu and Mililani. Transitioning from lawyer to per diem judge in the district court, Clarissa was able to step away from her role as an advocate and demonstrated her ability to be a neutral and impartial arbiter in the criminal justice system. As a per diem judge, I have heard only positive comments by our deputies who appear in the district court.

I am confident that Clarissa will make the transition from per diem district judge to circuit judge without a problem. Clarissa has the experience, temperament, and patience to be an outstanding circuit judge. I am honored to fully support her nomination.

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

Respectfully submitted,

Lee S. Hayakawa

Assistant Public Defender

Office of the Public Defender, State of Hawaii

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

Re: GM1

Testimony in Support of the Nomination of Clarissa Malinao to Circuit Court of the First Circuit
Hearing: October 27, 2021

Dear Senators Rhoads, Keohokalole and committee members:

This letter is written in support of Ms. Malinao's nomination to the Circuit Court of the First Circuit. We have worked with Ms. Malinao for over 10 years at the Office of the Public Defender. During that time, we got to know Ms. Malinao well. She is dedicated, hard working and has a positive attitude. We fully support her nomination.

Thank you for your consideration of this testimony.

Sincerely,

/s/ *Melissa Enright*

/s/ *Christian Enright*

October 26, 2021

Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair
Committee of Judiciary
State Capitol
Honolulu, Hawai`i 96813

RE: GM1: Confirmation of Clarissa Y. Malinao to the Circuit Court of the First Circuit

Dear Chair, Vice Chair and Members of the Committee,

I am writing in full and strong support for the appointment of Clarissa Y. Malinao to the Circuit Court of the First Circuit for the State of Hawaii.

I first got to know Ms. Malinao at the Public Defender's Office, where she was a Deputy Public Defender. I saw firsthand how tirelessly she would work her cases. She not only prepared her client but she, herself, was always thoroughly prepared as well. She did her homework! Her focus and commitment to her job was evident. She put the same time and energy into her relationship with staff, always very considerate. This I feel is also very important in any judicial appointee.

I also got to know Ms. Malinao outside of work. In any event or undertaking we participated in, she was always focused and committed. I count on her as a very good friend.

Ms. Malinao will continue to bring these qualities to the bench. She will be focused and committed to being fair and unbiased and will follow the law. She will always do her homework!

Thank you,

Lynda H. Camarao

GM-1

Submitted on: 10/26/2021 8:49:29 AM

Testimony for JDC on 10/27/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Steven Nichols	Individual	Support	No

Comments: Dear Senate Judiciary Committee My name is Steven Nichols and I have been a deputy public defender for the last 18 years. I have known Ms. Malinao since she was a law clerk for the Honorable Marcia Waldorf. Even then I could see that she had something different from her peers, it also helped that we shared a Mililani hometown connection. She was always easy to talk to and very welcoming. When she became a public defender, we got to know each other better and we became friends. I have always known her to be a very thoughtful attorney and one who cared deeply about doing things the right way and about her clients. She was a passionate defender of the disenfranchised and an advocate for equality and human rights. I believe she will make an excellent judge whether she be assigned to the criminal or civil calendar. Her strong legal mind will allow her to get up to speed on any civil issues that she has not dealt with in private practice and her trial skills will serve her well. I am so proud and happy for Ms. Malinao. I know she was worked extremely hard and sacrificed a lot to get to this point. Please vote to confirm her as one of our next Circuit Court Judges. Sincerely, Steven Nichols

Trisha Y. Nakamura, Esq.
P.O. Box 61619, Honolulu, Hawai'i 96839

LATE

To: The Honorable Karl Rhoads, Chair
The Honorable Jarrett Keohokalole, Vice Chair
Members of the Senate Committee on Judiciary
Date: October 26, 2021 Hrg: October 27, 2021 at 9:00 a.m.
Re: GM 1; Strong Support for the Nomination of Clarissa Y. Malinao to the Circuit Court of the First Circuit

I share my strongest support of Clarissa Y. Malinao as Judge for the Circuit Court of the First Circuit. I have known Clarissa from 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.) Since our work together, I have also worked with her on the Hawai'i State Bar Association's Diversity, Equity, and Access to the Law (DEAL) Committee. Ms. Malinao is humble and hard-working, invested in our communities, and a true public servant. Her desire to serve is pure.

