



**TESTIMONY OF THE STATE ATTORNEY GENERAL
SECOND SPECIAL SESSION OF 2007
TWENTY-FOURTH LEGISLATURE**

ON THE FOLLOWING MEASURE:

G.M. No. 1, Submitting for consideration and confirmation to the Intermediate Court of Appeals, Associate Judge, Gubernatorial Nominee, KATHERINE G. LEONARD, for a term of ten years.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY AND LABOR

DATE: Friday, November 16, 2007 **TIME:** 9:00 AM

LOCATION: State Capitol, Room 229

Deliver to: Committee Clerk, Room 219, 1 copy

TESTIFIER(S): Mark J. Bennett, Attorney General

Dear Chair Taniguchi and Members of the Committee:

I write in strong support of Katherine G. Leonard's nomination to be an Associate Judge of the Intermediate Court of Appeals. I first met Ms. Leonard many years ago when I was teaching criminal procedure at the William S. Richardson School of Law, and Ms. Leonard was one of my first students. Although I have taught the course a number of times, I still recall Ms. Leonard as one of my very best students, and knew, while she was in law school, that she had an extraordinarily bright future in the law. Since then, Ms. Leonard's legal career has been every bit as bright as I anticipated that it would be, starting with her position as the Editor-in-Chief of the Law Review, to her current position as one of the most respected partners at one of Hawaii's largest law firms. Kate Leonard brings intelligence, hard work, drive, and honesty to her work, and will, I believe, be an excellent Judge on the Intermediate Court of Appeals. I respectfully ask the Committee to recommend that she be confirmed by the full Senate.



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

KATHERINE G. LEONARD
Associate Judge, Intermediate Court of Appeals

To: Senate Committee on Judiciary and Labor
The Honorable Brian T. Taniguchi, Chair
The Honorable Clayton Hee, Vice-Chair

Hearing: Friday, November 16, 2007, 9:00 a.m.
Conference Room 229
State Capitol

The Board of Directors of the Hawaii State Bar Association appreciates the opportunity to comment on the qualifications of Katherine G. Leonard for the position of Associate Judge, Intermediate Court of Appeals.

In evaluating judicial nominees, the HSBA Board utilizes a modified version of the American Bar Association Guidelines for Reviewing Qualifications of Candidates for State Judicial Office. These Guidelines include the following criteria: integrity, legal knowledge and ability, professional experience, judicial temperament, diligence, financial responsibility, and public service, collegiality and writing ability. The HSBA Board's rating system includes the categories of "highly qualified," "qualified," and "not qualified."

The HSBA Board has recently reviewed the policies and procedures utilized in developing its positions on judicial nominees and has included in its procedures the use of a standing subcommittee of HSBA Board members to review materials presented by the nominee and input from members; the subcommittee is also tasked with checking references and contacting others who have knowledge of the nominee's experience and qualifications. The full Board reviews the materials prepared by this subcommittee, the complete materials submitted by the nominee and members and conducts an interview of the nominee. These revised procedures are available for review on the HSBA website at <HSBA.org>.

Taking into consideration all of the information presented by and about the nominee and an interview with the nominee, the Board of Directors of the Hawaii State Bar Association found Katherine G. Leonard to be **QUALIFIED** for the position of Associate Judge, Intermediate Court of Appeals.

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STEVEN S.C. LIM
P.O. Box 701
HILO, HAWAII 96721

TO: Senate Committee on Judiciary and Labor

FROM: Steven S.C. Lim
P.O. Box 701
Hilo, Hawaii 96721

DATE: November 13, 2007

RE: Nomination of Katherine Leonard as Intermediate Court of Appeals Judge
GM1


TO BE HEARD: 9:00 am, Friday, November 16, 2007

With pleasure I am writing on behalf of Katherine G. Leonard, who I understand has been selected to fill the judicial vacancy in the Intermediate Court of Appeals created by the untimely passing of my brother John Lim. Without reservation, I highly recommend Kate for this position. She has been a partner of mine in the law firm of Carlsmith Ball LLP for over 10 years, and has always been a tremendous asset on whatever cause or endeavor I have had the privilege to work with her.

Over the last 10 years, I have gotten to know Kate personally and worked with her on a couple of legal matters and on our Firm's Compensation Committee. I was impressed by her fairness and caring attitude to all. I found her to have the highest moral character and a great passion for her work. I believe Kate possesses the requisite skills, leadership and judicial temperament required to serve as a judge in the ICA, and will bring a wealth of appellate litigation experience to the bench. Therefore, I am writing to strongly support her appointment as a judge in the ICA.

I would be pleased to speak with you personally regarding Kate and her unique qualifications. Please do not hesitate to give me a call at (808) 935-6644.

Very truly yours,


Steven S.C. Lim

SSCL:lny

4815-5957-9394.1

TESTIMONY OF
B. MARTIN LUNA, ESQ
relating to the nomination of

KATHERINE G. LEONARD
Associate Judge, Intermediate Court of Appeals

To: Senate Committee on Judiciary and Labor
The Honorable Brian T. Taniguchi, Chair
The Honorable Clayton Hee, Vice-Chair

Hearing: Friday, November 16, 2007, 9:00 a.m.
Conference Room 229
State Capitol

Chair Taniguchi, Honorable Senate Judiciary Committee members:

It is my privilege to speak on behalf of Katherine Grace Leonard, nominee to be Associate Judge of the Intermediate Court of Appeals of the State of Hawaii. I am speaking in support of Kate's nomination not just because she is my partner at Carlsmith Ball LLP, but because she is an excellent lawyer who is well-qualified to serve as an associate judge of the ICA.

After joining our firm in 1992, Kate's brilliance as a lawyer became quickly known and her legal services were sought after by many of the partners. As a young associate, Kate did not have a choice as to which clients she would work for or which partner she assisted. Because of her admirable work ethic and bright legal intellect, Kate eventually began working with the Chair of our law firm who represented some of the largest business clients of the firm.

Working with the Chair of the firm--the BIG BOSS--was both a blessing and a curse for an associate. This meant working long hours with a partner who demanded a superior quality of work from the associate at all times. If the associate was *not* able to meet the highest standards of conduct and consistently provide the highest quality of legal service, the associate would not be working at the firm very long. On the other hand, if the associate was able to meet the high standards that some of the other associates may not be subject to by other partners, the associate would be assured of attaining what all associates seek, election into the partnership of the firm.

We're here this morning because Kate met the highest requirements of conduct and legal expertise expected of an associate and still works just as hard as a partner for the clients of the firm--business enterprises or individuals who need legal assistance. If you have not yet done so, I respectfully urge you to read Kate's application to the State Judicial Selection Commission because it tells you

Kate's legal experience. Clearly, Kate has been involved with very difficult and complicated cases which have required her to represent clients on the trial and appellate levels. Having served on the JSC, I am able to tell you that Kate's application is one of the best I have reviewed.

The Senate has on many occasions confirmed for an appellate court judgeship the nominations of lawyers who had not previously served as a trial judge. Being a trial judge is not a requirement for selection to the appellate level. I am confident that each senator will review Kate based on her outstanding qualifications, by what she has done in her career, ever mindful that she has successfully gone through the difficult process of being placed on the JSC's short list and being selected by the Governor from said list. Being a Democrat from Maui, I have not agreed very often with the decisions of our former Maui County mayor and current governor, but I can say without qualification that Governor Linda Lingle's nomination of Kate Leonard is one of the best she has made.

If Kate's nomination is confirmed by you and your colleagues in the Senate, Kate will be a significant loss to the firm. However, the judiciary of the State of Hawaii will surely gain an associate judge of the Intermediate Court of Appeals who will contribute a brilliant mind to resolve complicated legal issues objectively in accordance with the law and work tirelessly in her endeavor to serve the community and enhance the quality of life in her adopted State.

LAW OFFICES OF PHILIP R. BROWN

Pauahi Tower, Suite 2005 • 1003 Bishop Street • Honolulu, Hawaii 96813

November 6, 2007

Via E-Mail Transmittal
sentaniguchi@Capitol.hawaii.gov
Hard Copy to Follow Via U.S. Mail

Senator Brian Taniguchi
Chairman
Judiciary and Labor Committee
Hawaii State Capitol, Room 219
415 South Beretania Street
Honolulu, Hawaii 96813

Re: **Katherine Leonard, Esq.**

Dear Senator Taniguchi:

I am directing this letter to you personally and respectfully ask that you circulate it to the proper members of the Senate Judiciary and Labor Committee.

This letter is to express my unconditional support for the appointment of Katherine Leonard, Esq. to the Intermediate Court of Appeals of the State of Hawaii. I have known Katharine Leonard, Esq. since 1993 when we were both associates with the law firm of Carlsmith Ball. I worked with her on a number of cases and can personally attest to her high intellect, integrity, and work ethic. After I left the Carlsmith firm, I have remained friends with Katherine and her husband, Ian Sandison, Esq. I know them both to be of extremely high character and intellect. I also know Katherine to be an excellent mother.

Katherine Leonard would be a credit to the Hawaii State Judiciary. As such, I highly recommend her for the Intermediate Court of Appeals. If you have any questions or comments, or if you need any additional information, please do not hesitate to contact me.

Sincerely yours,



Philip R. Brown

PRB:wlf

Eric Higashihara
1585 Kapiolani Blvd. Suite 1630
Honolulu, Hawaii 96814
(808) 792-5945

November 12, 2007

Senator Brian Taniguchi, Chair
Senate Judiciary and Labor Committee
Hawaii State Capitol, Room 219
415 South Beretania Street
Honolulu, Hawaii 96813

Re: GM1 – Consideration and Confirmation of Katherine G.
Leonard as Associate Judge to the Intermediate Court of
Appeals

Dear Senator Taniguchi and Committee Members:

I write to strongly and unequivocally support the confirmation of Katherine G. Leonard as Associate Judge to the Intermediate Court of Appeals.

I know Ms. Leonard very well, not on a professional or business basis, but on a personal level, and have seen her in the roles of a community volunteer and leader. We met about 7 years ago when our sons were in preschool together. Since then, she has been our AYSO Soccer Team Mom, AYSO Soccer Coach and is currently our Assistant Cub Scout Den Leader, a position she has held continuously for the past 5 years.

Ms. Leonard is a person with the highest personal integrity. The decisions she makes as a leader have been fair and open-minded. She approaches issues and people without prejudices or pre-judgment. She is always trying to find solutions in coordinating everyone's busy schedule without reducing the value or efforts of families making sacrifices to meet other obligations. She has a great sense of what is fair and proper, and is able to communicate this while still treating everyone involved with dignity.

Ms. Leonard is a very compassionate person. She is always sure to make everyone around her feel important and included. On many occasions she has gone out of her way to make my younger son feel like a part of the group. Parents, siblings, and friends are always welcome as long as the activity permits. In soccer, she has supported AYSO's philosophy of "everyone plays," regardless of the athletic skills of the boys. In every respect, she made the game a positive experience for all involved. In Scouting, she puts a lot of thought into each

adult's strengths and capabilities when making suggestions for them to lead various activities, yet is also very willing to make changes, if asked to do so.

When Ms. Leonard makes a commitment, she puts forth all her efforts into it. I have seen this in her dedication to her son's education as well as his participation on a swim team. I can remember when our sons were in kindergarten, her family built a huge cage for the class pet and donated a Christmas tree. These thoughtful gestures added another dimension to each classmate's education. In Scouting, she undoubtedly spends countless hours preparing for activities and keeping records of the Scouts' accomplishments. She attends Pack Leadership sessions and creates our own Den's yearly meeting schedule, which includes the coordination of different families bringing dinner, drinks, and planning/leading the activities.

Ms. Leonard is able to make decisions that have protected the safety and welfare of our Scouts. Once, during the Memorial Day ceremonies at Punchbowl Cemetery, a scout wandered away from the group while under another adult's care. With such good judgment and decisiveness, she was able to make a plan and the scout was found quickly without incident. She has also shown her strength in this area by standing firm at a camp out by not allowing the scouts to swim in the sewage contaminated ocean from the torrential rains of 2006. Although a lot of time and effort may go into the planning of any event, she still is able to be decisive and cancel the activity, if necessary, for the safety of our children, no matter how unpopular the decision may be.

In summary, I have been impressed with Ms. Leonard's dedication to actively participate in community organizations and willingness to volunteer to take on leadership roles. She is an individual with an open-mind, who can approach issues and people without prejudices or pre-judgment. Ms. Leonard has demonstrated intellectual capacity, common sense, organizational skills, and has shown a high level of commitment in all of her undertakings. I feel Ms. Leonard will be able to use these qualities to benefit the entire community of the State of Hawaii. I strongly urge the Senate to confirm Katherine G. Leonard as Associate Judge to the Intermediate Court of Appeals.

Very truly yours,



Eric Higashihara

Darolyn H. Lendio
2322 Manoa Road
Honolulu, Hawaii 96822
(808) 783-7268 (cell)
reizo@aol.com

November 13, 2007

Honorable Senator Brian T. Taniguchi, Chair
Senate Committee on Judiciary and Labor
Hawaii State Capitol, Room 219
415 South Beretania Street
Honolulu, Hawaii 96813

**Re: Nomination of Katherine G. Leonard for Associate Judge,
Intermediate Court of Appeals**

Dear Senator Taniguchi and Members of the Committee:

I am writing in support of the nomination of Katherine G. Leonard as Associate Judge, Intermediate Court of Appeals.

I have known Kate for 10 years both personally and professionally as colleagues in the private practice of law and as working mothers raising our children.

Kate is highly intelligent, professional, and compassionate about her practice and profession. She conducts herself in an ethical and honorable manner in matters that can be adverse and challenging. She exhibits true judicial demeanor and is an excellent legal scholar and writer. She is able to *grasp difficult and complex issues of law and I have no doubt that she will* conduct herself in a judicious and fair manner when applying the law at the appeals court level.

For these reasons, I respectfully request that the Committee vote favorably on the nomination of Katherine G. Leonard as Associate Judge, Intermediate Court of Appeals.

Very truly yours,



Darolyn H. Lendio

Brown's Legal Publications

November 14, 2007

Dear Judiciary Committee Members:

I am writing on behalf of an individual, Katherine Grace Leonard, who has been nominated for Justice of the Intermediate Court of Appeals for the State of Hawaii.

I personally benefited from Kate's advocacy during our years together at law school. My mother died suddenly in the first year of law school – right before our first finals. I was bereft. I mistakenly assumed I could take time to grieve. Not true. I could barely read the words in a book without crying, but Kate took me under her, argued that I would be allowed at least one extension. Kate carried me until I finished all my exams and refused to let me quit. But for her advocacy I would have never finished my first year of law school and I would never be able to work as an advocate in our Courts today.

I have watched her with admiration from afar ever since. Competing to be the editor of the Hawaii Law Review Journal – she helped the team focus to create two excellent volumes for our university. Clerking for Judge Klein, both in the Circuit Court where he ruled on the Motions calendar and as a Justice at the Hawaii Supreme Court, Kate experienced and participated in judicial functions for two intense years of her career.

I believe it is significant that it was in this role as a clerk at our high court that she provided significant insight, research and scholarly writing toward the seminal PASH case which was heralded by the Native Hawaiian community.

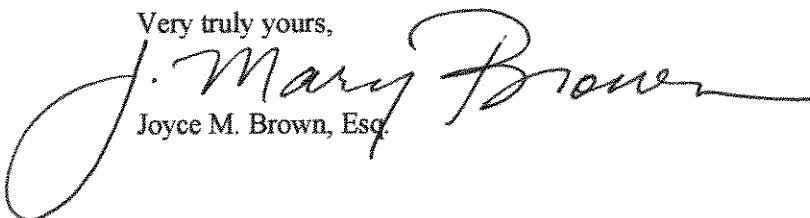
Finally, she was one of the first law students to be employed and she quickly ascended up the ranks to become a partner at Carlsmith.

I have nothing but admiration for this woman's tenacity and her leadership, but, more importantly, Katherine has heart and my life today is in part because of her caring for those who need a hand up.

This is definitely an individual who has all the qualities needed in the critical role of Justice of our Intermediate Court of Appeals. She is intelligent, analytical, a hard-worker, fair-minded and prepared to devote her life to public service.

I ask that you give Katherine Grace Leonard's nomination careful consideration as this job will be key to the very fabric that binds Hawaii together for many decades to come.

Very truly yours,


Joyce M. Brown, Esq.



2342 Round Top Drive ♦ Honolulu, Hawaii ♦ 96822
Telephone: 808-783-2342 ♦ Fax: 808-947-9083

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OUR REFERENCE NO.:
901-30

November 14, 2007

VIA FACSIMILE: 586-6659

Senator Brian Taniguchi, Chair
Senator Clayton Hee, Vice-Chair
Committee on Judiciary and Labor
Hawaii State Capitol
415 South Beretania Street,
Honolulu, Hawaii 96813

Re: Nomination of Katherine Leonard to Intermediate Court of Appeals
GM1
To Be Heard at 9 a.m., Friday, November 16, 2007

Dear Senator Taniguchi and Senator Hee:

I am writing to whole-heartedly support Kate Leonard's appointment to the Intermediate Court of Appeals. I am a partner at Carlsmith Ball LLP, and have known Kate and worked with her since 1992. For the reasons noted below, I believe that she will make an excellent appellate court judge.

She has a first-rate legal mind, and has the ability to understand and properly analyze the most complex legal problems. She not only knows the law, but understands the policy considerations behind it, and uses that ability to arrive at conclusions that recognize not only the letter, but also the spirit of the law.

She is fair-minded, thoughtful and independent, and considers all sides of an argument before reaching her conclusions. She is not afraid to go wherever the legal analysis takes her, even if it goes against her initial impressions of a case.

She is idealistic and committed to the highest principles of the law, and she will work tirelessly to uphold them.

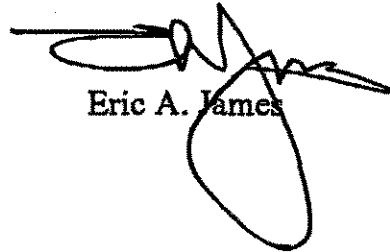
Senator Brian Taniguchi, Chair
Senator Clayton Hee, Vice-Chair
Committee on Judiciary and Labor
November 14, 2007
Page 2

She will make a positive contribution to the administration of justice in our community.

