

STAND. COM. REP. NO. 3

Honolulu, Hawaii

OCT 19 2022

RE: JUD. COM. NO. 2

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Third Special Session of 2022  
State of Hawaii

Sir:

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

DISTRICT FAMILY COURT OF THE FIRST CIRCUIT

J.C. No. 2            JOHN ALBERTO MONTALBANO,  
for a term to expire in 6 years,

begs leave to report as follows:

Your Committee reviewed the personal history, resume, and statement submitted by Judge John Alberto Montalbano for service on the District Family Court of the First Circuit.

Your Committee received testimony in support of the appointment of Judge John Alberto Montalbano from one member of the Honolulu City Council and sixteen individuals. Your Committee received testimony in opposition to the appointment of Judge John Alberto Montalbano from one individual. Your Committee received comments on the appointment of Judge John Alberto Montalbano from the Board of Directors of the Hawaii State Bar Association.

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



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

Judge Montalbano attended the University of Hawai'i at Manoa where he received a Bachelor of Arts degree in Economics. He received his Juris Doctorate from the Golden Gate University School of Law in 1999. Following his graduation from law school, Judge Montalbano clerked in the Circuit Court of the First Circuit for the Honorable Frances Wong and the Honorable Michael D. Wilson. Judge Montalbano has been licensed to practice law in the State of Hawaii since 2001.

Judge Montalbano currently is a Per Diem Judge for the District Court of the First Circuit where he presides over criminal and civil matters, including small claims proceedings, requests for civil injunctions, and traffic infraction matters. Judge Montalbano is also a Judge Advocate Attorney for the Office of the Command Judge Advocate where he represents clients in an array of family law cases, including divorce proceedings, paternity, custody, visitation, support issues, adoption, guardianship, and the prosecution and defense of restraining orders. Previously, Judge Montalbano was an attorney at Farrell & Associates, LLC, where he represented clients in family law matters at trial, arbitration, and mediation. Judge Montalbano was an attorney at Fukunaga Matayoshi Hershey & Ching, LLP, and worked on general civil litigation cases. Prior to that, Judge Montalbano was a Deputy Prosecuting Attorney in the Career Criminal Unit of the City and County of Honolulu Department of the Prosecuting Attorney.

Judge Montalbano has been an active participant and volunteer in the legal community throughout his career and has demonstrated his commitment to serving the public. Currently, Judge Montalbano is an Adjunct Professor at the Command and General Staff Officer's College where he instructs students on critical thinking, tactics, leadership, and military history. Judge Montalbano is also a volunteer attorney at the Kapolei Access to Justice Room providing individuals with legal advice on family law. In addition, Judge Montalbano is a volunteer arbitrator with the Court Annexed Arbitration Program and is a volunteer with the Protectors of



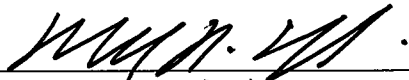
Paradise, a beach clean-up program made up of United States Army veterans and soldiers. Judge Montalbano served as a volunteer mentor and coach for the Hawaii State Bar Association's Young Lawyer's Division providing advice and counsel to high school students during mock trial competitions.

Testimony submitted in support of Judge Montalbano's appointment commends his vast legal experience, compassion, and commitment to the community. Testimony further indicates that during his time as a Per Diem Judge at the District Court of the First Circuit and as Judge Advocate Attorney for the Office of the Command Judge Advocate, he has shown unwavering dedication, fairness, and exceptional work ethic. Numerous testifiers also praise his professional integrity, as well as his acumen, and passion to serve.

Your Committee finds that, based on the testimony submitted on his behalf, responses to questions asked by the members of your Committee, and your Committee's review of information about his qualifications, Judge John Alberto Montalbano has the experience, judicial temperament, and other competencies to be a District Family Court Judge of the First Circuit, and possesses the knowledge, commitment, and demeanor to fully and faithfully discharge the duties associated with that judicial office.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the appointee, has found the appointee to be qualified for the appointment to which appointed and recommends that the Senate consent to the appointment.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,

  
\_\_\_\_\_  
KARL RHOADS, Chair



The Senate  
 Thirty-First Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**  
**Consent**

Gov. Msg./Jud. Com. No.:* <b>JC2</b>	Committee Referral: <b>JDC</b>	Date: <b>10/19/2022</b>		
<input type="checkbox"/> The Committee is reconsidering its decision				
The Recommendation is:				
<input checked="" type="checkbox"/> Consent 2347 <span style="margin-left: 200px;"><input type="checkbox"/> Not Consent 2349</span>				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)				/
KEOHOKALOLE, Jarrett (VC)	/			
ACASIO, Laura	/			
GABBARD, Mike	/			
KIM, Donna Mercado	/			
LEE, Chris	/			
FEVELLA, Kurt	/			
<b>TOTAL</b>	6	-	-	1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <span style="margin-left: 200px;"><input type="checkbox"/> Not Adopted</span>				
Chair's or Designee's Signature:				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

\*Only one Message/Communication per Record of Votes