DEDICATED COMMITMENT OT PEOPLE & PROFESSIONALISM

I met Clarissa over a phone call. I called Clarissa when I was assigned to a District Court case of a client whose felony attorney was Clarissa. She was a steady mentor who made herself available to help and guide me without judgment. DPDs are busy. Clarissa would always call back promptly. This took time. Clarissa, in her wisdom, was investing in not only helping me, but grow larger skills of her younger colleagues to better help existing and future Public Defender clients.

EFFICIENT AN DECISIVE

At the PDs and now at our work on the HSBA'S DEAL Committee, I have witnessed Clarissa efficiency and ability to make decisions clearly and calmly. She balance her time with clients, on the bench as a per diem, and in the community, making sure all of her commitments are not only met, but nurtured. She plans ahead and prepares to ensure everyone's time is honored. She can also pivot to move quickly when matters are urgent or unexpected. She is never flummoxed. She does not make knee-jerk decisions and takes time to think before responding. She will carry these traits with her to the Circuit Court bench—allowing parties and counsel who appear before her to have predictability and find the fairness they expect and the bench requires.

THE LAW AND WORK TO MASTER IT

Clarissa's work to research legal issues and come from a humble place to ensure the right result must be mentioned. Clarissa has gone to trial and represented numerous people. She has presided over both civil and criminal matters in our busy and demanding District Courts. She understands that all cases impact people, business, and our State. As such, she works hard to ensure the right result based on the rule of law. She is a hard worker. Her efficiency noted above combined with a strong work ethic will help her ability to move cases along, ensuring parties have their issues resolved.

In sum, Clarissa is a much-needed voice on the Circuit Court bench. Her rich experiences, intelligence and curiosity about the law, and passion to serve our State make her more-than-suited to serve as a Judge of the Circuit Court of the First Circuit.

Thank you for your consideration of my comments in the strongest support of Clarissa Y. Malinao.

LATE

Dr. Robyn L.K. Faumuina
1169 Ho‘oli Circle
Pearl City, Hawaii 96782

Dear Sir or Madam,

I am writing this letter of recommendation on behalf of Ms. Clarissa Malinao as it relates to her interest in serving as a Judge in the First Circuit Court. In my humble opinion, Clarissa will make an excellent addition to the First Circuit Court as a full time Judge.

The first time I met Clarissa, she was classmates with my sister at Whittier Law School in California around 2004. My first impressions included thinking that she was very personable, hardworking, and studious, as she and my sister would often study at great length, the material they were learning at the time.

I next reconnected with Clarissa here in Hawai‘i after my sister asked if she would volunteer to mentor and coach Nānākuli High and Intermediate School’s inaugural Mock Trial team; she did not hesitate at all and immediately donated her time and legal expertise to our students, many of whom had never stepped foot into a Courtroom. She was patient with the students and didn’t hesitate to answer any questions they had.

As it relates to work ethic, Ms. Malinao further demonstrated her strong work ethic by driving to Nānākuli, often after working all day in the downtown Honolulu area. When she arrived for the coaching sessions with students, she was hospitable, humorous, and energetic and no one would have known that she had already put in a long day of work elsewhere. Furthermore, her long list of professional accomplishments are admirable and lend themselves to her extensive experience in the legal arena.

It is my sincere pleasure to recommend Clarissa Malinao for a full time Judgeship in the First Circuit Court on O‘ahu. Should you have any further questions or need any additional information, I can be reached via cell phone at (951) 992-2133 or at Nānākuli High and Intermediate School: (808) 305-7633.

Kind Regards,

Robyn L.K. Faumuina, Ed.D

LATE

Dear Honorable Members of the Senate,

My name is Frederick Macapinlac, I have been a practicing member of the bar in good standing since 2014 and am currently employed by the Office of the Public Defender. I am submitting this testimony in support of the confirmation of the Clarissa Y. Malinao to the position of Judge for Circuit Court of the First Circuit.

As a disclosure, Ms. Malinao is my relative. However, I had gotten to know her in a professional capacity first as an intern for the Office of the Public Defender on Oahu and then as a co-worker once I started working at the Kona Public Defender's office.

As I started working as an attorney, Ms. Malinao was a source of both legal knowledge and the ins and outs of being a trial lawyer. How to investigate and build a case, how to interact with clients, and how to cope with the stressors of the career were all invaluable lessons Ms. Malinao taught me. These were all the result of her years of being a tireless advocate and the most fundamental lesson I learned from her was to not merely look at my clients as folders on my desk, but as people with lives and families.