I urge you to confirm her appointment to this position.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric A. James". The signature is stylized with a large loop at the end and a horizontal line extending to the left.

Eric A. James

**SCHNEIDER TANAKA RADOVICH
ANDREW & TANAKA**

A Limited Liability Law Company

David F. Andrew
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Leila Rothwell Sullivan

MEMORANDUM

Via fax: 586-6659

TO: Senate Committee on Judiciary and Labor
C/O: Senate Sergeant-At-Arms Office

FROM: David F. Andrew (HSBA No. 5623) 

MAILING ADDRESS: Schneider Tanaka Radovich Andrew & Tanaka, LLLC,
1100 Alakea Street, Suite 2100, Honolulu, HI 96813

DATE: November 14, 2007

RE: Nomination of Katherine Leonard as Intermediate Court of Appeals Judge GM1

TO BE HEARD: 9:00 a.m., Friday, November 16, 2007.

Please accept this as support for the nomination of Katherine (Kate) Leonard to the Intermediate Court of Appeals of the State of Hawaii.

I have known Kate for almost 20 years, since our first year at Richardson Law School in 1988. What has struck me most about Kate is that she is an extremely intelligent person, who is very serious about whatever she is doing. I remember her as being hard working and diligent. I would think that she would be a very fair and impartial judge. One of the many things that impress me about Kate's legal career is the breadth of litigation experience she has had while at Carlsmith Ball. Although she will be new on the bench, it is clear that she is very experienced in the courtroom and has dealt with a multitude of litigation issues. As such, I would anticipate that her learning curve on the ICA will be quite low.

I believe Hawaii would be fortunate to have someone of Kate's intellect and work ethic on the ICA.

Thank you for allowing me this opportunity to give my support for Kate's nomination.

CASE LOMBARDI & PETTIT

A LAW CORPORATION

Daniel H. Case
 James M. Cribley
 Stacey W.E. Foy
 Esther S. Han
 Gregory M. Hansen
 Michael L. Lam
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Bruce C. Bigelow (1946-2001)

VIA FACSIMILE (586-6659)**To: Senate Sergeant-At-Arms Office**

TO: Senate Committee on Judiciary and Labor
FROM: Daniel H. Case
MAILING ADDRESS: Case Lombardi & Pettit
 737 Bishop Street, Suite 2600
 Honolulu, Hawaii 96813
DATE: November 14, 2007
RE: Nomination of Katherine Leonard as Intermediate Court of Appeals Judge
 GM1
TO BE HEARD: 9:00 a.m. Friday, November 16, 2007

Dear Ladies and Gentlemen:

You now have before you for your consideration the appointment of a new Judge for our Intermediate Court of Appeals. Katherine Leonard is one of the candidates on the list submitted to you from the Judicial Selection Committee and I urge your appointment of her as a Judge on the Intermediate Court of Appeals.

Katherine Leonard has been practicing law continuously since her entry into the Bar in 1991 and has handled a diverse number of legal matters during this period, usually matters of litigation in all of our State Courts. She has a reputation for careful deliberate work on all of her cases, many of which have reached the appellate courts. I have found her to be thoughtful and capable, with a strong desire to serve her community. The State of Hawaii would be fortunate to have Ms. Leonard serve as a Judge of our Intermediate Court of Appeals and I strongly urge your appointment of her.

Yours very truly,

Daniel H. Case
 Daniel H. Case

DHC:ckm

555/10/643796.1

IVAN M. LUI-KWAN

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

November 14, 2007

Senator Brian T. Taniguchi, Chair
Hawaii State Legislature
Committee on Judiciary and Labor
415 South Beretania Street
Honolulu, Hawaii 96813

VIA FACSIMILE
586-6659

Re: Nomination of Katherine G. Leonard to Intermediate Court of Appeals
GM1
To Be Heard at 9:00 a.m., Friday, November 16, 2007

Dear Senator Taniguchi and Members of the Committee:

I am writing to give my high recommendation to Katherine G. Leonard, nominee to Hawaii's Intermediate Court of Appeals. I have personally known Kate since 1989 when she first worked as a summer associate for the law firm of Carlsmith Ball LLP, where I was a partner for nineteen years, plus four years as an associate. She later rejoined the firm as a young lawyer in the litigation department. I found Kate to be an excellent and insightful lawyer. She merged her outstanding analytical and legal skills with her ability to work harmoniously with others as a valuable team member. Later, Kate and I both served as Founding Directors of the Hawaii Chapter of the American Judicature Society. Kate served with me on the Board of Directors from 1997 until December 2005, when she left the Board to take a more active role in the Special Committees. She continues to play an important part in the American Judicature Society's advocacy for equal access to justice.

In my opinion, Kate has all of the attributes to be an outstanding judge. First, she possesses the appropriate judicial temperament. Second, she is innately fair. Third, her academic record demonstrates her strong intellect. Fourth, still in the prime of her career, she possesses the willingness and good health to work hard to address the heavy workload of the Intermediate Court of Appeals. Finally, she would bring from a large law firm practice to the judicial bench a unique perspective and experience of engaging highly complex legal issues in litigation and business.

It is not common for a partner at a prestigious and long-established law firm to forfeit her lucrative practice and to invest the prime years of her career into public service as a judge. I am confident that, if confirmed, Kate would make a valuable contribution to the people of Hawaii, the Hawaii State Judiciary and the Intermediate Court of Appeals.

Sincerely,



Ivan M. Lui Kwan

Via Fax: 586-6659

The Honorable Brian Taniguchi, Chair
The Honorable Clayton Hee, Vice-Chair
Committee on Judiciary and Labor
Hawaii State Senate

Re: Hearing on Intermediate Court of Appeals Judge Nominee Katherine Leonard,
Esq.

Hearing Date: Friday, November 16, 2007 at 9:00 a.m.

Testimony of Daniel Bent

Senator Taniguchi, Senator Hee and Members of the Judiciary and Labor Committee. First, I am testifying in support of Katherine Leonard's confirmation out of my concern that our Judiciary have the benefit of high quality judicial appointments. No one has asked me to support this appointment. And, while I consider myself a professional friend of Kate Leonard since we were colleagues at the same firm for several years, we are not personal friends, and don't socialize or have regular contact. Typically I only occasionally see her when we happen to bump into each other in the community. I am saying this to convey that my interest in her appointment is only the welfare of our legal system and the quality of our judicial appointments.

I strongly support the confirmation of Kate Leonard as Associate Judge of the Intermediate Court of Appeals. Kate is an exceptionally qualified candidate for the position of Associate Judge.

With Kate Leonard as a Judge on the Intermediate Court of Appeals that court would be better equipped to address its expanded responsibilities under the new appeals process. Indeed, I cannot think of anyone else that would be a more valuable asset to that Court in addressing its considerable workload. Kate in particular would bring to the ICA an extraordinarily high level of productivity, proven intelligence and extensive commercial litigation experience. In addition, given that Kate has served as a law clerk at both the Circuit Court and Supreme

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Testimony of Daniel Bent
Senate Judiciary and Labor Committee
November 16, 2007
Page 2 of 3

Court levels, she would bring with her in-depth knowledge of the inner working of Hawaii's judicial system.

I have had the pleasure of working with Kate while I was a partner with the Carlsmith Ball Law Firm from 1993 until 2000. Kate was there when I joined as a member of the Litigation Section of the firm. From the beginning I was impressed by her tenacity, legal knowledge, her considerable intelligence, ability to handle complex issues and work well with a variety of people. Kate's stature grew in the firm and the professional community and she became, as I recall, one of the earliest to partnership in the history of the Carlsmith firm.

For much of the time that our tenure at Carlsmith overlapped, Kate and I occupied offices adjacent to one another. This gave me an even greater opportunity to know Kate, the work she was doing and to discuss various legal issues with her. My personal knowledge of Kate is that she is an extremely hard working, intelligent, knowledgeable, insightful and tenacious lawyer and professional who has handled some of the most complex and difficult cases and legal issues. While she has notable experience, her level of ability is far beyond the number of years of her experience. Kate is a "lawyer's lawyer," i.e., a lawyer who other lawyers, many with more years of experience, turn to for perceptive, sound and ethical legal advice. By her confirmation, the Senate would insure that such abilities would be applied to the work of the judiciary in behalf of all of Hawaii and its citizens.

Another noteworthy benefit her confirmation would provide the ICA is her extensive experience in handling commercial litigation and commercial legal issues. Both are important aspects of the work of the Intermediate Court of Appeals. While that Court has a predominance of members who have experience in the criminal justice system, none of the present incumbents to my knowledge have her significant commercial litigation experience. While criminal issues are an important part of the work of the ICA, commercial legal issues also are important. They are important not just to the Court, but also to Hawaii's economy, the most important source of jobs for our citizens.

Some might say that one appointed to the ICA should have prior judicial experience. To deprive the Court such a highly qualified candidate on that basis would be unfortunate since it is demonstrably not so. Distinguished appellate jurists with no prior judicial experience are legion. Our nation's most outstanding Chief Justice, John Marshall, as one example, had no prior judicial experience yet became the model of an outstanding jurist. In addition, the current members of that

Testimony of Daniel Bent
Senate Judiciary and Labor Committee
November 16, 2007
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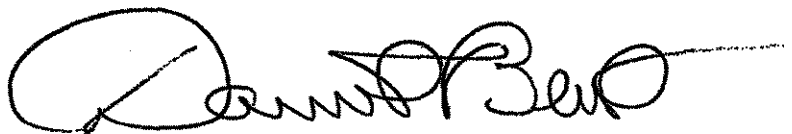
Court do not have such experience and none, to my knowledge have had the judicial clerkship experience at both the Hawaii Supreme Court and Circuit Court levels as Kate has had. What a working court like the ICA needs is hard working, highly intelligent, ethical members who have considerable litigation experience and knowledge of the workings of the judicial system. Kate fits this bill extraordinarily well.

Kate Leonard is a top graduate of the William S. Richardson School of Law. She was the Editor-in-Chief of its Law Review. As I recall, while she got on the Law Review because of her high grades, her peers elected Kate to the position of Editor-in-Chief. I also recall that she won several of the most prestigious awards for which law students were eligible. In short, she is a candidate of the first order with the proven respect of her peers. As a distinguished alumna of our own law school, her confirmation will serve to validate the quality of legal education available to our students here in Hawaii without having to go to the mainland, something many of our students cannot afford.

Kate is a person who calmly and professionally handles difficult matters even where others involved are highly emotionally charged. Not only can it be said "her feathers don't ruffle easily," from my observation I simply don't think they ruffle at all. Therefore, I know that Kate would reflect appropriate judicial demeanor in any judicial capacity.

I know Kate to be a person and attorney of integrity and honesty and I have great confidence in her in every respect. From my direct observation over the years that I have know and practiced with Kate, she is unquestionably and highly qualified to serve as Associate Judge of the Intermediate Court of Appeals. I commend her to you for your confirmation for that important position.

If you desire any additional information from me regarding Kate, I would be pleased to provide it to you.

A handwritten signature in black ink, appearing to read "Daniel Bent". The signature is fluid and cursive, with a large initial "D" and a long horizontal stroke at the end.

Daniel Bent

BENDET, FIDELL, SAKAI & LEE

EDWARD R. BENDET
JAY M. FIDELL
WESLEY H. SAKAI, JR.
DENIS LEE
YURIKO J. SUGIMURA
KYLE T. SAKUMOTO
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November 13, 2007

VIA TELEFAX TO THE SENATE SERGEANT-AT-ARMS 586-6659

TO: Senator Mark Taniguchi, Senate Committee on Judiciary and Labor

FROM: Jay M. Fidell, Esq., Bendet, Fidell, Sakai & Lee

ADDRESS: 841 Bishop Street, Suite 1500, Honolulu, Hawaii 96813

RE: NOMINATION OF KATHERINE LEONARD AS JUDGE OF THE
INTERMEDIATE COURT OF APPEALS JUDGE

TO BE HEARD: 9:00 a.m. Friday, November 16, 2007

Dear Chair Taniguchi and members of the Committee:

I strongly support the confirmation of the appointment of Kate Leonard as Judge of the Intermediate Court of Appeals.

I have known Kate Leonard for 10 years and have engaged with her in court on a number of occasions - I have been court-appointed receiver in cases in which she has appeared as counsel. I am familiar with her powerful legal abilities and sensibilities, and I know her to be an outstanding attorney and member of the bar, and eminently qualified to serve on the Intermediate Court of Appeals.

Further, I believe her private practice and trial experience will be of enormous value to the Court and will enhance the diversity and strength of its bench. Given her skills and her enthusiasm to serve, I believe she will be a great judge and that she will serve the development of the law and the people of Hawaii at the highest possible standard of competence, fairness and integrity.

Senator Mark Taniguchi
November 13, 2007
Page 2

On this basis, I unconditionally support Kate Leonard for this appointment and would urge you and your colleagues to confirm her at your earliest opportunity.

Thank you so much for your consideration of my views.

Respectfully submitted,



Jay M. Fidell
Of BENDET, FIDELL, SAKAI & LEE

JMF:dn

CARLSMITH BALL LLP

A LIMITED LIABILITY LAW PARTNERSHIP

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OUR REFERENCE NO.:
(00901-00030)

November 13, 2007

VIA FAX: 586-6659

Senator Brian Taniguchi, Chair
Senator Clayton Hee, Vice-Chair
Committee on Judiciary and Labor
Hawaii State Capitol
415 South Beretania Street,
Honolulu, Hawaii 96813

Re: Nomination of Katherine Leonard to Intermediate Court of Appeals
GM1
To Be Heard at 9 a.m., Friday, November 16, 2007

Dear Senator Taniguchi and Senator Hee:

I am writing in support of the nomination of Katherine Leonard to the Intermediate Court of Appeals. I have practiced law in Hawaii for almost 30 years and have known Kate since she first worked for our law firm in the summer of 1989 while she was still in law school. I regard her as one of my most intelligent, diligent and reliable partners. She is fair minded, always a pleasure to work with, and would make a good contribution to the Intermediate Court of Appeals. I recommend her without reservation.

Sincerely



Pat Devlin

4813-1204-9922,1

November 11, 2007

Committee on Judiciary and Labor
The Senate
The Twenty-Fourth Legislature
Interim of 2007

Hearing Date and Time: Friday, November 16, 2007, 9:00 a.m.

(sent by E-Mail)

Re. TESTIMONY IN SUPPORT OF Katherine G. Leonard, nominee for appointment to the Intermediate Court of Appeals

I am a Professor of Law at the William S. Richardson School of Law, but I am writing this letter in my personal capacity. I am sorry I will not be able to testify in person, but I must attend the funeral services of my mother-in-law of Friday in Wisconsin.

I write in strong support of Katherine Leonard. I have known Kate since she entered the UH law school. At that time, I was serving as Associate Dean, so I did not have Kate as a student. I did, however, get to know her personally. In a class of seventy-five students, there are always just a handful which stand out; some for good reasons and some for bad.

I knew Kate because she was one of the brightest students in her class and, over the years, one of the brightest graduates from our law school. Beyond her intelligence, she was also a good solid member of our law school community. She was always there to help her classmates.

I stopped practicing law in 1987, so I never had the opportunity to practice law with her. I do know, however, that she has a very good reputation in the bar. I got to know Kate again more recently when she and I were among a handful of local lawyers who founded the Hawaii Chapter of the American Judicature Society (AJS). The goal of AJS is to support the judiciary, and particularly to help the judiciary maintain its independence.

Judicial independence is the keystone to a strong, professional judiciary. Threats to judicial independence come from many directions these days in the United States. One of the strongest threats in recent years in the U.S. and abroad is the threat from the other two branches of government, the legislature and the executive branch. Recent events in Pakistan (the sacking of the Supreme Court Justices by the President of Pakistan) is but one example of the kinds of pressure an executive branch can put on the judiciary.

Kate and I served for many years on the board of the Hawaii Chapter of the AJS. Over that time, I saw time and time again Kate's unwavering commitment to judicial independence.

Based on my personal knowledge of Kate, I believe she has three strengths: intelligence, compassion, and dedication to judicial independence; three prime attributes of a judge, particularly for a judge at the appellate level.

I strongly support her nomination without any reservations.

(not signed because sent by E-Mail)

Lawrence C. Foster
115 Ohana Street
Kailua, HI

TO: Senate Committee on Judiciary and Labor
FROM: Stanley K. Kamiya
MAILING ADDRESS: Carlsmith Ball LLP
American Savings Bank Tower
1001 Bishop Street #2200
Honolulu, Hawaii 96813

DATE: November 12, 2007

RE: GM1
Nomination of Katherine Leonard as Intermediate Court of Appeals Judge

TO BE HEARD: 9 :00 a.m., Friday, November 16, 2007.

I have been employed with Carlsmith Ball LLP as their Office Services Supervisor for 13+ years and have known Katherine Leonard for the same amount of time.

Kate Leonard has all the qualities that I would expect a Judge should have. She is honest, decisive, hard working and is very competent as an attorney. She also has all the qualities of a good human being. I have been fortunate to have the experience to work for Kate Leonard.

I would like to share a situation that happened years ago:

My department is responsible for messenger delivery service for the firm. Kate had directed us to make a delivery of a time-sensitive document to the opposing counsel. I sent a clerk out to deliver the document. We found out later, that the opposing counsel had filed a motion claiming that they did not receive the document. There was a large monetary penalty for our client if this document had not been delivered. Kate informed me that she would need an affidavit from myself and my staff in regards to the situation. She instructed us that she just wanted the truth. She interviewed all of my staff and myself. During this process Kate was not upset and continued to emphasize that she just wanted the truth. Kate was very professional about the whole incident. The Judge ruled in our favor and our client was not penalized.

Katherine Leonard will be a great Judge!

TO: Senate Committee on Judiciary and Labor
FROM: Nenad Krek
MAILING ADDRESS: 324 Nenu Street, Honolulu, HI 96821
DATE: November 12, 2007
RE: Nomination of Katherine G. Leonard as Intermediate Court of Appeals Judge
TO BE HEARD: 9 :00 a.m., Friday, November 16, 2007.