These were the values she took with her when she left the Public Defender's Office to join her husband's practice. These same values she has also applied to her time as a Per Diem Judge for the First Circuit District Court. I have no doubt that, if confirmed, she will carry the same diligence and compassion to the litigants that appear before her in the Circuit Court.

I again reiterate my full support for the confirmation of Clarissa Y. Malinao for the position of Circuit Court Judge for the First Circuit. Thank you for your time and consideration.

Sincerely,

/s/ Frederick M. Macapinlac

Frederick M. Macapinlac, Esq.

LATE

GM-1

Submitted on: 10/26/2021 11:30:26 AM

Testimony for JDC on 10/27/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Faye M. Koyanagi	Individual	Support	No

Comments: My support of Ms. Malinao is as a former District Court Judge of the First Circuit. **BACKGROUND AND EXPERIENCE:** As a Public Defender and later as an attorney in private practice, Ms. Malinao has always demonstrated an excellent grasp of the substantive and procedural aspects of the law as well as a firm grasp of the rules of evidence. And although she represented her clients zealously, she always did so in a calm manner and with upmost respect. She has also earned the respect of her opposing attorneys, litigants, judges, court staff, and the public. Her current tenure as a Per diem judge is also a testament to her ability to serve on the bench. She successfully sits on all of the court dockets in District Court, both criminal and civil. To date, Malinao is not aware of any of her cases being appealed. She has also taken it upon herself to assist and implement positive changes to the smooth running of the judicial operations during the challenges of the pandemic. **ABILITY TO SIT AS A CIRCUIT COURT JUDGE;** Ms. Malinao is well qualified to sit on any of the Circuit Court benches. She has an extensive criminal background having handled numerous cases including jury trials. On the civil side, Ms. Malinao has presided over all of the civil calendars in District Court, including civil small claims and regular claims, restraining orders, and landlord-tenant matters. The substantive issues in these civil matters would be nearly identical to those encountered in Circuit Court. And if not, this would be of no concern since Ms. Malinao is a very quick learner. In summary, I would like to say "one of the district court staff members who said, "Clarissa is the kind of judge the judiciary really needs. Thank you for this opportunity to submit support for Ms. Malinao. Faye M. Koyanagi

LATE

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

I support GM1, which confirms Clarissa Malinao to the Circuit Court of the First Circuit. Ms. Maliano is an experienced attorney and per diem judge. As an outstanding pro bono attorney, she has demonstrated her commitment to serving the public. Her extensive legal experience and her dedication to public service will serve her well in her duties in Circuit Court.

Thank you for considering my testimony in support.

Sincerely,
Nelisa Asato

LATE

GM-1

Submitted on: 10/26/2021 12:50:30 PM
Testimony for JDC on 10/27/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Michael TOWN	Individual	Support	No

Comments: Very strong testimony per my communication to Senate Judiciary Committee. Clarissa will be exemplary judge as set forth in my submittal.. with respect, Judge Michael A.Town (retired)

LATE

October 26, 2021

Dear Committee:

My name is Jacqueline Dyer. I am a deputy public defender on the island of Oahu, and I have been working in the various district courthouses throughout the island for four years. I am writing in support of the appointment of Clarissa Malinao to the Circuit Court bench.

I have had the privilege of appearing in front of Judge Malinao several times, both in the Kaneohe District Courthouse and the Honolulu District Courthouse. Judge Malinao has always been both fair and efficient in managing demanding court calendars. In my experience of having trial in front of Judge Malinao, she was thoughtful and decisive in her rulings.

Judge Malinao would make an excellent Circuit Court judge. I hope that you consider appointing her for the position. Thank you for your time and consideration.

Sincerely,



Jacqueline R. Dyer

LATE

GM-1

Submitted on: 10/26/2021 1:52:49 PM
Testimony for JDC on 10/27/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
ASHLEY GUNDAKER	Individual	Support	No

Comments: I'm writing in full support of Clarissa Y. Malinao. I'm confident in her abilities and experience with the judicial system and I know she would excel in this position. The people of Hawai'i need her on board!