I write in to support the appointment of Katherine G. Leonard for the ICA position.

I have worked closely with Kate since 1996 when I joined Carlsmith Ball law firm as a lateral litigation partner. Kate has one of the finest legal minds that I have encountered in my thirty years of practice. Her analysis is famously disciplined and she has an unerring sense for exposing a flawed argument. Yet she can, and does, think "outside the box" when the situation requires it. I have always enjoyed the intellectual challenge of working with Kate, and I am sure that judges on any panel she may join would feel the same way.

I believe the ICA would benefit significantly from Kate's experience as a civil and commercial litigator. Kate understands practical issues litigators face in the course of judicial process. She also understands the realities of commercial disputes, and sensible resolution of these disputes is important for Hawaii's economy. As we do not have a dedicated commercial court in Hawaii, we need appellate judges well versed in commercial litigation.

Kate's hard work and dedication are legendary. As just one example, she dictated a motion in a hotly contested case from her hospital bed after having delivered a child. Needless to say, she eventually won, although the opposing party persevered up to the Supreme Court of the United States. Yet she is also thoughtful, compassionate, and thoroughly devoted to her family. Her integrity is unquestionable.

Finally, Kate is a team player with good organizational skills. At Carlsmith Ball we have always approached commercial litigation as a team project. Sometimes Kate has led the team, at other times she has supported it. She must have been doing something right, because every time I was on the team with Kate, our team won.

I wholeheartedly recommend Kate for the ICA position. This will be a loss for Carlsmith Ball, but it will be a win for Hawaii.

Nenad Krek



TO: Senate Committee on Judiciary and Labor

FROM: Junji Takeshita

MAILING ADDRESS:

1356 Lusitana Street, 4th Floor, Honolulu, HI 96813

DATE: *November 13, 2007*

RE: Nomination of Katherine Leonard as Intermediate Court of Appeals
Judge

GM1

I have known Kate Leonard for the last several years as a participant in the Cub Scouts program at Punahou. Kate has been the leader of our "Cub Scout Den" and has provided excellent organization to our group.

She has actively involved all of the parents and has worked well with other Cub Scout groups. I think she will be excellent as a judge for this state.

Douglas S. Chin, Esq.
2423 Lanai Street
Honolulu, Hawaii 96817

VIA E-MAIL (testimony@capitol.hawaii.gov)

Attn: Senate Judiciary and Labor Committee
State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

November 13, 2007

Subject: Confirmation Hearing of Ms. Katherine G. Leonard, Esq. to the State of Hawaii Intermediate Court of Appeals on Friday, November 16, 2007 at 9:00 a.m. before the Senate Judiciary and Labor Committee chaired by the Honorable Senator Brian Taniguchi

Dear Committee Members:

I write this letter in support of Katherine G. Leonard's nomination to the Intermediate Court of Appeals.

From 2005 to 2006, I was an associate attorney in the litigation department at Carlsmith Ball LLP ("Carlsmith"). Ms. Leonard was one of the partners who supervised and mentored me. As such, I spent hundreds of hours working under her. I deeply respect the depth and range of experience Ms. Leonard has had in civil litigation involving parties and/or clients who are powerful players in our geographic region. That experience, at both the trial and appellate levels, made her an invaluable resource, not only to Carlsmith's associates, but to its senior partners at the highest level. The public would greatly benefit from having an Associate Judge with her level of experience.

I also respect Ms. Leonard's work ethic and talent as a litigation attorney. Although I certainly tried, I could not outwork her. Ms. Leonard's intensity throughout the workday could be considered intimidating if it were not so effective. Ms. Leonard always did her homework, always represented her clients with great zeal, and was prepared for every possible twist or outcome. Moreover, she is a highly skilled writer, thinks quickly, and speaks with deep persuasiveness and conviction. If necessary, she can easily state her position to a room full of highly intelligent and influential individuals, or respect and understand the concerns of the others. She is highly regarded and respected by the civil bar. Ms. Leonard is an outstanding example for all attorneys to follow.

Finally, Ms. Leonard possesses a strong moral compass. Although I came to Carlsmith from the Honolulu prosecutor's office and returned to that office in August of

2006 upon being appointed its First Deputy, I personally observed and greatly admired Ms. Leonard's evenhanded and ethical approach to all matters, both work-related and otherwise during my time at Carlsmith. She was an excellent mentor. Her priorities, whether they are placed on her work, her family, or the community as a whole, are in proper order.

I wholeheartedly support Ms. Leonard's nomination. Thank you for your consideration.

Very truly yours,



Douglas S. Chin, Esq.

[THIS LETTER IS SENT VIA ELECTRONIC MAIL. 25 COPIES ARE NEEDED FOR SUBMITTAL. THE SENATE JUDICIARY AND LABOR COMMITTEE MEETS ON FRIDAY, NOVEMBER 16, 2007 AT 9:00 AM REGARDING THIS NOMINATION]

To: Senate Committee on Judiciary and Labor
From: Curtis T. Tabata
Mailing Address: 98-111 Naalii Place
Aiea, Hawai`i 96701
Date: November 14, 2007
Re: Nomination of Katherine Leonard as Intermediate Court of
Appeals Judge GM1
To Be Heard: 9:00 a.m., Friday, November 16, 2007

I humbly request that the Committee consider this, my written testimony, in the matter of the nomination of Katherine Leonard as Intermediate Court of Appeal Judge.

Katherine and I are classmates of the William S. Richardson School of Law ("WSRSL"), Class of 1991. Like Katherine, I have and continue to practice law in Hawai`i since graduating from WSRSL.

For as long as I have known her, Katherine has demonstrated superior legal skills in both the classroom and the courtroom. Whereas some attorneys are adept at the more academic side of the practice of law, involving legal research and writing, and others tend to excel in actual in-court trial practice, Katherine is one of those rare attorneys that excel in both arenas. This ability qualifies Katherine to review and scrutinize the record in trial court proceedings, analyze and decipher legal opinions and statutes, perform effective inquiries from the bench at oral arguments, and to draft clear and instructive appellate opinions that will contribute to Hawai`i case law. In short, Katherine's "street smarts" and "book smarts" are essential skills for jurists that are required to weave the most complex legal theories to the particular social fabric of the community.

I believe Katherine Leonard is highly qualified to serve as Intermediate Court of Appeals Judge. Thank you.

To: Committee on Judiciary and Labor:

Dear Senators Taniguchi and Hee and Committee members:

Please consider my testimony set forth below in support of Katherin G. Leornad for Associate Judge of the Intermediate Court of Appeals.

The Hearing on this matter is set for Friday, 16 November 2007 at 9:00 a.m. in Room 229 of the State Capitol at 415 South Beretania Street.

Very truly yours,

Thomas F. Feeney, Counsellor at Law

Dear Senators Taniguchi and Hee and Committee Members.:

I am writing in support of attorney Kate Leonard's nomination to be Associate Judge of the Intermediate Court of Appeals. I have known Kate since she and i were in Law School together at UH (Class of '91); we had most of our classes together and even were in the same study group in our first year there. We also clerked together for Judge Robert G. Klein while he was Civil Motions Judge in Circuit Court, and we both clerked for him when he first was nominated to the Hawai'i Supreme Court, first Kate and then myself. I continue to practice on certain cases in Hawai'i, mostly for civil rights, although my practice in Boston focuses on assisting small businesses, drafting contracts, and resolving construction law, landlord-tenant, and employment disputes.

My additional judicial experience also informs my opinion of Kate's potential to be an Associate ICA Judge. After my clerkship for the Hawai'i Supreme Court, i was law clerk to Federal Magistrate Judge Barry Kurren, [now] Chief District Judge Helen Gillmor, and Chief Federal Magistrate Judge Robert Collings here in Boston. While i was in Hawai'i, I was honored to be appointed as a CAAP arbitrator by Chief Justice Moon. In light of my experience in the judiciary, and my subsequent 12 years as a civil litigator (the last 7 in Boston (sorry, Punahoe and Iolani are too expensive and you are aware of the public school difficulties on Oahu, which i hope the legislature is continuing to improve), i can recommend strongly Kate Leonard for the position of Associate Judge of the ICA.

She is a fiercely bright person, demanding of herself and those working with her a high degree of organization and efficiency. Two qualities essential for an effective appellate judge. Her focus is tempered, moreover, by a compassionate soul that seeks to understand both sides of an issue. The combination of these characteristics combine to provide someone suited to be an appellate judge and contribute greatly to the efficient running of the Court.

If you have any further questions, please contact me at your convenience.

Very truly yours,

/s/

Thomas F. Feeney, Counsellor at Law
Feeney & Associates at Law
39 Sheafe Street, Suite 1
Chestnut Hill, Massachusetts 02467
Tel.: 617-277-5750
Fax: 617-277-5751
E'Mail: FeeneyatLaw@cs.com

**TO: Senator Brian Taniguchi
Chair of Senate Committee on Judiciary and Labor**

**FROM: Momi Cazimero
222 Kawaikui Place
Honolulu, HI 96821**

DATE: November 13, 2007

RE: Nomination of Katherine Leonard as Intermediate Court of Appeals Judge

TO BE HEARD: 9:00 a.m., Friday, November 16, 2007

From 1997 to the present Katherine Leonard and I have served as board members of the American Judicature Society-Hawaii Chapter. I have served as Vice Chair since the chapter's inception in 1997 and Ms. Leonard served as the Chapter's Secretary for 7 years - through 2005. It is in this capacity that I have come to know her.

I feel it is important that ICA Appeals Judge are nonpartisan and independent. These same qualities are promoted by the American Judicature Society (AJS) to which Ms. Leonard has volunteered her time and efforts in support of the organization's mission.

AJS is an independent, nonpartisan, national organization of judges, lawyers, and interested members of the public whose mission is to improve the justice system -- to "secure and promote an independent and qualified judiciary and fair system of justice." AJS's primary focus areas are judicial independence, judicial conduct and ethics, judicial selection, the jury, the criminal justice system, and public understanding of the justice system.

From 1997 to 2000, Ms. Leonard also served as the Moderator for the AJS Sidebar Program, which provides a forum for interaction between law students and judges regarding professional behavior. This program promotes professionalism and civility among lawyers. Experienced judges offer their observations and good and bad examples of courtroom behavior with an audience made up primarily of law students who are working in the legal field during the summer, stressing the importance of professional courtesies and the ineffectiveness of "Rambo" tactics.

AJS has organized task forces to address issues of concern to the judiciary. Ms. Leonard has served as a volunteer member of the committee to review whether the district courts should be merged with the circuit courts to form a single tier trial court system in Hawaii. She was the committee's secretary. Currently she is the reporter for the Special Committee on Judicial Independence and Accountability.

I believe Ms. Leonard's participation in AJS-Hawaii has augmented her legal career in a substantive and meaningful way in illustrating her commitment to improving the justice system.

I humbly ask your support for her nomination to the Intermediate Court of Appeals.

Respectfully,


Momi Cazimero

TO: Senate Committee on Judiciary and Labor

FROM: Vernon K. W. Wong, M.D.

MAILING ADDRESS:

1481 South King Street, Suite 423, Honolulu, Hawaii 96814

DATE: November 13, 2007

RE: Nomination of Katherine Leonard as Intermediate Court of Appeals Judge
GM1

TO BE HEARD: 9 :00 a.m., Friday, November 16, 2007. Conference Room 229

I am writing in support of the nomination of Katherine Leonard to the Intermediate Court of Appeals. I know Kate because our sons are classmates and through the Cub Scouts. She is a terrific den leader. Not only is she bright, organized, conscientious, and efficient, she is very committed to the scouting program and the ideals of community service and good citizenship. Although we had a large number of scouts in our den, she opened the den to any boy who wished to join and ensured each scout had the opportunity to participate equally.

Kate is an honest, caring, and decent person. She is someone who leads by example and is not afraid to "take the ball and run with it." Kate works extremely hard at everything she does and respects the opinions of others. Unequivocally she has great character, and I believe she would be a thoughtful and fair-minded judge.

I appreciate your time in considering my comments. Please do not hesitate to contact me.

Mahalo and aloha,

Vernon K. W. Wong, M.D.

To: Senate Committee on Judiciary and Labor

From: Diane T. Ono

Mailing Address: 610 Ward Avenue, Suite 200, Honolulu, HI 96814

Date: November 14, 2007

Re: Nomination of Katherine Leonard as Intermediate Court of Appeals Judge

To be heard: Friday, November 16, 2007, 9:00 a.m.

My name is Diane Ono and I am an attorney in private practice at Galihier DeRobertis Ono. I have known Katherine Leonard for the last 19 years. She and I went to law school together, and from our first meeting until today, I can say that there are two qualities about Ms. Leonard that come to mind when I think of her. She is extremely intelligent and she is a hard worker. Because of her diligence and her strong work ethic, Kate has spent all of the years since graduating from law school pursuing and honing her skills in the law.

Although I have not had a case with or against Ms. Leonard, I have watched her grow and develop over the years into a highly competent and well-respected lawyer. I realize that being a good jurist is not only about hard work and intelligence. Because I have known Kate for such a protracted period of time and have had contact with her on a personal and social level at regular intervals throughout those years, I know Kate to be a very fair, compassionate and honest human being. She has never been one to look at a situation or a problem and jump to conclusions. Kate will read everything put before her, study the law, know the precedent, do her own independent research, analyze carefully and diligently the case at hand, and then formulate her own opinion in a well-reasoned and clear manner. She has always been and will continue to be one who would encourage discourse to gain a better understanding and to be a good listener so that all who come before her will know that they have been heard and what they have said will be given due weight.

Some may say that Ms. Leonard has never served as a judge before but I strongly believe that if this is a shortcoming, Kate will more than make up for it with her hard work and diligence. In fact, she will be a breath of fresh air to creatively and fairly help the court deal with its caseload. Katherine Leonard will be a strong asset to our Hawaii judiciary, and I encourage you to vote favorably for her nomination. Thank you very much.

**THE SENATE
THE TWENTY-FOURTH LEGISLATURE
INTERIM OF 2007**

(Relating to GM 1: Submitting for consideration and confirmation to the Intermediate Court of Appeals, Associate Judge, Gubernatorial Nominee Katherine G. Leonard, for a term of ten years.)

TO THE HONORABLE BRIAN T. TANIGUCHI AND CLAYTON HEE, Chair and Vice Chair respectively, of the Senate Committee on Judiciary and Labor, and its Members,

My name is Sharon On Leng and I have been a member of the Hawaii State Bar Association since 1981. As a legal practitioner on many fronts in my twenty six year career, I would like to express my very strong support of Katherine G. Leonard, Esq.'s judicial nomination to the Intermediate Court of Appeals.

Kate has been a practicing attorney with the prestigious law firm of Carlsmith & Ball for over fifteen years, emphasizing complex corporate litigation matters. A dedicated legal counselor, Kate is thorough, smart, diligent, tenacious, flexible, perceptive, and has substantial moral fortitude. As the Litigation Manager for the Bank of Hawaii, I have relied upon Kate's solid and competent counsel to assist us in negotiating through complicated and sticky matters for the Bank, ranging from antitrust litigation to regulatory investigations. Can Kate apply her personal character, legal skills and professional experience to being a contributing Associate Judge on the Intermediate Court of Appeals? She most definitely can and will do so, without a doubt.

There has been some discussion about Kate not having formal judicial experience, a desired but not specific qualification for the position she has been nominated to. It should be recognized that a person can acquire experience of a judicial nature without actually being appointed to the bench. Through the Court Annexed Arbitration Program (CAAP), Kate has made decisions on legal claims through her service as an arbitrator since 1998. Additionally, Kate is no stranger to judicial administration as she has been a law clerk for both the First Circuit and Hawaii Supreme Courts, and board member of the American Judicature Society, Hawaii Chapter (a non-partisan national organization addressing the administration of justice) from its founding in 1998 through 2005.

What formal experience Kate may not have as a judge in a courtroom, she definitely possesses as a legal advocate in the courtroom. And while the courtroom may be the place where a matter has the opportunity to get resolved before a judge, from a client's point of view, the most effective attorney is one who can assist in "judging" your case by applying the statutory and case law to your evidence, weighing the intangibles and unique circumstances of a particular matter, and then objectively tell you the pros and cons of your case. I cannot tell you the number of times Kate has been asked to "judge" a matter for us, and she has yet to come out walking the wrong way.

Additionally, Kate has an excellent depth of knowledge regarding the ever changing business environment with the often times competing interests between consumers, regulators, shareholders, banking and related industries, and corporate administration. *Her ability to understand and synthesize these dynamics, and successfully navigate the legal challenges in and around them is a talent rarely found.*

I recall a recent case involving a number of litigious mainland parties where the Bank was faced with a subpoena that would cost tens of thousands of dollars to respond to. By using her practical common sense and effective legal negotiation skills, Kate was able to forge a successful resolution, acceptable to all parties involved, but most of all, the Bank. Kate did not just handle the situation intelligently, she did so very wisely. Wisdom in such a young person can be elusive, but not for Kate.

For a court that establishes case law precedence in this State which ultimately affects its businesses and citizenry, diversity among its judges in terms of background, experience, knowledge and skills should be considered as one of the court's biggest assets. Katherine G. Leonard's background, experience and skills can clearly diversify the court in a positive manner and it is for this reason that I ask you to support her in her nomination to the Intermediate Court of Appeals bench.

Thank you for the opportunity to testify in support of Kate G. Leonard's nomination as Associate Judge to the Intermediate Court of Appeals.

To: Senate Committee on Judiciary and Labor
From: Tom Leuteneker
Mailing Address 767 Holoapuni Road, Kula Maui Hawaii 96790
Date November 8, 2007
Re: Nomination of Katherine Leonard as Intermediate Court of Appeals Judge
To be Heard: 9:00 a.m., Friday, November 16, 2007

Kate has been a partner of mine in Carlsmith Ball LLP for many years. Kate is an experienced and competent litigation attorney, and would make an excellent appellate court judge.

Tom C. Leuteneker (tleuteneker@carlsmith.com)
CARLSMITH BALL LLP (www.carlsmith.com)
2200 Main Street, Suite 400
Wailuku, Hawaii 96793
PH: (808) 242-4535
FX: (808) 244-4974

IMPORTANT/CONFIDENTIAL: This message from the law firm of Carlsmith Ball LLP contains information which may be confidential, privileged, and/or exempt from disclosure under applicable law. If you are not the addressee (or authorized to receive for the addressee), you are hereby notified that the copying, use or distribution of any information or materials transmitted in or with this message is strictly prohibited. If you received this message in error, please immediately notify me (the sender) by replying to this email, then promptly destroy the original message. Thank you.

Memorandum Senate Committee on Judiciary and Labor
To:
From: Marianne Munslow
92-936 Palailai Street, Apt. 84
Kapolei, Hawaii 96707
Date: November 9, 2007
Subject: Nomination of Katherine G. Leonard, Esq. as Intermediate Court of Appeals Judge GM1
To Be Heard: 9:00 a.m., Friday, November 16, 2007

I began working in the Honolulu, Corporate Office of Carlsmith Ball LLP two years ago, on November 7, 2005, as a Legal Secretary Float, acting as a permanent temporary assistant to approximately 70 members of our legal staff, practicing in various areas of law, for approximately 40 legal secretaries and support staff, while they are away from the office, at various times. In the spring of 2006, I was asked by our Director of Operations to act as our Assistant Support Services Supervisor, in addition to my capacity as a Legal Secretary Float. My ability to perform these functions springs from my 20+ years of experience at different law firms throughout several of the United States, including New York, Colorado and Hawaii.

If you have ever had a legal secretary to assist you, you will understand the involvement of the relationship, in order to prepare and complete assigned work in a timely manner. Of course, during these last two years, I have assisted Kate in this capacity. Kate is one of the most astute, keen-minded, precise, meticulous attorneys that I have had the opportunity to work with. Kate is sure to complete any task that she takes on and does so with confidence and ease.

I am thrilled to have the opportunity to assist our State's governmental process by submitting this supportive testimony for Kate's upcoming confirmation hearing. Based on my professional and life experiences, I believe that Kate would be an exceptional member of our Intermediate Court of Appeals. Kate can bring her experience as a civil litigator in the private legal sector, which often includes the outstanding ability to have two or more sides of any argument come to an agreement. Kate will also have the opportunity to show her already existing supreme ability to be a fair and reliable source of examining and making judgments on all of the details involved in any case that may come before her in her capacity as an appellate jurist.

Although I will be losing the opportunity to work for and with Kate here at Carlsmith Ball, as a resident of this beautiful State of Hawaii it will be well worth it to have Katherine Leonard working for the entire State of Hawaii, when she receives her nomination on November 16, 2007.

MCCORRISTON MILLER MUKAI MACKINNON LLP

ATTORNEYS AT LAW

SENATE COMMITTEE ON JUDICIARY AND LABOR

TO: The Honorable Brian T. Taniguchi, Chair of the Senate Committee
on Judiciary and Labor
The Honorable Clayton Hee, Vice-Chair of the Senate Committee
on Judiciary and Labor

FROM: Robert G. Klein

RE: GM 1 - Submitting for Consideration and Confirmation to the
Intermediate Court of Appeals, Associate Judge, Gubernatorial
Nominee Katherine G. Leonard, for a term of ten years.

HEARING DATE: Friday, November 16, 2007
HEARING TIME: 9:00 a.m.
HEARING PLACE: Conference Room 229
State Capitol
415 South Beretania Street

Aloha Chair Taniguchi and Vice-Chair Hee:

My name is Robert G. Klein and I submit this testimony **IN SUPPORT** of the nomination of Katherine Leonard as Judge of the Intermediate Court of Appeals, State of Hawaii. I regret that I am out of State for this hearing.

As a partner in the law firm of McCorriston Miller Mukai MacKinnon, I have taken the opportunity to poll our senior partners and our younger partners who have worked with Ms. Leonard. Given the contentious nature of litigation, I was pleased to note that members of the firm who have had the opportunity to work with and against Ms. Leonard in a variety of matters had high praise for her professionalism and intellect. She has been a strong advocate for her clients and has been ethical in working for their goals. Ms. Leonard's career as a civil litigator provides her with the extensive practical background that is much needed at the appellate level. Our firm believes she will bring balance and vision to the court, along with the energy to assist the court in disposing of its extensive backlog of cases. Consequently, we are pleased to offer our support for her nomination to this important judicial position.

Ms. Leonard's academic credentials and post-law school experiences as a law clerk for me at both the Circuit Court and Supreme Court levels demonstrate her scholastic prowess and legal incisiveness, as well as her commitment to legal scholarship. Ms. Leonard was assigned to a wide array of both civil and criminal appeals, including some of the most complex cases in my chambers. Never did she fail to deliver a timely analysis or miss a deadline. Her work was of the highest quality. I enjoyed the give and take that goes with mentoring such an agile mind. I expect her to be one of the brightest, most dedicated, open-minded and insightful judges of her generation. There is no doubt that she is fully qualified to handle to workload and to courageously honor the laws of this State.

I am very pleased that the Governor has nominated Ms. Katherine Leonard and would ask that you vote to confirm her as Judge of the Intermediate Court of Appeals, State of Hawaii.

Mahalo.

NING, LILLY & JONES

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November 14, 2007

The Honorable Brian T. Taniguchi
Judiciary and Labor Committee
Hawaii State Senate
State Capitol, 415 South Beretania Street
Honolulu, Hawaii 96813

RE: Testimony in the Support of the Nomination of Katherine G. Leonard as Intermediate Court of Appeals Judge GM1; Hearing: 9:00 a.m., Friday, November 16, 2007

Dear Senator Taniguchi and Members of the Judiciary and Labor Committee:

My name is Ke-ching Ning. I have been a trial lawyer in Honolulu for 31 years. I graduated from U.C. Berkeley, and Boston University Law School (1974), where I was on law review. I was a judicial clerk on the California Court of Appeal, then an associate at the Carlsmith firm until 1983 (not at the same time as Ms. Leonard), and have been with Ning Lilly & Jones since then. I have also been adjunct professor at UH Law School, was on the City and County Ethics Commission, as well as lawyer representative for the District of Hawaii to the Ninth Circuit Judicial Conference, and delegate to the federal District Conference. I have also been selected by Best Lawyers in America and Leading Lawyer by Chambers USA. In 2000, I was Chair of the Federal Magistrate Merit Selection Committee.

I have known Ms. Leonard for 10 years, during which I have had cases with and against her. Beyond having a keen mind, she is also thoughtful, thorough, practical, and a model of civility. She has worked on many complex cases, and will bring deep experience in civil trial work, which is an important perspective for the Court to have. Her candidacy for the Court, at the mid-point of a successful professional career, evidences her desire to serve. I believe she will be an outstanding addition to the Court.

Sincerely,


Ke-ching Ning

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FACSIMILE 586-6659

To: Senate Committee on Judiciary and Labor
Senate Sergeant-At-Arms
State of Hawaii, State Capitol
Honolulu, HI 96813

From: Gary G. Grimmer

Date: November 14, 2007

Subject: GM1 - Nomination of Katherine G. Leonard to Associate Justice - Intermediate Court of Appeals
Hearing: 9:00 a.m., Friday, November 16, 2007

Dear Honorable Senators,

I write in support of Katherine G. Leonard, who is highly qualified for the position of Associate Judge of the Intermediate Court of Appeals. I have known Kate since at least 1989 when I and others here at Carlsmith Ball met her as a UH law student and summer associate. As one of the firm's senior litigators, I was one of her several mentors.

The two principal reasons why I strongly support Kate are (1) she has a superior legal mind and has been an excellent attorney, and (2) she is devoted to the rule of law. She was the Editor-in-Chief of the Law Review at the University of Hawaii Richardson School of Law receiving her law doctorate in 1991. She will decide every matter before her based strictly on the facts and proper application of the law and equity. This includes the proper application of Court opinion precedent or as we say in legalese "stare decisis". In the years I have known Kate, I have known her to have no agenda or political interest that would cause her to do anything but be faithful to the rule of law. Kate will perform like Lady Justice, who is blind folded to everything but facts, law, equity and justice.

I also believe that Kate will add a dimension that the Intermediate Court does not presently have. She has spent the last 16 years representing citizens in our State and Federal judicial systems, and she understands and appreciates on a contemporary basis what it is like for citizens going through these judicial systems. While I believe that these are the best judicial

Senate Sergeant At Arms
November 14, 2007
Page 2

systems in the history of man, it is appropriate to add a jurist that is fully aware of that process from the citizens' point of view.

Respectfully submitted and
Very truly yours,



Gary G. Grimmer

GG/el

4818-7710-0802.1.000901-00030

THE LAW OFFICE OF
WALTER J. RODBY

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November 14, 2007

Fax: 808-586-6659 or 586-7334

Senator Clayton Hee, Chair
Senate Judiciary Committee
415 Beretania Street
Honolulu, HI 96813

RE: Confirmation of Judicial Nominee Katherine Leonard
Friday, November 16, 2007 in Conference Room 229,

Dear Senator Hee:

My name is Walter J. Rodby and I write this letter to express my complete support of KATHERINE LEONARD for the confirmation to the bench of the Intermediate Court of Appeals for the State of Hawaii.

Although I have practiced criminal defense for the past fifteen years, I first met Kate at the Richardson School of Law, University of Hawaii, in 1988, where we were both attending school. Although Kate chose to practice civil law, and I at the State Public Defender's Office, through the years, I have come to admire Kate for her intellect, candor, honesty and integrity.

I say this because I know Ms. Leonard not only as a colleague and fellow student, but also as an individual who, at this point, has the desire and dedication to commit her career to that of public service. Through the years, I have had the privilege to observe that Kate has always treated others with the utmost fairness and impartiality.

However, I believe that Kate's greatest attribute is her intellect, wit, and absolute dedication to the legal process. I have no doubt that if selected; Kate would make a fine addition to the bench, bringing to the court the dedication, professionalism and skill necessary for the proper administration of justice. Katherine Leonard would make an excellent jurist.

Thank you for considering my comments.

Very truly yours,



WALTER J. RODBY

November 14, 2007

To: Senate Sergeant-At-Arms Office

Subject: Recommendation for Katherine Leonard

I would like to recommend Katherine Leonard to you. I am not familiar with her in her capacity as a lawyer. I can only supply you with information in a different light. She appears to be leaving a very lucrative position in the private sector for a judicial position with the State of Hawaii. I asked her about this several months ago, and she replied, "She was looking for an opportunity to make a difference in the lives of people."

I have known her for approximately 5 years, as she has acted as the leader for our Cub Scout den. She has been certified by the Boy Scouts of America as a trained Scout leader, and has guided our den from its very beginning. We have seen our kids advance through all of the ranks of Cub Scouts. She has taken responsibility for planning all of our Scouting activities and meetings for the last 5 years. This also includes camping at various areas around Oahu as well as many community service projects and fund raisers.

She is very clear in her communications. She has a very calm demeanor. I have never seen her angry (though in many instances has had a very good reason to be angry) or raise her voice with the scouts or adults. In my opinion she has been very fair in her decisions with the members of our Cub Scout den. I have found her to be honest, open, and easy to talk to. I have also found her quite knowledgeable about many issues and topics in our community.

I am a Nephrologist (Kidney Specialist) and also am a former Eagle Scout. I believe she certainly fits the ideals of Scouting in terms of moral character and work ethic. One of the key questions I ponder when referring patients to other medical providers is, "would I feel comfortable if that person took care of me or my family?" In Kate's case, I would certainly feel confident that she would do a very good job for the State of Hawaii should she be chosen for the job.

Sincerely yours,



Alan T. Lau MD
Phone: 432-8050

TO: Senate Committee on Judiciary and Labor
FROM: William J. Wynhoff
MAILING ADDRESS: 872 Kainui Drive
Kailua, Hawai'i 96734

DATE: November 15, 2007

RE: Written testimony in support of nomination of Katherine Leonard as
Intermediate Court of Appeals Judge

TO BE HEARD: 9:00 a.m., Friday, November 16, 2007

Chair Taniguchi and Members of the Committee:

I submit this testimony to support confirmation of Katherine Leonard as
Intermediate Court of Appeals Judge.

I can safely say that I have a unique perspective on Kate. She hails from my
home town of Racine, Wisconsin. I did not know her there, but she was a friend of
a close friend of mine from that city. In 1983, I had been living and practicing law
in Honolulu for some four years. In June of 1983, I received a call from my friend
– from the Honolulu Airport! “Bill, he announced excitedly, Kate and I are at the
airport. We’ve decided to move to Hawaii.”

Well, ever since that day, it has been my pleasure and privilege to know
Kate and call her a friend. Her undergraduate education is in plant biology and
when she came to town she first worked in that field. I remember with pleasure the
times that we spent together, especially when she and our other friend would play
music – Kate is (or was at any rate) a talented mandolin player.

I was pleased to hear that she decided to go to law school. I always thought
of her as smart, committed, hard working, and honest, a person who would be
perfect for a profession that I am proud to be a member of.

That certainly turned out to be correct. I did not have a lot of contact with Kate during those years, but I know that she was indeed a great success at law school (editor in chief of the law review). I often saw her when she was a law clerk for the Judge Robert Klein, who was the First Circuit Motions judge at the time. She then went on to clerk at the Supreme Court and then became an associate, later partner, at the Carlsmith Ball firm.

We remained friends and our paths also crossed professionally from time to time. In one case she represented the Bank of Hawaii, seeking payment from a partner and guarantor. I represented another person involved in one of the subject transactions. The issue was an exceedingly arcane issue concerning the intersection of partnership and guaranty law. I thought it would be impossible to find law directly on point. The partner/guarantor's lawyers (a larger law firm headed by one of the most aggressive and successful lawyers in town) did not find or cite any such law. But Kate found the perfect case and delivered a crushing win for her client. I vividly remember saying to Kate, "How do you know this stuff?" "It's my job" was her modest reply. And I remember feeling very proud of her accomplishments.

Finally, I would like to mention that I had the pleasure of arguing before a panel of the Intermediate Court just last month. I want to report to you that the system works – the Judicial Selection Commission has proposed, the Governor has nominated, and the Senate has confirmed, a truly outstanding group of judges. It was honestly a pleasure to talk to them. Fielding the thoughtful and probing questions was challenging, exhilarating, and educational. (No decision has yet been entered. I hope to win but in either event I am completely confident that the decision will be careful and thorough.)

I unreservedly commend Katherine Leonard as a person worthy to join this outstanding cadre of judges already on the court. She has the personality, work

ethic, intelligence, experience, and character necessary for the job. Please vote in favor of her nomination.

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VIA FACSIMILE 586-6659

To: Senate Committee on Judiciary and Labor
Senate Sergeant-At-Arms
Hawaii State Capitol
415 S. Beretania Street
Honolulu, HI 96813

From: Melissa H. Lambert

Date: November 15, 2007

Subject: GM1 - Nomination of Katherine G. Leonard as Associate Judge, Intermediate Court of Appeals

To Be Heard: 9:00 a.m., Friday, November 16, 2007

Dear Honorable Senators:

I am writing this in support of Katherine G. Leonard's nomination to the Intermediate Court of Appeals.

I have known Kate since the fall of 2002, when I joined Carlsmith Ball LLP out of law school. In the five years since that time, I have had the opportunity to work with Kate on numerous projects. She is intelligent, well versed in the law, evenhanded, thoroughly researches issues, and provides solid reasoning and authority to support her conclusions. These characteristics will make her an excellent judge.

In addition, as the only female litigation partner at the firm, Kate has been a great mentor for me. She has taken an interest in my development as a lawyer, and has shown me that with hard work and dedication, a woman can be successful professionally while also having a fulfilling personal life as a wife and mother.

Senate Committee on Judiciary and Labor

Page 2

In conclusion, I believe that Kate will make a great addition to the Intermediate Court of Appeals. I urge your Committee to favorably consider her appointment to fill the vacancy.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Melissa H. Lambert", written in a cursive style.

Melissa H. Lambert

RODNEY S. NAGASAKO
1761 ALA AOLANI PLACE
HONOLULU, HAWAII 96819
(808) 836-8744 (R)
(808) 523-2689 (W)

FACSIMILE 586-6659

To: Senate Committee on Judiciary and Labor
Senate Sergeant-At-Arms
State of Hawaii, State Capitol
Honolulu, Hawaii 96813

From: Rodney S. Nagasako

Date: November 15, 2007

Subject: GM1 - Nomination of Katherine G. Leonard to Associate Justice - Intermediate
Court of Appeals
Hearing: 9:00 a.m., Friday, November 16, 2007

Dear Chairperson and Committee Members:

My name is Rodney S. Nagasako and currently employed at Carlsmith Ball LLP. I am writing this letter in support of Kate G. Leonard who has been nominated for a judicial vacancy in the Intermediate Court of Appeals, State of Hawaii.

As of today, I have known Kate for several months. During this period, I have seen her deal with many types of situations with great wisdom, compassion, and understanding. Indeed, her ability to handle stress and stressful situations are remarkable, amazing. Indeed, we should aspire to be just like Kate.

It is in Kate's nature to be fair to all people at every level in the workplace and in society as well. Her work ethic, diligence and loyalty will surely be an asset to the Court. Moreover, her sense of humor and willingness to go the extra mile makes her a great role model. From my perspective, she is a first rate person who treats people fairly, no matter their educational, social and/or occupational status.

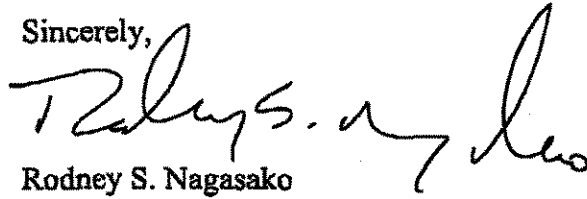
For example, we once volunteered, on our own time, and worked with others to prepare for a company luau. Kate jumped in and helped, without hesitation or reservation and did whatever it took (from washing pots, pans and dishes, to cutting vegetables, to making laulau in an assembly line, to shredding chicken for luau stew, and took the lead whenever necessary). She is a team player and also a leader depending on the circumstances.