October 26, 2021

Senator Karl Rhoads

Chair- Senate Judiciary Committee

RE: **Clarissa Y. Malinao &**
Submitting for consideration and confirmation as Circuit Court Judge for the
First Circuit Court for the State of Hawaii.

DATE: Thursday, October 28, 2021
TIME: 9:00 a.m.
PLACE: Conference Room 229- State
Capitol

To Whom It May Concern:

I write this letter to express my complete support of **Clarrisa Y. Malinao** and her nomination as a Circuit Court Judge for the First Circuit Court for the State of Hawaii.

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

Thank you for considering my comments.

Very truly yours,

WALTER J. RODBY

LATE

GM-1

Submitted on: 10/26/2021 4:13:42 PM

Testimony for JDC on 10/27/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Hayley Cheng	Individual	Support	No

Comments: I am writing to support the judicial nomination of Clarissa Malinao. I have had the opportunity to know Ms. Malinao in both a personal and professional capacity for almost 15 years. She has an outstanding work ethic and will be steadfast in her commitment to the Judiciary and to the people of Hawaii.

LATE

GM-1

Submitted on: 10/26/2021 5:06:50 PM

Testimony for JDC on 10/27/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Brian P. Sheehy	Individual	Support	No

Comments: I support Clarissa Y. Malinao's (GM-1) nomination to the Circuit Court if the First Court.

LATE

GM-1

Submitted on: 10/26/2021 5:55:38 PM

Testimony for JDC on 10/27/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Vanesssa Kop	Testifying for FCCH; HCA	Support	No

Comments: October 26, 2021 The Honorable Karl Rhodes, Chair The Honorable Jarrett Keohokalole, Vice Chair Senate Committee on Judiciary 415 S. Beretania st Hawaii State Capitol, Rm 204 Honolulu, Hawaii 96813 Re: Circuit Court Nomination of CLARISSA Y. MALINAO Aloha: I am writing in support of Judicial Nominee, CLARISSA Y. MALINAO, to the Circuit Court of the First Circuit. I am past President of the Filipino Chamber of Commerce of Commerce of Hawaii and Currently Hawaii Chinese Association President. I am truly honored to be able to support Ms. Malinao. As a fellow Asian American woman in society, I am excited to see Ms. Malinao in the current role she is in, serving as a District Court Per Diem Judge. She has amassed a great amount of knowledge in litigation, both as an attorney and a Judge. Ms. Malinao, with her busy schedule, somehow still managed to volunteer her time and give back to the community. And because of Ms. Malinao's continued dedication to her community, I believe that Ms. Malinao will be a great Circuit Court Judge, she will continue to be deeply-rooted to the community, providing a great role model for young leaders and the future generation. I am truly confident that Ms. Malinao will bring significant contributions to the Circuit Court and the community. Respectfully, Vanessa Kop Past President Filipino Chamber of Commerce of Hawaii (2018-2019) President- Hawaii Chinese Association (2020-2021) Executive VP NAI CBI Executive Board-Filcom Center

LATE

GM-1

Submitted on: 10/26/2021 7:42:52 PM
Testimony for JDC on 10/27/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
David M. Hayakawa	Individual	Support	No

Comments: Dear Chair Rhoads and the Judiciary Committee: I submit this testimony in strong support of the nomination of Clarissa Malinao to the Circuit Court of the First Circuit. I have appeared before District Court Per Diem Judge Malinao a number of times and she was clearly effective and comfortable on the bench. Over the years I have sought Clarissa's input and advice on Family Court guardianship, juvenile and CPS issues, all of which she is very experienced and effective handling. Clarissa has extensive criminal trial experience and the right level of persuasiveness that will enable her to effectively handle and move her Circuit Court Calendar. I fully support Clarissa's nomination to the Circuit Court of the First Circuit. Respectfully, /s/ David M. Hayakawa

LATE

October 26, 2021

The Senate Committee on Judiciary
Hawaii State Capitol
Honolulu, Hawaii 96813

Re: Support for Judicial Nominee CLARISSA Y. MALINAO

Dear Senate Committee:

I am writing in support of Judicial Nominee, CLARISSA Y. MALINAO, to the Circuit Court of the First Circuit. I am a President of Hawaii Korean Chamber of Commerce and Vice President of the Korean American Foundation Hawaii and also serve as a board member on many non profit Korean organizations.