Senate Sergeant At Arms.
November 15, 2007
Page 2

It is my belief that because of Kate's intelligence, judgment and communication skills that she will be an excellent person to fill the judicial vacancy and therefore, I wholeheartedly support her nomination for that position.

Thank you for taking the time to read this. Should you require more of me, please contact me at either of the above telephone numbers.

Sincerely,

A handwritten signature in black ink, appearing to read "Rodney S. Nagasako". The signature is fluid and cursive, with a large initial "R" and a long, sweeping tail.

Rodney S. Nagasako

TO: Senate Committee on Judiciary and Labor
FROM: Patrick E. Green
MAILING ADDRESS: 447 Wyllie Street
Honolulu, HI 96817

DATE: November 15, 2007

RE: Nomination of Katherine Leonard as Intermediate Court of Appeals Judge
GM1

TO BE HEARD: 9:00 a.m., Friday, November 16, 2007.

I have known Kate Leonard both professionally and personally for fifteen years. On a professional basis she has represented my employer, a large Hawaii based financial service provider, on a number of matters in front of both the State and Federal courts. She has always impressed me with her diligence and clarity when presenting the facts in support of our case. Over this extended time period I have observed her ability to interpret and apply established case law to specific matters in dispute and clearly articulate the basis for the actions sought in our motions.

On a personal basis I can attest to her sense of fairness, thoughtfulness and love for Hawaii. I am confident that if approved for a position on the Intermediate Court of Appeals she will perform her duties in an exemplary manner and I highly recommend her to you.



Patrick Green

**TESTIMONY BY ALIKA L. PIPER, ESQ.
TO THE SENATE COMMITTEE ON JUDICIARY AND LABOR
ON GOVERNOR'S MESSAGE NO. 1**

TO: Chairperson Taniguchi and Members of the Senate Committee on Judiciary and Labor:

FROM: Aliko L. Piper, Esq.
c/o Klevansky Piper Van Etten, LLP
1003 Bishop Street, Pauahi Tower, Suite 770
Honolulu, Hawaii 96813

DATE: November 15, 2007

RE: Nomination of Katherine Leonard as Intermediate Court of Appeals Judge.
Governor's Message No. 1

TO BE HEARD: 9:00 a.m., Friday, November 16, 2007

Thank you for the opportunity and honor to submit this written testimony in strong support of Governor's Message No. 1 submitting for consideration and confirmation to the Intermediate Court of Appeals, Associate Judge, Gubernatorial Nominee Katherine G. Leonard.

As a business litigation and commercial bankruptcy attorney, I have known Ms. Leonard for approximately 10 years and had numerous cases with her where our clients had adverse interests. I have always admired Ms. Leonard's strong analytical skills and her ability to work through complex legal issues both in pleadings and in her presentations to the Court. She has a broad understanding of commercial law, and is able to quickly comprehend the issues of fact and law in her cases, which are important qualifications that a judge on the Intermediate Court of Appeals should have. She is articulate and expresses her positions clearly and thoughtfully.

Most recently, I have had the pleasure of getting to know Ms. Leonard outside of work, since our sons are both Cub Scouts in the same pack. In this capacity, I have personally witnessed the positive results of Ms. Leonard's leadership skills. In her dealings with the boys in the Cub Scout pack as well as their families, Ms. Leonard has always been an exceptional leader and demonstrated integrity and honesty, as she instills in the boys a strong sense of value and ethics. The boys (including my son), like many others in our community, look up to Ms. Leonard.

For the reasons stated above, I humbly and strongly support the confirmation of Ms. Leonard as Judge of the Intermediate Court of Appeals of the State of Hawaii. Thank you for your consideration.

TESTIMONY OF GERALD A. SUMIDA, ESQ.
CARLSMITH BALL LLP
BEFORE THE
COMMITTEE ON JUDICIARY AND LABOR
THE SENATE
ON
THE NOMINATION OF KATHERINE GRACE LEONARD FOR
ASSOCIATE JUDGE, INTERMEDIATE COURT OF APPEALS, STATE OF HAWAII
NOVEMBER 16, 2007

Mr. Chairman and Members of the Committee:

I am Gerald A. Sumida, Esq. and am Of Counsel to the Hawaii law firm of Carlsmith Ball LLP. I am very pleased to recommend most highly the appointment of Katherine G. Leonard to the Intermediate Court of Appeals.

I have known Ms. Leonard since 1992 when she first joined Carlsmith Ball LLP in 1992 and have seen her develop into the highly competent, very professional and extremely capable lawyer and legal professional that she has become. Her principal emphasis at Carlsmith Ball LLP has been as a litigator, engaging in extensive work in complex commercial, financial, real estate, environmental, bankruptcy and business litigation, in both jury and non-jury proceedings, and on the state and federal levels.

In addition to litigation, she has also been extensively involved in arbitration and mediation proceedings, as a party advocate as well as a neutral, which has broadened her skills in important ways to include experience in alternative dispute resolution approaches. All of this experience, and the skills that she has developed, have well-equipped her to be very proficient in dealing with litigation and dispute resolution matters, including understanding possibilities of resolution and settlement, conduct of litigation, undertaking appeals and other related aspects, as well as skill in using alternate dispute resolution approaches.

Equally important, I believe that this experience has given her an extensive and an acute appreciation of how courts and the judicial system, on all levels, function and can operate to ensure that the judicial system and process in the best possible manner to carry out the judiciary branch's basic constitutional purposes.

Complementing her legal experience and skills is how she approaches her work and would do so as a judge on the Intermediate Court of Appeals. She has always impressed me with having not only a keen analytical mind, but also a deep sense of fairness and an open mind to consider fully the issues with which she has had to deal. This, of course, should be a basic hallmark of any good legal professional, and especially one who serves as a judge. Coupled with a strong work ethic and a deep commitment and dedication to professionalism, this combination clearly indicates, in my estimation, that she would approach her responsibilities and duties as a member of the intermediate Court of Appeals in the same way. In short, she would have the appropriate judicial temperament, as I understand that term, that would serve her -- and her

judicial colleagues -- well in that position. Underlying this professionalism are her own high standards of personal and professional integrity.

Finally, her own educational and community background are important factors in evaluating Ms. Leonard for this position. She is a graduate of the William S. Richardson School of Law, and received numerous awards and recognition during her law school years, including serving as Editor-in-Chief of the University of Hawaii Law Review. Following law school, her clerkships with the First Circuit and then the Hawaii Supreme Court introduced her to the practical and institutional aspects of the judiciary as an institution and the judicial process. She has also served for many years as an arbitrator in the court-annexed arbitration program as well as one of the leaders in the American Judicature Society-Hawaii Chapter evince her continuing interest in, and efforts to support and improve, Hawaii's judicial institution.

For all of these reasons, I am very pleased strongly to support the nomination of Katherine Grace Leonard as Associate Judge of the Intermediate Court of Appeals and hope that you and your Committee will act favorably on her nomination. She is, in my estimation, a very capable and very strong candidate who not only has a proven background of a highly reputable legal professional but also the desire and motivation to continue to contribute to Hawaii and its legal profession by serving in our judicial system. She is the kind of leader who would be a strong and important addition to the Intermediate Court of Appeals and Hawaii's judiciary.

Thank you very much for the opportunity to present this testimony to you on this very important matter.

Gerald A. Sumida, Esq.
Of Counsel
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Honolulu, Hawaii 96813
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TESTIMONY BY SIMON KLEVANSKY, ESQ.
TO THE SENATE COMMITTEE ON JUDICIARY AND LABOR
ON GOVERNOR'S MESSAGE NO. 1

TO: Chairperson Taniguchi and Members of the Senate Committee on Judiciary and Labor

FROM: Simon Klevansky, Esq.
c/o Klevansky Piper Van Etten, LLP
1003 Bishop Street, Pauahi Tower, Suite 770
Honolulu, Hawaii 96813

DATE: November 15, 2007

RE: Nomination of Katherine Leonard as Intermediate Court of Appeals Judge.
Governor's Message No. 1

TO BE HEARD: 9:00 a.m., Friday, November 16, 2007

Thank you for the opportunity to comment upon the qualifications of Katherine G. Leonard for the position of Chief Judge, Intermediate Court of Appeals.

I have been a member of the Hawaii Bar, and practiced in the area of commercial litigation and bankruptcy law in the State of Hawaii for the past 25 years. Prior to entry into the private practice of law, I have served as an attorney for the Federal Trade Commission, clerked for an appellate court in another state, and served a fellowship in a public interest law firm.

I have known Kate Leonard professionally for a number of years, as we have represented independent (and frequently adverse) parties in litigation, and served together as Directors of the Bankruptcy Section of the Bar Association. At a personal level, our sons also were briefly in the same sports program in high school, allowing us at least occasionally to see one another informally at sports and other school events. In my experience she has represented her clients with great skill and diligence, always exhibiting a familiarity with the transactions at issue in the litigation between us, and the law and legal doctrines applicable to those transactions, while at the same time exhibiting a spirit of fairness and courtesy that serves our profession and community well. Although, as indicated above, my relationship with Kate primarily has been professional rather than personal or social in nature, Kate has always appeared to me to have a healthy and caring relationship with her family.

Based upon the totality of my experience with Kate, I believe she is superbly qualified for judicial office, and if appointed would serve the people of our state with honor and distinction.

Thank you for your consideration of my comments.

Very truly yours,


SIMON KLEVANSKY

REINWALD O'CONNOR & PLAYDON LLP

Arthur B. Reinwald*
 Dennis E. W. O'Connor
 George W. Playdon, Jr.*
 Gilbert D. Burson*
 Jennifer K. Gaben
 W. Thomas Fagan
 Michael J. McCaugan
 James A. Kawachika*
 Cui H. Inouye
 Keenan H. Kamehaha, D.M.D.
 Jeffrey W. Juliano, LL.M.
 Dennis E. W. O'Connor Jr.
 S. Kalani Bush

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Charles S. O'Neil, Jr., LL.M.
 Elmira K.L. Tsang
 Charles R. Prater
 R. Aaron Creps
 Jeffrey S. Flores

COUNSEL
 Dennis J. Hwang

*A Law Corporation

TO: Senate Committee on Judiciary and Labor

FROM: James A. Kawachika
 733 Bishop Street, Suite 2400
 Honolulu, Hawaii 96813

DATE: November 15, 2007

RE: Nomination of Katherine Leonard as
 Intermediate Court of Appeals Judge

TO BE HEARD: 9:00 a.m., Friday, November 16, 2007

Dear Committee Members:

I write to support your confirmation of Katherine G. Leonard, Esq. as the next Associate Judge of the Hawai'i Intermediate Court of Appeals.

I have known Ms. Leonard for the past 5 years, both on a professional level as an advocate for a client and as a fellow Board member of the Hawai'i Chapter of the American Judicature Society. I have found her abilities in both contexts to be exemplary and above reproach.

For three separate accounting periods, I was privileged to have been selected by then Probate Judge Kevin S. C. Chang and later Probate Judge Colleen K. Hirai to serve as the Master for the Samuel Mills Damon Trust's periodic requests for approval of accounts by the Damon Estate Trustees. Ms. Leonard was one of the principal attorneys representing the Trustees of the Trust. In that capacity, she bore the burden of justifying to the Master and the Court why the annual

accountings and the actions of the Trustees during the accounting periods should be approved. And not unlike other private trusts, certain beneficiaries of the Damon Trust from time to time objected to the actions of the Trustees and in some instances, sought to surcharge or remove the Trustees from office. These objections ranged from how the Trustees handled personal conflicts of interests vis a vis the Trust's business to the wisdom of highly-complex investment and diversification decisions made by the Trustees. Ms. Leonard's job was to answer each of the alleged charges and to coherently explain to the Master and ultimately the Court, the validity and correctness of what were sometimes very complicated decisions by the Trustees. She did so in a straight-forward and easily-understood manner. Her briefs to the Master and the Court were always well-researched and well-written. As such, I always felt confident in relying upon what Ms. Leonard presented.

Equally important, Ms. Leonard has had to accomplish all of the foregoing things in an atmosphere that sometimes was very contentious as certain beneficiaries expressed strong feelings about the actions of the Trustees. She, however, always did so calmly and respectfully toward everyone, friend and foe alike. She indeed had to walk a tight rope in not only aggressively defending the actions of the Trustees but also doing so without unduly alienating the beneficiaries for whom the Trustees worked. She time and again achieved that delicate task with class and finesse, and I believe even her staunchest opponent appreciated her and the Trustees' positions in the end. It was a delight to watch her in action.

I have also worked alongside Ms. Leonard as a fellow Board member of the American Judicature Society, Hawai'i Chapter's Board of Directors. She was elected Secretary of the Board and her work in that capacity matched her diligence and skills in the litigation arena. Her work kept all of the Board members on their toes and continually pointed us in the right direction to ensure that the work of the Society got done.

I firmly believe that Ms. Leonard will bring these and other skills to the bench as Associate Judge of the ICA. We need not only a smart judge but a good administrator and one who is a consensus builder who will work each day to move the calendar of the Court along and get things done. Obviously, with the Hawai'i Supreme Court converting to a pure certiorari court and all appeals now going directly to the ICA, these

skills become doubly important. Ms. Leonard fits the bill and you will not go wrong in selecting her to fill the role.

Thank you for your consideration of my views on this important matter. If you should have any questions, please do not hesitate to contact me.

Very truly yours,


James A. Kawachika

JAK:rl

TO: Senate Committee on Judiciary and Labor

FROM: Patricia J. McHenry
MAILING ADDRESS: Cades Schutte LLP
1000 Bishop Street
Honolulu, HI 96813

DATE: November 15, 2007

RE: Nomination of Katherine Leonard as Intermediate Court of Appeals Judge

TO BE HEARD: 9 :00 a.m., Friday, November 16, 2007.

I would rarely consider writing a letter in support, much less strong support, of an attorney who had had been an opposing counsel in a contentious, hotly-disputed matter. One learns the weaknesses of attorneys pretty quickly in such matters. However, in this case, I do so with great enthusiasm and with great conviction that Katherine Leonard would prove to be a very fair-minded, intelligent, and hard-working member of the Intermediate Court of Appeals.

The matter in which Ms. Leonard and I were opposing counsel was an environmental dispute with millions of dollars at stake. Not only was Ms. Leonard very knowledgeable about the legal issues involved but she also consistently showed herself to be very intelligent. She was also fair and open-minded in that she was willing to really listen to the arguments that I, as opposing counsel, made. Many attorneys have difficulty doing this. Finally, she was completely on top of the case. That is, she knew all the facts and applicable law, she clearly knew what procedures to use to protect her client's interests and to move the matter along to an early resolution, and it was clear to me that she completed her tasks in the matter promptly and efficiently. In sum, the traits that she exhibited are exactly those that I believe the people of Hawaii want in their judges.

TO: Senate Committee on Judiciary and Labor
FROM: Patrick E. Green
MAILING ADDRESS: 447 Wyllie Street
Honolulu, HI 96817

DATE: November 15, 2007

RE: Nomination of Katherine Leonard as Intermediate Court of Appeals Judge
GM1

TO BE HEARD: 9:00 a.m., Friday, November 16, 2007.

I have known Kate Leonard both professionally and personally for fifteen years. On a professional basis she has represented my employer, a large Hawaii based financial service provider, on a number of matters in front of both the State and Federal courts. She has always impressed me with her diligence and clarity when presenting the facts in support of our case. Over this extended time period I have observed her ability to interpret and apply established case law to specific matters in dispute and clearly articulate the basis for the actions sought in our motions.

On a personal basis I can attest to her sense of fairness, thoughtfulness and love for Hawaii. I am confident that if approved for a position on the Intermediate Court of Appeals she will perform her duties in an exemplary manner and I highly recommend her to you.

Patrick Green

TO: Senate Committee on Judiciary and Labor
FROM: Avis K. Poai
ADDRESS: 92-6043 Holomoku St. Kapolei, Hawaii 96707
RE: Nomination of Katherine Leonard as Intermediate Court of Appeals Judge GM1
TO BE HEARD: 9:00 a.m., Friday, November 16, 2007.

Dear Senators:

I strongly support the appointment of Ms. Leonard to the Intermediate Court of Appeals. I have learned from personal experience that she is intelligent, fair-minded, considerate, and a consummate professional. Ms. Leonard's personal and professional background would add greatly to a balanced bench.

In my opinion Ms. Leonard embodies all of the qualities of an excellent judge.

Sincerely,



Avis K. Poai

AKP/phd

TO: Senate Committee on Judiciary and Labor

FROM: Tom E. Roesser, Esq.\
1129 Koloa Street
Honolulu, Hawaii 96816

DATE: November 14, 2007

Re: Nomination of Katherine Leonard as Intermediate Court of Appeals Judge GM1

TO BE HEARD: 9:00 A.M., Friday, November 16, 2007.

My name is Tom Roesser. I have been an attorney in private practice in Hawaii with Carlsmith Ball LLP since 1982. My primary areas of practice have been finance and bankruptcy law.

I have worked closely with Kate Leonard during her entire career at Carlsmith, and I believe that she is highly qualified to serve on the Intermediate Court of Appeals. Kate is not only one of the most intelligent attorneys that I have ever had the pleasure of working with, she is a good and decent person with an extremely high level of integrity.

Although Kate's legal experience has generally been as a commercial litigator there is no question in my mind that she will do an excellent job with any legal issue which she is asked to consider. I strongly recommend that Kate Leonard's nomination to the Intermediate Court of Appeals be confirmed.

GOODSILL ANDERSON QUINN & STIFEL

A LIMITED LIABILITY LAW PARTNERSHIP LLP

LISA WOODS MUNGER

ALII PLACE, SUITE 1800 • 1099 ALAKEA STREET
HONOLULU, HAWAII 96813

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(808) 547-5744

INTERNET:
lmunger@goodsill.com

November 15, 2007

Via Email: testimony@capitol.hawaii.gov

Senator Brian Taniguchi, Chair
Senate Committee on Judiciary and Labor
Hawaii State Capitol
Room 228
415 South Beretania Street
Honolulu, Hawaii 96813

Re: Nomination of Katherine Leonard as Intermediate
Court of Appeals Judge GM1 – Hearing on Nomination
Set for Friday, November 16, 2007 at 9:00 a.m.

Dear Chair Taniguchi and Members of the Committee on Judiciary and Labor:

I am pleased to write this letter in support of the nomination of Katherine Leonard for the position of Judge (GM1) for the Intermediate Court of Appeals. I have known Ms. Leonard for more than ten years.

The Committee is well aware of Ms. Leonard's academic achievements and her judicial clerkships. There is no doubt that she began her practice with a solid foundation. Her experience in civil litigation is quite impressive. She has worked over the years on complex and challenging matters. Such cases have prepared her well for the challenges of the Intermediate Court of Appeals.

I know Ms. Leonard personally to be a thoughtful and meticulous person with a genuine commitment to our profession. She has those qualities all lawyers appreciate in members of the judiciary. She understands that civility is more than not interrupting opposing counsel. Civility is carefully considering what the other person has to say. I believe that Ms. Leonard will give each matter that comes before the Court her full and thoughtful attention.

Ms. Leonard will serve our judiciary well. I support her nomination.

Sincerely,



Lisa Woods Munger

TO: Senate Committee on Judiciary and Labor

FROM: Joseph T. Kiefer
1605 Ulueo Street
Kailua, Hawaii 96734

DATE: November 14, 2007

RE: Nomination of Katherine Leonard as Intermediate Court of Appeals Judge
GMI

TO BE HEARD: 9:00 a.m., Friday, November 16, 2007

My name is Joe Kiefer. From 1972 to 1992 I was an attorney in private practice in Hawaii, including a civil litigation practice in Hawaii State and Federal courts. From 1992 until my retirement in 2002 I was General Counsel of Bank of Hawaii and directly responsible for all civil litigation matters involving the Bank, including the hiring and supervision of all of the litigation attorneys representing the Bank. I am presently an Adjunct Professor of Law at the William S. Richardson School of Law at the University of Hawaii.

Over the course of my 30+ year legal career in Hawaii I have had the opportunity to hire and supervise scores of Hawaii civil litigation attorneys and the opportunity to work for, with and against many, many others. I can say categorically that Katherine Leonard is one of the best, if not the best, civil litigation attorneys in Hawaii and exceptionally well qualified to serve on the Hawaii Intermediate Court of Appeals.

I worked closely with Kate on numerous and significant litigation cases on almost a daily basis from 1994 to 2002, including the Bank of Hawaii v. Kunimoto series of cases discussed in detail in the materials she submitted to you. This was by far the Bank's most significant, complicated and difficult litigation case during my years as General Counsel. Kate was the attorney with primary responsibility for organizing and managing the case and developing and carrying out the overall strategy that resulted in the good conclusion of the case. She was given this responsibility as a relatively young attorney because of her demonstrated abilities.

Kate's legal education, training and abilities are outstanding. She has consistently demonstrated the ability to identify the key legal issues in the cases assigned to her, research those issues thoroughly and offer legally sound and practical advice. She has also demonstrated the ability to organize and manage complex cases, including the supervision of others assigned to work with her. She consistently worked well and effectively with others.

Kate is very intelligent, hard working, organized and has the highest ethical standards. She is a fierce litigator when necessary but fights within the rules. Of perhaps more importance, I have found her to be a decent person who has a deep concern for the people

involved in her cases and, for that matter, people in general. She has both the human instincts and skills that will make her an outstanding appellate court judge. I recommend her highly and strongly urge the confirmation of her nomination to the Intermediate Court of Appeals.

Joseph Kiefer

November 14, 2007

Aloha,

Please accept the following as my written testimony in support of Katherine G. Leonard's nomination to the ICA.

Ms. Leonard and I have worked closely together on complex litigation matters. Her analytical skills and writing ability are exemplary. Her judgment is excellent. Her work ethic is unparalleled. She is fair-minded and insightful. I believe she is exceptionally well-qualified to serve as an appellate judge.

I do not give such praise lightly. I have practiced law for 22 years. I am admitted to practice law in Hawaii, New York, California, and numerous federal trial and appellate courts nationwide. I clerked for Hon. Jon O. Newman, one of the most respected judges on the U.S. Court of Appeals for the Second Circuit, so I have personal experience with what makes a fine appellate jurist. I have been a litigator at top New York and Los Angeles law firms, as well as in-house counsel for a Fortune 50 company. My perspective is extremely broad. By any standard, Katherine Leonard is an outstanding lawyer, and, in my view, she will make an outstanding judge. If confirmed, she will be a credit to the University of Hawaii's Richardson School of Law, of which she is an extremely distinguished alumna; she will be a credit to this law firm; she will be a credit to the judiciary; and she will be a credit to the State of Hawaii.

Finally, I have read news reports suggesting that some legislators have expressed concern because Ms. Leonard has never been a judge. In my view, with respect, that concern is unfounded. The list of eminently distinguished appellate jurists who never served as judges before being appointed to the appellate bench is huge. As only a few examples, John Marshall, Felix Frankfurter, Louis Brandeis, Earl Warren and William Rehnquist come to mind.

Ms. Leonard has all the qualities to be an outstanding judge. She deserves your enthusiastic support.

Respectfully submitted,

Jay S. Handlin

Carlsmith Ball LLP

ASB Tower, Suite 2200

1001 Bishop Street

Honolulu, HI 96813

Phone: 808.523.2592

Fax: 808.523.0842

Email: jhandlin@carlsmith.com

CARLSMITH BALL LLP

A LIMITED LIABILITY LAW PARTNERSHIP

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JCAMPBELL@CARLSMITH.COM

November 14, 2007

Senate Committee on Judiciary and Labor
VIA E-MAIL: TESTIMONY@CAPITOL.HAWAII.GOV

Dear Committee Members:

I have known Kate for 7 years now and she is extremely intelligent and works harder than most. She holds very high standards for herself and not only always strives to do her very best in all aspects of her career, but continues to work to improve herself and her legal knowledge.

As an Associate Judge, she will undoubtedly bring the same high standards and outstanding work ethic with her.

Sincerely,

s/ Jean K. Campbell

November 14, 2007

Senator Brian Taniguchi, Chair
Senate Committee on Judiciary and Labor
Hawaii State Capitol
415 South Beretania Street
Honolulu, HI 96813

Dear Senator Taniguchi:

I write to support the appointment of Katherine Leonard to fill the seat on the Intermediate Court of Appeals previously held by the Honorable Judge John S.W. Lim.

Kate and I are partners at Carlsmith Ball LLP. As chair of our firm's trust section, I have worked with Kate very closely over the last seven years, as she was a key member of the client teams working with the Trustees of the Campbell Estate and the Damon Estate as they prepared for trust termination and the distribution of assets. As section leaders, Kate and I also participated in overall firm matters (she as co-chair of the litigation section) and we served together on our firm's Compensation Committee.

Kate would be a strong addition to the ICA. Her analytical skills are excellent, and she is diligent, resourceful, thorough, and thoughtful in approaching legal issues. She has the ability to understand and handle complexity and details without losing sight of the big picture. She understands the importance of fairness, and is fair in practice. Her caseload throughout her years in private practice have provided her with invaluable experiences, and these experiences combined with her other academic, professional and community pursuits will enhance the diversity of the ICA and the judiciary.

This is a tremendous opportunity for the judiciary to gain someone of Kate's qualifications and abilities. I urge your Committee to favorably consider the appointment of Ms. Leonard to fill the vacancy on the ICA.

Very truly yours,


Joanne L. Grimes

To: Senate Committee on Judiciary and Labor

From: David Lee Callies

Mailing Address: Richardson School of Law, 2515 Dole Street, Honolulu 96822

Date: November 14, 2007

RE: Nomination of Katherine Leonard as Intermediate Court of Appeals Judge

TO BE HEARD: 9:00 a.m., Friday, November 16th, 2007

It is with pleasure and enthusiasm that I write in support of the nomination of Katherine Leonard for the position of associate judge, Hawaii Intermediate Court of Appeals. I have been acquainted with Ms. Leonard since her student days here at the William S. Richardson School of Law. She was a superb student and graduated with a superb record of achievements. Only one student per class rises to be editor in chief of the law review. That she also won the Mackay competition as well is impressive. Her depth and experience in commercial law and practice will add an important dimension to the deliberations of the Court of Appeals. That she is both a long-time member and local board founding member of the American Judicature Society is a clear indication of her credentials as a practicing attorney. I urge the Senate to confirm her.



November 14, 2007

Senator Brian Taniguchi, Chair
Senate Committee on Judiciary and Labor
Hawaii State Capitol
415 South Beretania Street
Honolulu, HI 96813

Dear Senator Taniguchi:

Hawaii Women Lawyers (HWL) understands that the Senate Committee on Judiciary and Labor will be considering the nomination of Katherine Grace Leonard to fill the seat on the Intermediate Court of Appeals (ICA) that was previously held by the Honorable Judge John S.W. Lim.

HWL strongly supports the appointment of Ms. Leonard to the ICA, not just because she is a woman, but because she is an experienced civil and commercial lawyer whose academic and professional background demonstrates her commitment to the legal profession, her clients, and the community at large. Based on the totality of her experience, Ms. Leonard would be an asset to the judiciary and an excellent jurist.

In addition to Ms. Leonard's personal and professional capabilities, our State would benefit greatly from the special qualities that women bring to public service positions. There are obvious benefits from working toward a balanced bench that reflects the composition of Hawaii's citizens. Half of our population is women, yet women represent a small minority of our judicial branch. Without more women on the bench, the citizens of the State will lose the services of many qualified women, like Ms. Leonard, who have a deep and abiding desire to serve the public in the administration of justice.

The appointment to the vacancy on the ICA will determine the composition of the judiciary for many years. HWL is very concerned that the number of women on the bench does not adequately represent the number of women in the community or the women in the bar. Increasing opportunities for women in the judiciary is one of our organization's most important tasks.

We urge your Committee to favorably consider the appointment of Ms. Leonard to fill the vacancy on the ICA.

Very truly yours,

Hawaii Women Lawyers

A handwritten signature in cursive script that reads "Lauren R. Sharkey".

Lauren R. Sharkey
President

McCORRISTON MILLER MUKAI MACKINNON LLP

ATTORNEYS AT LAW

JOHN Y. YAMANO
ATTORNEY

DIRECT #S:
PHONE - (808) 529-7414
FAX - (808) 535-8020
E-MAIL - YAMANO@M4LAW.COM

November 14, 2007

VIA E-MAIL TESTIMONY@CAPITOL.HAWAII.GOV

Senate Committee on Judiciary and Labor
Hawaii State Capitol
415 S. Beretania St.
Honolulu, HI 96813

Re: Nomination of **Katherine Leonard** as Intermediate Court of Appeals
Judge

TO BE HEARD: 9:00 a.m., Friday, November 16, 2007

Dear Honorable Committee Members:

I am honored to submit this letter in support of the confirmation of Katherine Leonard as Intermediate Court of Appeals Judge.

I have known Ms. Leonard for over ten (10) years. In addition to my experiences working with and against Ms. Leonard in various civil litigation matters, I have had significant interaction with Ms. Leonard as a result of my membership in the Hawai'i Chapter of the American Judicature Society.

Ms. Leonard has served in a leadership position with the American Judicature Society since its inception in Hawai'i. More importantly, she has been a "leader" of our American Judicature Society chapter in the truest sense of the word. She has dedicated countless hours as a board member, officer and committee member, all for the single purpose of supporting and improving our judiciary. It is that dedication and commitment that best defines Ms. Leonard's character. She is not a publicity seeker trying to gain public notoriety; she is a true public servant working during her personal time to improve our State.

Our judiciary, our State, would be blessed to have someone with Ms. Leonard's intelligence and character serve on our Intermediate Court of Appeals. I am proud to have

Senate Committee on Judiciary and Labor
November 14, 2007
Page 2

worked with Ms. Leonard as a member of the American Judicature Society, and honored to call her my friend. I strongly support her nomination to the Intermediate Court of Appeals.

Very truly yours,

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

John Y. Yamano

TO: Senate Committee on Judiciary and Labor

FROM: Andrew D. Smith, Esq.

MAILING ADDRESS:

ALSTON HUNT FLOYD & ING
1001 Bishop Street, 18th Floor
American Savings Bank Tower
Honolulu, Hawaii 96813

DATE: November 14, 2007

RE: Nomination of Katherine Leonard as Intermediate Court of Appeals Judge

GM1

TO BE HEARD: 9:00 a.m., Friday, November 16, 2007.

Pursuant to the NOTICE OF HEARING filed at the Senate Clerk's Office on November 8, 2007, I hereby submit this written testimony in support of the nomination of Kate Leonard.

Kate Leonard is my UH Law School class mate. During the years I attended, I got to know her fairly well. Following are my observations:

1. Kate is gifted with a brilliant legal mind. Born to be a lawyer. She regularly topped our class, yet still found time to run the Law Review. Academically, she is in a league of her own.
2. Kate has plenty of life experience (approx 9 years between her undergrad and law school). This gives her a balance and perspective that would otherwise be missing from a cradle to grave lawyer.
3. As a Vice-Chair of Carlsmith's litigation dept, she is no doubt earning a very substantial income. She is more than willing to give up this lucrative income to serve on the ICA. This underscores her desire to enter public service.
4. Kate is extremely motivated to tackle the backlog in the appellate court system. She tells me that, as an associate justice new to the bench, she will strive to bring the court together as a cohesive and efficient team. She feels that her firsthand experience dealing with all levels and areas of litigation over the past 15 years will provide her with a practical perspective when reviewing cases on appeal.
5. My recommendation on behalf of Kate is grounded mainly on this one point: She truly wants to make a difference in our justice system, and has the energy, passion, drive and intellect to succeed.
6. I understand that judicial experience is a factor in the selection process. However, none of the sitting ICA justices had judicial experience before taking the bench. Frankly, I see no reason why Kate should be held to a higher standard.
7. After reviewing Kate's response to the HSBA questionnaire, I am more convinced than ever that she is a rare find whose contribution to our justice system will be exemplary.

I strongly urge the Senate to seriously consider Kate Leonard as judge at the Intermediate Court of Appeals. It is not often that an opportunity like this comes around. Respectfully, I submit that it would be a severe blow to our justice system if Kate is bypassed.

Sincerely,

Andrew D. Smith, Esq.

Cynthia L. Ney
6750 Hawaii Kai Drive
Honolulu, Hawaii 96825

TO: Senate Committee on Judiciary and Labor
FROM: Cynthia L. Ney
DATE: November 13, 2007
RE: Nomination of Katherine Leonard as Intermediate Court of Appeals
Judge GM1

TO BE
HEARD: 9:00 a.m., Friday, November 16, 2007.

This letter is written in wholehearted support of the nomination of Katherine Leonard as an Intermediate Court of Appeals judge. I have been employed at the Carlsmith Ball law firm for over 20 years as a paralegal. I have known Kate for basically her entire legal career. I have witnessed her transition from a young, intense and motivated associate to a refined, passionate and exceptional lawyer.

Katherine is well known and respected by her colleagues. Her devotion to not only her clients at the firm but also in her personal life as a mother and wife would certainly translate to a dedicated, highly regarded judge. Although Kate spends long hours at the office, she is somehow able to remain actively involved in her son's education and in various community activities. Kate has expressed her desire to pursue further meaningful legal challenges and to become more publicly involved in both the legal and local communities.

I truly believe Kate would be a valued asset to the bench. I will certainly miss her presence at the firm both on a personal and professional level, but strongly believe it would be in the best interest for the people of Hawaii to grant her this opportunity.

Thank you for your serious consideration of her nomination.

Sincerely,


Cynthia L. Ney

MARR HIPP
JONES & WANG
A LIMITED LIABILITY LAW PARTNERSHIP

Labor and Employment Law

TO: Senate Committee on Judiciary and Labor

FROM: Richard M. Rand

MAILING ADDRESS: Pauahi Tower, 1003 Bishop St., Suite 1550, Honolulu, Hawaii 96813

DATE: November 14, 2007

RE: Nomination of Katherine Leonard as Associate Justice, Intermediate Court of Appeals GM1

TO BE HEARD: 9:00 a.m., Friday, November 16, 2007.

I am writing to provide background for certain comments contained in an e-mail sent to members of the Judiciary Committee by Ms. Anita Diaz. Ms. Diaz is a former employee of Carlsmith Ball LLP. She worked in a secretarial capacity. In February 2004, Carlsmith terminated her for poor performance after a series of unsatisfactory performance reviews and verbal and written warnings. In September 2005, Ms. Diaz filed a lawsuit against Carlsmith and two Carlsmith employees in the U.S. District Court, the Honorable Marvin E. Aspen, District Judge presiding. Ms. Diaz attempted to allege claims against the Defendants for racial discrimination, retaliation, and harassment. I represent the Defendants in the lawsuit. My comments are limited to the subject of that litigation as it may bear on Ms. Diaz's e-mail.

96510

Pauahi Tower • 1003 Bishop Street, Suite 1550 • Honolulu, Hawaii 96813
Phone: (808) 536-4900 • Fax: (808) 536-6700 • Direct: (808) 566-5678 • E-mail: rrand@marrhipp.com

Throughout the litigation, the Defendants vehemently denied Ms. Diaz's allegations of discrimination, retaliation, and harassment. Carlsmith has long had and enforced a strong written policy prohibiting all types of discrimination, retaliation, and harassment, and has internal procedures available for any employee to bring perceived violations and other grievances to the attention of management for appropriate action. Although she had every opportunity to do so, Ms. Diaz never asserted any grievance against Ms. Leonard and did not make any claims in the lawsuit against her. Specifically, Ms. Diaz never alleged that Ms. Leonard made any inappropriate remarks to her or to any other employee. According to her sworn testimony Ms. Diaz never worked for Ms. Leonard.