I am truly honored to be able to support Ms. Malinao. As a fellow Asian American woman in society, I am excited to see Ms. Malinao in the current role she is in, serving as a District Court Per Diem Judge. She has amassed a great amount of knowledge in litigation, both as an attorney and a Judge. Ms. Malinao somehow still managed to volunteer her time and give back to the community. And because of Ms. Malinao's continued dedication to her community, I believe that Ms. Malinao will be a great Circuit Court Judge. I believe she will continue to be deeply-rooted to the community, providing a great role model for young leaders. I have no doubt, that Ms. Malinao will bring significant contributions to the Circuit Court.

Sincerely,

G Nakamura

Gina Kim Nakamura

LATE

GM-1

Submitted on: 10/26/2021 8:52:46 PM

Testimony for JDC on 10/27/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Craig W Jerome	Individual	Support	No

Comments: I am writing to express my strong support for the confirmation of Clarissa Y. Malinao to the bench of the Circuit Court of the First Circuit. I have known Ms. Malinao since 2008, when we both worked at the State of Hawaii Office of the Public Defender. Throughout the many years that I have known Ms. Malinao, I have observed her to be a dedicated, motivated, and highly-skilled advocate for her clients. I have had the pleasure of watching her serve as an excellent deputy public defender and seeing her grow into a proficient litigator in both state and federal court. I know that she now serves as a Per Diem Judge in the First Circuit, and while I have not personally appeared before her, I have heard nothing but positive feedback on her performance from other attorneys and parties. Ms. Malinao has tremendous energy, and she approaches her work and clients with honesty and passion. She was a leader at the public defender's office, and she did a lot to mentor and teach young attorneys who were just entering the profession. She is fearless in her advocacy, while at the same time employing a measured approach that is client-centered and tremendously effective. I am certain that Ms. Malinao would be a leader in the judiciary and that the people of the State of Hawaii would benefit from her service on the bench. I am happy to give Ms. Malinao my highest recommendation for this position. Sincerely, /s/ Craig W. Jerome
Craig W. Jerome

LATE

GM-1

Submitted on: 10/26/2021 10:20:20 PM

Testimony for JDC on 10/27/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jon N. Ikenaga	Individual	Support	No

Comments: Committee Members, I would like to voice my unequivocal support for the nomination of Clarissa Y. Malinao to the Circuit Court of the First Circuit. I am the Appellate Section Supervisor for the Office of the Public Defender and have worked at the office since 1994. I have known Ms. Malinao since she started at the Office of the Public Defender in 2007. Ms. Malinao possesses all of the attributes which will make her a stellar member of the judiciary. Her work ethic, integrity, compassion and fairness are ideally suited for the position. Ms. Malinao has always worked tirelessly to improve her legal knowledge and improve her skills as an attorney. Although I have never appeared before Ms. Malinao during her time as a per diem judge, I have heard nothing but praise for her judicial demeanor and character on the bench. Ms. Malinao will uphold the reputation of the judiciary and will rule fairly and impartially in all matters before her. I have no hesitation in supporting her nomination and urge the committee members to do the same. Thank you for the opportunity to submit this testimony.

LATE

Janelle Osaki
2714 Lowrey Avenue
Honolulu, HI 96822

October 27, 2021

The Honorable Karl Rhoads, Chair
The Honorable Jarrett Keohokalole, Vice Chair
Senate Committee on Judiciary
415 South Beretania Street
Hawaii State Capitol, Room 2004
Honolulu HI, 96813

RE: Testimony in Support of Clarissa Y. Malinao for Judgeship for Circuit Court of the First Circuit, State of Hawaii

Dear Chair Rhoads, Vice-Chair Keohokalole, and Members of the Committee.

I am writing in strong support of Clarissa Y. Malinao to the judgeship in the Circuit Court of the First Circuit.

I have personally known Clarissa for about eleven years. Over the years, I have seen what kind of individual she is, and I have grown to respect her character, strength, and integrity. From the first time I met Clarissa, I was amazed by her personal qualities and love for others. She is intelligent, compassionate, and respectful even thru disagreements. She shows dedication to wanting to approve the community around her. Her passion for the profession and her compassion for those involved in court cases define her as truly exceptional.

Individuals will often possess the educational and professional qualifications that make them nominally qualified for this position. However, I believe that an individual's personal qualities should also make them a great judge. I have every confidence that Clarissa Malinao would be that person. Please vote to confirm her appointment.