On April 23, 2007, Judge Aspen granted in part and continued in part defendants' motion for summary judgment. Among other things, the court concluded that Ms. Diaz's insubordination and refusal to do certain types of assigned work, which other employees also were required to do, provided justifiable, neutral (that is, non-discriminatory) grounds for her termination. The Court continued the hearing on the motion to give Ms. Diaz an opportunity to provide further evidence on the sole remaining issue in the case, which was whether she had been inappropriately passed over for a secretarial position with a particular attorney (not Ms. Leonard). On November 8, 2007, the Court issued a draft opinion and order that would resolve the remaining issue in defendants' favor. We expect the Court to adopt this draft opinion and to enter summary judgment in favor of Defendants on all claims. The Court found that Ms. Diaz did not even apply for the position until almost two weeks after it had been filled. The Court observed that in attempting to salvage her claims, Ms. Diaz had contradicted her sworn deposition testimony.

During the course of the litigation the Court noted Ms. Diaz's penchant for discussing matters which were extraneous to the issues before the Court. Her e-mail to the Committee follows that pattern. I urge the Committee to consider Ms. Diaz's comments in light of her termination by Carlsmith Ball and her unsuccessful attempt to sue the firm.

**JON T. YAMAMURA
P.O. Box 656
HONOLULU, HAWAII 96809-0656**

TO: Senate Committee on Judiciary and Labor

FROM: Jon T. Yamamura
P.O. Box 656
Honolulu, Hawaii 96809-0656

DATE: November 14, 2007

RE: Nomination of Katherine Leonard as Intermediate Court of Appeals Judge
GM1

TO BE HEARD: 9:00 a.m., Friday, November 16, 2007

I am writing in support of the appointment of Katherine G. Leonard as an Intermediate Court of Appeals Judge. I have known Kate for over 15 years. She has been and is a trusted colleague and law partner.

In my view, Kate possesses the energy, dedication, intellect and litigation experience to serve on the ICA bench. I have no doubt that she would demonstrate the same vision and commitment in the judiciary as she has in private practice. I, therefore, offer my unqualified support for Kate's appointment.

Thank you for your consideration.

Very truly yours,

Jon T. Yamamura

Jon T. Yamamura

JTY:ien

To: Senate Committee on Judiciary and Labor
From: Ronda K. Kent
Mailing Address: Ashford & Wriston LLP, 1099 Alakea St., Suite. 1400, Honolulu, Hawaii
96813

Date: November 14, 2007

Regarding: GM 1; Nomination of Katherine Leonard as Intermediate Court of Appeals Judge

To Be Heard: 9:00 a.m., Friday, November 16, 2007

Dear Committee Members:

I am writing to urge you to confirm the nomination of Katherine Leonard as Associate Judge of the Intermediate Court of Appeals of Hawaii.

I have known Kate Leonard for over seventeen years. I first worked with her when we both worked at the same law firm, Carlsmith Ball. Since I left that firm in 1993 and joined Ashford & Wriston, I have, on several occasions, appeared in court both opposite her and on the same side.

Kate is highly respected in the legal community because she is a very intelligent, diligent and rigorous lawyer. She is energetic, very hard working and has an encyclopedic grasp of wide-ranging areas of law. Regardless of whether we are on the same or opposite sides of an issue, I always find her to be well-informed, thoughtful and extremely fair-minded.

I believe that because of her passion for the law, Kate will make a significant positive contribution to the Hawaii judiciary and will be an excellent judge on the Intermediate Court of Appeals. She has many other impressive qualities that recommend her for the position, including her excellent writing and organizational skills and her unique ability to absorb a multitude of complex facts and legal issues and synthesize them into a coherent, understandable legal position.

In confirming Katherine Leonard's appointment to the court, you have an opportunity to enhance your legacy to the State of Hawaii. I hope that you will consider my comments and agree that she is the best person for the position.

Yours respectfully,

Ronda K. Kent

Ronda K. Kent

Ashford & Wriston LLP

1099 Alakea St., Ste. 1400

Honolulu, HI 96813

Direct Dial: (808) 539-0414

Facsimile: (808) 599-1506

e-mail: rkent@awlaw.com

Website: www.ashfordwriston.com

To: Senate Committee on Judiciary and Labor

From: Corinne Lau

Mailing Address: PO Box 62195
Honolulu, HI 96839-2195

Date: 11/14/07

Re: Nomination of Katherine Leonard as Intermediate Court of Appeals Judge GM1

To be heard: 9:00 am, Friday, November 16, 2007

I have known Katherine (Kate) Leonard for 6 years. She is my son's Cub Scout Leader. When we first decided to join scouting, the leader we spoke to didn't accept us in his den. He said that they had enough boys in his den. I spoke to Kate at that same meeting and she greeted us and a few more boys with open arms. She already had 4 more boys than the other den and yet didn't turn anyone away. I had a few things to say about the other leader who eventually quit scouting but, Kate never said anything bad about him. That's when I knew she was a smart, caring, and special person.

As the years went on our Den became well respected. We were in charge of many activities including the sales of the Makahiki tickets. Everyone knew that if Kate said, "our den can do it," the job would get done.

I recently asked my son if Aunty Kate is a fair person. His response was "yes." She always makes sure everyone has a turn. She recognizes and understands peoples needs. My son is 10 years old and a 5th grader at Punahou.

I'm a housewife and I'm not very good at writing. I'm writing this testimony because I really believe that Kate Leonard would be a fair judge.

Thank you for your time.

Sincerely,
Corinne Lau

TO: Senate Committee on Judiciary and Labor

FROM: Alan R. T. Kaopuiki, Assistant Cubmaster, Pack 1 Cub Scouts

MAILING ADDRESS: 1323 Noelani Street, Pearl City, HI 96782-2128

DATE: November 14, 2007

RE: Nomination of Katherine Leonard as Intermediate Court of Appeals Judge
GM1

TO BE HEARD: 9:00 a.m., Friday, November 16, 2007.

Support for nomination of Katherine Leonard as Intermediate Court of Appeals Judge
GM1.

Katherine Leonard's community service in the Cub Scout program has a far reaching and lasting effect on not only the youth of Pack 1 but also the community at large.

Katherine Leonard is an outstanding leader not only in the eyes of the youth she leads as a Cub Scout Assistant Den Leader, but, as a senior leader amongst two dozen den leaders and assistant den leaders who make up Pack 1 leadership group.

Katherine Leonard is an effective leader within the Pack 1 leadership by virtue of the high esteem and respect she has earned from each and every den leader and assistant den leader within Pack 1.

Katherine Leonard's foresight and experience has proven to be invaluable when planning and executing Pack 1 activities for over 250 cub scouts, their parents and siblings.

Katherine Leonard's mentoring of new den leaders and assistant den leaders has developed a highly skilled and very capable corps of leaders to carry on the work she has initiated.

Katherine Leonard's organizational skills have enabled cub scouts and their leaders to plan and organize camping events where cub scouts have an opportunity to participate in outdoor activities.

Katherine Leonard's resourcefulness has been proven time and time again when it comes to conducting alternate activities during inclement weather and in the event of unexpected mishaps.

Katherine Leonard's experience as a leader has provided many opportunities for cub scouts to learn safe techniques while performing woodcraft activities.

Katherine Leonard has not only instilled good sportsmanship in the many cub scouts of Pack 1 over the years, she also has been a stalwart example of good sportsmanship and fair play for the leadership group.

Katherine Leonard's community service through the Pack 1 Cub Scouts and the 90 plus boys and their leaders will endure for several years to come.

To Committee on Judiciary and Labor,

Date of Hearing: Friday, November 16, 2007, at 9:00 a.m.

November 14, 2007

It is an honor to be writing this testimony for the confirmation hearing of Katherine (Kate) Leonard. I am Maj Duke M. Ota, Jr., Commander of the 154th Aircraft Maintenance Squadron, Hawaii Air National Guard. In this position, I manage twenty F-15 fighter jets, nine KC-135R tanker refueler aircrafts, and eight C-17 aircrafts, through leading 260 aircraft maintenance personnel. I am also a father of five sons (6, 8, 10, 11, and 18). My wife, Helen K. Ota, is Kate's legal secretary for Carl Smith Ball L.L.P. I have known Kate since February 2001. Most of my relationship with her is through my wife and my conversions with Kate on numerous occasions. My experiences with having known her for over the past six years have been very favorable. In my relationship with her, I find her to be a well balanced individual, striving to be an exceptional attorney, a caring mother, a loving wife, and an altruistic server to the community. I view Kate as an extremely hard working, dedicated, and focused individual always striving to do her very best at everything she does. I have had the opportunity to care for her son on one occasion and found her son, Ian, to be a healthy, well mannered individual, and a joy to be with as he enjoyed spending the day at the beach with us. I feel confident in saying she is an outstanding and loving mother to her son, Ian. I have witnessed Kate and her husband, Ian, on many occasions and find them to be a loving and understanding couple. Her husband, Ian, is a very sincere man and responsible father. Kate and my wife, Helen, have had great discussions on raising our sons and shared numerous experiences about them with one another. She routinely asks my wife, "How are the boys doing?" She is a caring person and I must say, she will do anything to make my wife's work experience and employment with the firm a rewarding place to work and serve. Kate has taken the initiative to allow my wife to have a flexible working schedule, due to our living in Kapolei and having such a long commute to work as well as trying to get our children to school each morning. Kate understands our challenges and trusts us to share in the responsibilities on those occasions when our children are sick or unable to attend school. I truly feel Kate and my wife, Helen, have both built a strong working and personal relationship and have helped each other grow as individuals and professionals. This past summer, at Punahou School, I was competing in track and field. While running a 400 meter dash I had an unfortunate heart attack resulting in an angio-plasty with a stent in my right coronary artery. While I was at Straub Hospital, my wife was caring for our four younger sons and was unable to bring my personal hygiene items; however, Kate took it upon herself to purchase those items and deliver them to me the next morning and gave me encouragement to a speedy recovery. I have to say I was extremely impressed and very appreciative of her caring actions. I was released from the hospital in less than 48 hours and back to work in nine days. She continues to following up with Helen on my condition and health. Fortunately, I did not sustain any heart damage and I am back competing, most recently at last week's Hawaii Senior Olympics and won the gold medals in the 100, 200, and 400 meters, hitting personal best times in two of the three events. Not only on this occasion have I witnessed Kate's sensitivity and kindness, late

last year we lost my wife's mother and again she was able to work with our family in helping us get through this time of loss. Given Kate's positive traits and her extensive legal background, I feel she will be an asset and make significant contributions as an Associate Judge with the Intermediate Court of Appeals. I must say, I was extremely excited for Kate's nomination. I can truly say I would love to have Katherine Leonard on my team any day, any where, and at any time. She is an outstanding citizen and has earned this opportunity to serve at this higher level. I ask for your full consideration in confirming her appointment as an Associate Judge to the Intermediate Court of Appeals. If there is any other information I can offer you in this regard, please feel free to call me directly at work 448-8429 or on my cell at 221-4904.

Duke M. Ota, Jr., Maj.
91-1041 Papaa St
Kapolei, HI 96707

November 14, 2007

TO: Senate Committee on Judiciary and Labor

FROM: Ingrid Kortvelesy
105 Waihili Pl.
Honolulu, HI 96825

RE: Nomination of Katherine Leonard as Intermediate Court of Appeals Judge
GM1

TO BE HEARD: 9:00am, Friday, November 16, 2007

To Whom It May Concern;

I have been an acquaintance of Katherine Leonard for the past five years, and it is my pleasure to offer my support as a personal reference for this nomination.

Katherine has been the den leader over this time period for the Cub Scouts, of which both of our sons are members. During this time I have come to greatly admire and respect the high level of organizational skills and leadership qualities she possesses. Her tireless efforts have motivated our kids in their progress through the scouting ranks, and we are all grateful for the dedication she has brought to the program as it has greatly enhanced the experience for us all.

Katherine Leonard is clearly a quality person of impeccable integrity, and a valuable contributor to the community; accordingly, I believe she would be an excellent candidate for this position.

Thank you for your time and consideration,

Ingrid Kortvelesy

To: Senate Committee on Judiciary and Labor

I support the nomination of Katherine Leonard as Judge to the Intermediate Court of Appeals. Katherine is experienced, even-tempered, intelligent and organized and she would make an excellent judge. She has full knowledge of the court system and I believe that she would be able to judge fairly those cases that come before her. Thank you for the opportunity to hear my testimony.

Valerie Ching Moss

1972 Alaeloa St.
Honolulu, HI 96821
ph: 808-292-8393

TO: Senate Committee on Judiciary and Labor

FROM: Lisa Wong
Bank of Hawaii
130 Merchant Street, Suite 2070
Honolulu, Hawaii 96813

DATE: November 14, 2007

RE: **Nomination of Katherine Leonard as Intermediate Court of Appeals Judge**
GM1

TO BE HEARD: 9:00 a.m., Friday, November 16, 2007

I would like the following to be used as testimony for the nomination of Katherine Leonard for the Intermediate Court of Appeals. I have worked with Ms. Leonard since 2001 and am convinced she would serve our community well in the capacity of an Intermediate Court Appeals Judge for the following reasons:

1. Ms. Leonard conducts investigations without bias or pre-disposition to obtain a thorough understanding of issues.
2. She is especially methodical in her research and sensitive to details many might otherwise overlook.
3. She navigates the unfamiliar and/or sometimes highly technical or specialized fields, with the same philosophy. This develops a respectable foundation to deal with facts and understanding concepts within their respective context.
4. She can quickly sort and weed out the extraneous and remain focused on the key issues and constituents concerned.

From these processes, Ms. Leonard draws from an inventory of fact vs. fiction and what will be primary vs. tertiary concerns. Her rationing will be sound and defensible.

5. She would also acknowledge the controversial merits of competing arguments but have the wisdom from her research and experience to ultimately narrow the issue and render a decision.

Ms. Leonard would undertake the responsibilities for this position with enthusiasm and passion. I and many others before you today, urge you to give her your full support for confirmation as the next Intermediate Court Appeals Judge. Thank you for your time.

TO: Senate Committee on Judiciary and Labor

FROM: Macklin Sandison

MAILING ADDRESS:

3061 Pacific Heights Road

Honolulu, HI 96813

DATE: 15 November 2007

RE: Nomination of Katherine Leonard as Intermediate Court of Appeals Judge

GM1

TO BE HEARD: 9 :00 a.m., Friday, November 16, 2007.

I have known Katherine Leonard for thirteen years, eleven of which she has been my step mother and mentor. I have lived with Katherine and my father since the age of thirteen when I entered my freshman year of high school. Katherine, my father, my brother Ian and I all lived happily as any Hawaii family would until I graduated from high school and continued my education on the main land. I am always excited to return to see them whenever possible.

Since I met Katherine she has been a source of knowledge, love, and compassion and a guiding force in my life. When I was a child and visited my father on the weekends per my custody arrangements she always made sure that I felt at home and welcome never treated me any differently than her own son Ian, my little brother. She often assisted me with homework problems and shared in my childhood triumphs and failures on the soccer field. Katherine has a sharp, analytical mind and a keen sense of right and wrong which I feel has helped to shape the way I think and analyze problems and new situations in life.

I feel that my step mother, Katherine Leonard would make an excellent addition to the Intermediate Court of Appeals. She is a hardworking professional, an active caring and loving mother, and a great mentor. I sincerely believe, based on my personal experience with Katherine and her professional experience that she is not only qualified to hold a position on the ICA, but once appointed would be a great asset to the State of Hawaii.

PATRICK K.S.L. YIM
Judge of the First Circuit Court (Ret.), State of Hawaii
P.O. Box 240027
Honolulu, Hawaii 96824-0027
Phone (808) 373-4030

November 15, 2007

Senator Brian T. Taniguchi
Chair, Senate Committee on Judiciary and Labor
Hawaii State Senate
State Capitol
415 South Beretania Street
Honolulu, Hawaii

RE: Recommendation supporting favorable consideration and confirmation to the Intermediate Court of Appeals, Associate Judge, of Governatorial Nominee Katherine G. Leonard, for a term of ten years..

Dear Senator Taniguchi,

I am pleased and honored to write this letter of recommendation supporting the Senate's favorable consideration and confirmation of the nomination of Katherine G. Leonard, Esq. as Associate Judge of the Intermediate Court of Appeals of the State of Hawaii.

I first became acquainted with Ms. Leonard in 1991 while serving as the Administrative Judge of the Civil Division of the First Circuit. At this time, she commenced her service as a law clerk to the then Motions Judge of the Civil Division, now retired Associate Justice Robert G. Klein. She continued to serve Justice Klein when he was elevated to the Supreme Court. In 1992, Ms. Leonard joined the prestigious firm of Carlsmith Ball LLP. Since 1997, she has served as a partner in that firm.

As Justice Klein's law clerk, Ms. Leonard participated in the appellate process involving appeals in criminal, as well as civil cases. As a law clerk, she reviewed and studied the legal briefs addressing the issues raised in each appeal, conferred with Justice Klein on these issues, and observed the joint discussion and final determination of said issues by all of the Justices.

Her position as a law clerk at the Supreme Court provided invaluable and unique insight into the deliberative appellate process by which the trial record is scrutinized against the backdrop of the applicable rules of law. Such insights are generally not even availed of trial judges throughout their careers. Further, the highly competent judges who presently serve on the Intermediate Court of Appeals were not trial judges before their judicial appointments.

I am familiar with some of the more celebrated cases at Carlsmith Ball in which she provided representation and the excellent quality of her legal work. I also served as a mediator in two cases in which she appeared as counsel. As I expected, she was well prepared as to the facts of the cases and thoroughly knowledgeable as to the applicable law. Additionally, her sensitivity to the other more personal aspects of the cases contributed immensely to the successful resolution of these matters through the mediation process. Indeed, she possesses the unusual talent for disagreeing, without being disagreeable. She is thoughtful, deliberate and measured in her manner and her choice of words.

It is my opinion that Ms. Leonard, not only has demonstrated a high level of legal competency in the service of her clients, but that she also has served the Bar, the Bench, and the community at large, by her *pro bono* service on various committees. I admire the fact that she has been able to balance her professional life with her family and community by serving as a Cub Scout Assistant Den Mother

Additionally, her success in a demanding private practice with the Carlsmith Ball firm demonstrates an excellent and sound work ethic which would fit well with the demands now imposed on the Intermediate Court of Appeals to entertain all of the appeals from the District and the Circuit Courts of our State.