Thank you for the opportunity to submit support on this nomination

Sincerely,
Janelle Osaki
Janelle Osaki

LATE



October 27, 2021

To: Senator Karl Rhoads
Chair, Senate Committee on Judiciary

Senator Jarrett Keohokalole
Vice Chair, Senate Committee on Judiciary

RE: GM 1: Submitting for consideration and confirmation to the Circuit Court of the First Circuit, State of Hawaii, Gubernatorial Nominee CLARISSA Y. MALINAO, for a term to expire in 10 years.

Hearing: Wednesday, October 27, 2021 at 9:00 a.m. via videoconference

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

Hawaii Women Lawyers (“**HWL**”) respectfully submits testimony in **support** of the confirmation of Clarissa Y. Malinao to the Circuit Court of the First Circuit.

HWL is a nonprofit organization comprised of over 300 attorneys. HWL’s mission includes improving the status of women in the legal profession, increasing the number of women attorneys in positions of authority and responsibility, and promoting the advancement of all women. HWL believes that increasing opportunities for, and improving the visibility of, qualified women in the Judiciary is extremely important. The judicial bench should be adequately balanced and reflect the composition of Hawaii’s citizens. Significant strides have been made in the past several years to improve the diversity of our bench, but HWL believes that more can be done to appoint qualified women to fill judicial vacancies to bring balance to the bench.

HWL supports the confirmation of Ms. Malinao to the Circuit Court of the First Circuit, which will help to ensure that the number of women on the bench better represents the number of women in the legal profession and the community at large.

Thank you for the opportunity to submit testimony in support of this confirmation.

Very truly yours,

Hawaii Women Lawyers



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

Clarissa Y. Malinao
Circuit Court Judge of the First Circuit (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: Wednesday, October 27, 2021 at 9:00 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 Clarissa Y. Malinao for the position of Circuit Court Judge of the First Circuit.

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

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

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

The HSBA President and the Executive Director met with Ms. Malinao on October 25, 2021 to discuss the subcommittee's findings. On October 26th, Ms. Malinao was interviewed by the HSBA Board of Directors in executive session.

Documentation submitted by Ms. Malinao was reviewed and the references listed were contacted for their personal opinions and observations. The comments and letters received from HSBA members reflected an affirmation of Ms. Malinao 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 Nominee 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.

Nominee Malinao currently serves as a Per Diem District Judge for the First Circuit and a solo practitioner. In large part her background as a daughter of immigrants prompted the Nominee to open her law practice in Waipahu in an office space shared with her father, a small business owner for 20 years.

As a solo practitioner since 2015, Ms. Malinao, who is bilingual, represented clients in the State Circuit Court and the Federal Court charged with criminal felony offenses (excluding appeals). She appeared before the Hawaii Paroling Authority and agencies for child welfare proceedings. She also served as Grand Jury Counsel and as a Guardian Ad Litem.

As a Per Diem Judge, Ms. Malinao presided over criminal and civil matters including motions for summary judgement, small claims, and temporary restraining orders. She has also been involved with child and adult Guardian Ad Litem matters.

Prior to her current professional endeavors, the Nominee was a Deputy Public Defender for 8 years. She was assigned to 70 jury trials of which 28 cases (felony and misdemeanor) were tried. In addition, she handled an astonishing number of non-jury trials to completion, argued pretrial motions, prepared appellate briefs, and presented an oral argument before the Hawaii State Supreme Court.

The Nominee is known for her diligence, perseverance, integrity, fairness, respect for the law, and ability to meet challenges. She acquired skills to interact with people firmly and with respect. Her experiences as a litigator and Per Diem Judge will serve her well as a Circuit Court Judge.

Ms. Malinao is a very active member of the Hawaii State Bar Association participating in the Leadership Institute, serving as the current Co-Chair of the Diversity Equality & the Law Committee, and as a Bar representative on the Hawaii Supreme Court's Commission on Professionalism. She has been recognized for her pro bono services to the unserved and underserved.

After a review of all documentation submitted and the interview of the nominee, which included dialogue and questioning relating to her background, experiences, and reasons for pursuing the position of Circuit Court Judge of the First Circuit, the Board of the Hawaii State Bar Association found Ms. Clarissa Y. Malinao to be **QUALIFIED** for the position of Circuit Court Judge of the First Circuit.

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