The above are the most salient reasons why I, without reservation, support your favorable consideration and confirmation of Ms. Katherine G. Leonard, Esq. for the position of Associate Judge of the Intermediate Court of the State of Hawaii. I assure you that she will be a positive influence on the Court and be a credit to the Bench, the Bar, and our entire community by her judicial service.

Mahalo nui for your kind consideration of this letter of support. If you wish further information from me or wish for me to appear in person before your committee, I would be happy to comply. Please contact me, either on my cellular phone at 342-1866, or at home at 373-4030.

Malama pono,

Judge Patrick K.S.L. Yim, Retired

To: Committee on Judiciary and Labor
Hearing: Friday, November 16, 2007
9:00 am

Good Morning Everyone,

My name is Leonora Tanaka. I am a resident and citizen of the State of Hawaii for all of my 57 years. I am proud to say I have voted every election since age of 18. I am a business woman and one of the principals of Realty Factors, Inc. in business for 31 years. It is my privilege and honor to testify on behalf of Katherine Grace Leonard.

As a Gubernatorial Nominee, Kate has already proven that she meets the *qualification and character required of the Associate Judge of the Intermediate Court of Appeals*. It is my civic duty to express my wish that Hawaii takes advantage of this opportunity to give full support and to confirm Katherine Leonard this position.

We islanders welcome people from all over the world to see our natural beauty in our land, our people and our culture. Some come and visit; others come and find that they love Hawaii and make our State their home. Kate is one who came to visit, fell in love with our islands, worked on an orchid farm... and stayed. Thru hard work and determination, she was able to graduate from Law School here at the University of Hawaii with numerous honors and awards.

It is impressive to me that Kate appreciates and respects the diversity of the people that make Hawaii a special place. Kate once told me that she loves the cultural mix and the color blindness that exists with most people here. I believe Kate adds to our cultural mix and she is the one who is color blind. With her open mind and sensitivity, Kate was able and has become a part of our local culture.

It is in her nature to serve and to be part of the core that moves us, motivates us to make our home better. We all would like to make a difference, we all would like to contribute to our community; however; many of us are barely capable of taking care of ourselves. Kate is willing, ready and wanting to serve.

Kate represents small businesses and individual clients, but the majority of her clients are large institutions, banks, trusts, large businesses; knowing this you would wonder why would I bring one of my clients to her... but I did. My client needed a simple partition action between he and his brother who had been gifted their paternal grandparents' house. It wasn't as simple as that. It was going to get messy, emotionally and legally. The only attorney I felt would be able to

handle this properly was Kate. My clients' parents divorced. Paternal grandparents property was given to my client and his brother. My clients' mother and his step father, a prominent Honolulu attorney, somehow managed to have his property rights relinquished with an unnotarized, unrecorded deed transferring land court property to family member for no monetary consideration. My client was a young adult with a family of his own. He wanted to buy a home and this property would have served as his down payment. My client was crushed by his mothers' selfishness. My challenge was to find an attorney who would be compassionate to my clients' emotional needs, understands real property, who could and would stand up to a mothers questionable values and who would be able to take on the deception of the prominent Honolulu attorney and who still would be able find resolution and a process for family healing. Kate was the perfect choice for my client. This case brought raw emotions with each level of relationship, parties felt like scattered broken bones and if not set correctly would never have a chance to heal. With respect and compassion Kate held fast to each of the broken parts to set it correctly. I believe Kate's sensitivity to family values and dynamics are telling of her own commitment to her strong family values.

I have known Kate for at least 12 years. At different times of our relationship, she has been a tenant, a client, an attorney, and always someone that I could count on to be a caring friend who treats me fairly and with respect. I trust Kate to do the right thing.

I am confident in Kate's abilities and person to be able to deal with any legal matter or issue and become a great Appellate Judge. I am confident of Kate's strong work ethics and willingness to be a valuable team player to make the best decision and to get things done. I admire that she can analyze and simplify the most complicated situations and issues and find a fair and practical resolution.

I stand before you and personally ask you to have the courage to make right decision. Welcome Kate Leonard for all that she is, all that she has worked for and believe she is the right choice. Allow her the opportunity to serve and to prove herself. I am confident that she will make all of us and the State of Hawaii proud.

Thank you for your time.

Leonora Tanaka
1520 Kalaepohaku Place
Honolulu, Hawaii 96816
leo.tanaka@hawaiiantel.net

Trudy Burns Stone
Attorney at Law
46-058 Aliikane Place, #2122
Kaneohe, Hawaii 96744
(808) 341-8300 tel / (808) 275-3259 fax
stonew001@hawaii.rr.com

November 15, 2007

Senate Committee on Judiciary and Labor
Hawaii State Capitol
415 South Beretania Street
Honolulu, HI 96813

Re: Katherine G. Leonard – Nominee for ICA Judge

Ladies and Gentlemen:

Although this letter reflects my own personal views, and not those of the HSBA Board or its membership, I am a member of the Board of Directors of the Hawaii State Bar Association, and one of those board members who voted Katherine G. Leonard as **HIGHLY QUALIFIED** for the position of ICA Judge for which she is being nominated.

I do not know Ms. Leonard personally. I base my recommendation on the multitude of e-mails and phone calls that I received in recent days from members of the legal community who I do know, and whose opinions I respect. All of them attested to her integrity, her excellent intellect, fairness, extensive legal skills and breadth of litigation experience. In addition, I have reviewed Ms. Leonard's JSC application and the other related materials presented to the members of the HSBA Board, and I also participated in the interview that she had with all of the members of the HSBA Board on Tuesday, November 13th, in which I thought she handled herself extremely well. She answered all of the questions put to her fully. My overriding impression of Ms. Leonard is that she has a strong commitment to the rule of law and the importance of an independent judiciary, as well as outstanding professional abilities.

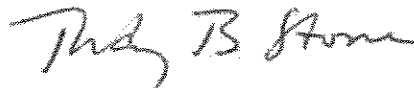
In my judgment, the skill set needed for an ICA judge differs from that of a trial court judge in its greater emphasis on analytical review and writing ability. I believe that any concern you may have regarding her lack of judicial experience is more than offset by the scope and nature of Ms. Leonard's extensive and well-documented career as a litigator.

As a past president of the Hawaii Women Lawyers, I have a long-standing commitment to gender equity on our courts. In that regard, I strongly support the appointment of Ms. Leonard to the ICA, not only because she is a woman lawyer, but because her presence on the court will help to bring another kind of balance to our judiciary: that of a working wife, mother and assistant Cub Scout Den leader. Her presence on the bench will help to reflect more closely the life experience of half the electorate.

As an attorney whose primary practice focus has been in the area of real estate for many years, I also strongly support Ms. Leonard because of her experience in the civil courts and in business matters. This also brings balance to the ICA, since her background is in those areas of law practice not currently represented by our ICA judges.

I therefore strongly urge you to favorably consider confirming Ms. Leonard's nomination to the position of Judge of the Intermediate Court of Appeals.

Very truly yours,

A handwritten signature in cursive script that reads "Trudy B Stone". The signature is written in dark ink and is positioned above the printed name.

Trudy Burns Stone

CARLSMITH BALL LLP

A LIMITED LIABILITY LAW PARTNERSHIP

ASB TOWER, SUITE 2200
1001 BISHOP STREET
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TELEPHONE 808.523.2500 FAX 808.523.0842
WWW.CARLSMITH.COM

DIRECT DIAL NO.
808.523.2574

DMTYASHIRO@CARLSMITH.COM

OUR REFERENCE NO.:
(901-30)

November 15, 2007

VIA EMAIL [testimony@capitol.hawaii.gov]

TO: Senate Committee on Judiciary and Labor
FROM: Duane R. Miyashiro
1001 Bishop Street, ASB Tower Suite 2200
Honolulu, Hawaii 96813

RE: Nomination of Katherine G. Leonard as Intermediate Court of Appeals Judge
GM1

Dear Senators:

I write this letter in strong support of Katherine G. Leonard's confirmation as a judge on the Intermediate Court of Appeals ("ICA").

I have had the privilege and pleasure of working with Ms. Leonard for 8 years at Carlsmith Ball LLP. I joined the firm as an associate attorney and worked under Ms. Leonard's supervision on various legal matters. In my opinion, Ms. Leonard is highly qualified to serve as a judge on the ICA. Among other things, I find Ms. Leonard to be at the top of the legal profession in Hawaii, she has a proven track record of outstanding legal ability, she is extremely diligent in all of her cases, she has worked on a large variety of complex cases, and she demonstrates the highest ethical standards and has the highest reputation for integrity. In addition, Ms. Leonard has demonstrated to me that she has the capacity for the judicial temperament necessary to serve as a judge on the ICA.

I learned many things directly from Ms. Leonard and by example, including the highest work ethic and standards she demands of herself and others. Ms. Leonard is brilliant and inquisitive. She is also thorough, and taught me to "leave no stone unturned". Ms. Leonard taught and showed me that I cannot reach a legal conclusion or provide clients with a recommended course of action without having a solid grasp on the law and the facts.

I have no doubt that Ms. Leonard will bring her work ethics and standards to the Bench. I am certain that just like her practice of law, she will fully analyze the legal issues and facts before she reaches any decisions in interpreting Hawaii's Constitution and laws. I am also

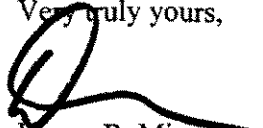
November 15, 2007

Page 2

certain that she will add tremendous value to the ICA by bringing her practical experience into the decision-making process.

Based upon the foregoing, I give the Senate my unequivocal opinion that Ms. Leonard is highly qualified to serve as a judge on the ICA. Carlsmith will lose a fine lawyer, but the State will gain a fine jurist.

Very truly yours,



Duane R. Miyashiro

DRM/cjl

4847-7975-5778.1.000901-00030

CARLSMITH BALL LLP

A LIMITED LIABILITY LAW PARTNERSHIP

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KKOBAYASHI@CARLSMITH.COM

OUR REFERENCE NO.:
901-10

November 14, 2007

VIA E-MAIL [TESTIMONY@CAPITOL.HAWAII.GOV]

Senate Committee on Judiciary and Labor
State Capitol
415 S. Beretania Street
Honolulu, HI 96813

Re: Nomination of Katherine G. Leonard as Intermediate Court of Appeals Judge
GM1
Hearing Date: 9:00 a.m., Friday, November 16, 2007

Dear Members of the Committee:

As Chair of the Carlsmith Ball law firm, I am very pleased to submit this letter in whole-hearted support of the nomination of our partner, Katherine G. Leonard, as an Associate Judge of the Hawaii Intermediate Court of Appeals. Except for her Circuit Court and Hawaii Supreme Court clerkships with former Associate Justice Robert Klein, Kate has spent all of her legal career at Carlsmith, starting in August of 1992 and becoming a partner in July of 1997. For the reasons discussed in this letter, Kate was made a partner one year prior to the usual time when we consider most of our associates for partnership.

Kate hails from extremely humble roots. She is a product of the public schools in Wisconsin and is the daughter of a union factory worker at a printing press and a housewife-mother. Her family also ran, as a sole proprietorship from their house, a small carpet shop. Her sister works as a flight attendant for Northwest Airlines and her brother operates a towing and auto body shop. Therefore, contrary to the perhaps common perception that all lawyers who work at commercial firms like Carlsmith come from privileged backgrounds, this is an inaccurate perception generally and is most definitely a misperception with respect to Kate.

Kate is an extremely gifted and highly-skilled lawyer who specializes in litigation. She has keen intellect and a curious mind. Having personally worked with her over the years, it has been my experience that Kate is able to focus on not only the details of a case but also the big picture. Because of her considerable legal skills, she has worked on some of the most prominent litigation cases handled by our firm. I believe she has a well-balanced perspective about the role of law in our society and its often critical impact on our business, governmental and social affairs, but also the need to adhere to established precedents. Although Kate has spent all of her

legal career in the private sector, I believe she is an independent thinker who will approach each case on its merits and will render justice in a fair and impartial manner.

Kate has also assisted with the management of our law firm by having served as one of the leaders of our litigation practice group and as an elected member of the firm's partner compensation committee. These tasks have given her practical insight into leading and managing a private business enterprise. In addition, these positions have required Kate to work together with other members of our firm as a team and in the spirit of cooperation. In addition to being an elected member of our firm's partner compensation committee, we would note that, while in law school, Kate was elected by her fellow law review members to serve as the editor-in-chief of the University of Hawaii Law Review. We believe that these elected positions demonstrate Kate's ability to be a leader but also to work well with others.

On a personal level, I believe Kate to be of the highest integrity and ethical character. She is also not only passionate about the law but also about her family. She is a loving mother who has balanced the extremely difficult task of parenthood with a highly challenging and time-consuming professional career. She speaks with great joy about her participation in Boy Scouts and other family activities. Kate is a well-rounded lawyer and individual.

To summarize, Kate is very bright, a hard worker, a person of high character and integrity, and someone who has excelled in the private practice of law. Her success in the private sector has provided her with the tools to be a well rounded, thoughtful and impartial appellate jurist. If Kate is selected for the position, we will miss her. Carlsmith's loss will be a most positive gain for the Judiciary and the State of Hawaii.

I would be pleased to respond to any questions you may have about Kate, her career at Carlsmith Ball, or her outstanding qualifications.

Very truly yours,

CARLSMITH BALL LLP



Karl K. Kobayashi
Its Chair

KK/mm

CARLSMITH BALL LLP

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1001 BISHOP STREET
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HODA@CARLSMITH.COM

November 15, 2007

Senate Committee on Judiciary and Labor
Senate Sergeant-At-Arms
State of Hawaii, State Capitol
Honolulu, HI 96813

Re: GM1 Testimony in Support of Katherine G. Leonard as Associate Judge -
Intermediate Court of Appeals - Hearing: 9:00 a.m., Friday, November 16, 2007

Dear Senators:

I am writing this letter in strong support of Katherine G. Leonard. I met Kate ten years ago, when I first joined the law firm of Carlsmith Ball LLP. Over the years, I've had the opportunity to associate with and observe Kate, as a lawyer, a fellow partner, a member of various administrative committees of this law firm and as a human being.

As a lawyer, I have consulted with Kate on a number of cases. She has demonstrated a keen analytical ability, to grapple through convoluted fact patterns and complex laws to formulate and articulate recommendations that have been perceived by the client and opposing parties to be practical and fair, many of which have resulted in their resolution. Most importantly, despite being one of the busiest attorneys in the firm, Kate has always been accessible and willing to assist me in addressing client issues in a timely manner.

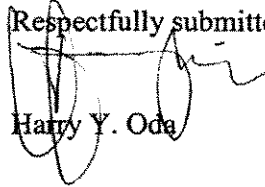
As a partner of this law firm, I found Kate to be very focused, dedicated, thoughtful and reliable. I have been required to deal with Kate as an administrative partner on various matters, including the sensitive issue of compensation. She has been compassionate in listening to whatever I had to say, but at the same time always demonstrating a strong sense of fairness in addressing all of my personal concerns relative to all others.

Perhaps the best thing I can say about Kate is that she is a good human being, blessed with a great family supporting her. Based on my personal knowledge of Kate, I believe she is intelligent, dedicated and a compassionate person with lots of integrity and qualities that should qualify her as a judge in the appellate level.

Senate Committee on Judiciary and Labor
November 15, 2007
Page 2

I strongly support her nomination without any reservations.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Harry Y. Oda", written over a horizontal line.

Harry Y. Oda

HYO/msm
4815-7976-5506.1

TO: SENATE COMMITTEE ON JUDICIARY AND LABOR

FROM: JAMES KAWASHIMA

KAWASHIMA LORUSSO & TOM

745 FORT STREET, SUITE 500

HONOLULU, HI. 96813

DATE OF HEARING: NOVEMBER 16, 2007, 9:00 a.m.

RE: KATHERINE G. LEONARD

Dear Chair Taniguchi and committee members:

I thank you for this opportunity to provide written testimony regarding the nomination of Katherine G. Leonard as Associate Justice of the Intermediate Court of Appeals, State of Hawaii. I am able to provide first-hand information regarding the nominee as I and others in my firm worked with and against her in a number of commercial litigation cases in the past 10 years. I can say without any reservation whatsoever that she will be an outstanding appellate judge. She is very intelligent and has the ability to analyze complex legal issues faster than many others I've dealt with that were possessed of the same God-given traits. She would bring in intensity to the job that would serve the Court well.

After Ms. Leonard had been nominated to the ICA by Governor Lingle, there were comments in the community regarding how active her practice was in the field/area of commercial litigation. I have had the good fortune to be able to practice in a number of areas of litigation, including commercial, personal injury, trust and professional liability and it was in the context of a number of commercial litigation cases that I and other members of our firm had the opportunity to work closely enough with Ms. Leonard to be able to provide you these comments. One practicing only in the area of personal injury litigation, for example, would in all likelihood not have had dealings with the nominee.

I have also heard him that there were concerns among some in the community regarding Ms. Leonard's lack of judicial experience. While I can appreciate that concern, I will also point out that a good number of the finest appellate judges that the Territory and State of Hawaii has had serving as appellate judges had no prior judicial experience whatsoever. Merely from memory, I can think of Supreme Court and ICA justices Bernard Levinson, Frank Padgett, Edward H. Nakamura, I believe Chief Justice William Richardson, current sitting justices Steven Levinson and James Duffy and too many others to name all came to the appellate bench without any judicial experience and served this great state of Hawaii with distinction. I am proud to say that I have had the honor of arguing cases before almost all of the foregoing jurists.

I inquired of the other litigators in my firm for comments and, to a person, they had nothing but praise for the Governor's appointment. These were attorneys who, as I, had personal dealings with or against Ms. Leonard. She truly has the intellect one would want in an appellate judge and she also has the maturity and wisdom that would temper her decisions with compassion. I frankly cannot think of a better person for the job. I wish you well in your deliberations as I know you will consider all factors necessary for the objective decision you will render. I stand prepared to provide in-person testimony and please do not *hesitate to inquire further if I have not made myself clear in all respects. Mahalo nui loa.*

