

STAND. COM. REP. NO. |

Honolulu, Hawaii

OCT 22 2014

RE: GOV. MSG. NO. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
First Special Session of 2014
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred Governor's Message No. 1, submitting for study and consideration the appointment of:

CIRCUIT COURT OF THE FIRST CIRCUIT, STATE OF HAWAII

G.M. No. 1 JEFF CRABTREE,
for a term to expire in ten years,

begs leave to report as follows:

Your Committee has reviewed the resume and statements submitted by the appointee and finds Jeff Crabtree to possess the requisite qualifications to be appointed to the Circuit Court of the First Circuit, State of Hawaii.

Your Committee received testimony in support of the appointment of Jeff Crabtree to the position of Circuit Court Judge of the First Circuit from thirteen individuals. Comments were submitted by the Board of Directors of the Hawaii State Bar Association.

The Hawaii State Bar Association Board of Directors found the appointee to be qualified for the position of Circuit Court Judge, First Circuit, based on established criteria for determining the qualifications of judicial and executive appointments generally using the American Bar Association Guidelines for Reviewing Qualifications of Candidates for State Judicial Office. Specifically, the Board uses the following criteria in its



deliberations: integrity and diligence, legal knowledge and ability, professional experience, judicial temperament, financial responsibility, public service, health, and ability to perform the responsibilities and duties required of the position for which the applicant has been nominated. The Board's rating system includes the categories of "qualified" and "not qualified".

Mr. Crabtree graduated with honors and earned his Bachelor of Arts degree from the University of San Francisco. During his undergraduate studies, he participated in the VISTA outreach program to assist senior citizens and disabled persons obtain social security benefits; organized the Vietnamese Orphans Airlift program by staffing an emergency nursery and pediatrics ward for orphans flown from Vietnam in an emergency airlift; and initiated department-level faculty evaluations at the University of San Francisco. He later earned his Doctorate of Jurisprudence from the New York University School of Law where he was awarded the Root-Tilden Scholarship in Public Interest Law. The Root-Tilden Program provided him mentoring and internship opportunities, including internships with the Newark United States Attorney's Office, American Civil Liberties Union, New York University Criminal Law Clinic, and Special Litigation Unit of the New York Legal Aid Society.

Mr. Crabtree currently is a sole proprietor of his own private law practice specializing in areas of consumer protection, personal injury and professional malpractice litigation and arbitration, and end-of-life medical decision making. Prior to establishing his own private practice, he served as a Partner or an Associate at various law firms in Honolulu, including Bronster, Crabtree & Hoshibata; Paul, Johnson, Park & Niles; and Cronin Fried Sekiya & Kekina. He has successfully litigated, arbitrated, or mediated hundreds of cases and over a dozen jury trials.

Of particular note, Mr. Crabtree successfully brought the first "right to die" case in Hawaii when he and his sister filed a petition in Family Court requesting permission to withdraw the feeding tube from their mother who had suffered a severe and debilitating brain injury that caused her to be totally and permanently disabled. The Family Court held that his mother did not want to be kept artificially alive, that her feeding tube did not provide comfort or pain relief, and that withdrawal of her feeding tube was consistent with state laws regarding medical



treatment issues. Furthermore, even if there was any doubt as to whether state laws prohibited the withdrawal of his mother's feeding tube, the Family Court held that his mother had a right to privacy under article I, section 6 of the Hawaii State Constitution. Following the Family Court's ruling, his mother's feeding tube was removed and she passed away. As a result of this experience, Mr. Crabtree has been involved in amending Hawaii's medical treatment decision laws and is committed to advising people on end-of-life medical treatment issues on a pro bono basis. He speaks to dozens of community, legal, and medical organizations statewide, advises and represents individuals, and provides consultation services for other attorneys who have questions in this area. In 1991, the *Honolulu Star-Bulletin* named him as one of the "Ten Who Made a Difference in 1991" and the Hawaii State Bar Association awarded him the Justice Award.

Mr. Crabtree is licensed to practice law in Hawaii and is active in the legal community. He currently serves as an arbitrator for the Court Annexed Arbitration Program; a member of the International Society of Primerus Law Firms, Plaintiff's Consumer Law Institute; an instructor for the Hawaii Professionalism Course, Solo Practice; the Hawaii State Coordinator for the National Association of Consumer Advocates; a panelist for the Hawaii State Bar Association Annual Update on Tort Cases; and a member of the Board of Directors of the Hawaii Association for Justice. He previously served as Vice-Chair for the Judiciary's Rule 19 Committee that conducts judicial evaluations and was a member of the Board of Directors of the Hawaii State Bar Association, Governor's Blue Ribbon Panel on Death and Dying With Dignity, and Planning Committee for the Citizens' Conference on the Judicial Selection Process. Also, for the past ten years, Mr. Crabtree has trained Judge Advocate General (JAG) offices on consumer protection issues, including automobile fraud, debt collection, and fair credit reporting. Lastly, he is involved in community youth baseball and organizes clinics twice a year to deliver the most current information available on youth baseball; the role of nutrition and physical and mental conditioning; and the importance of doing well in school and respecting opponents, coaches, and teammates.

Mr. Crabtree is a published author of legal articles relating to jury instructions in civil cases and effective prevention against legal malpractice in the *Hawaii Bar Journal* and articles



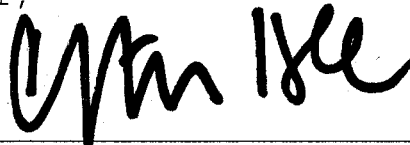
relating to the right-to-die issues in the *Hawaii Medical Journal*. He also contributes to *Personal Injury Judgments Hawaii* by preparing a Point of Law Index and publishes a regular blog of recent decisions and opinions of the Hawaii Supreme Court and Intermediate Court of Appeals.

Testimony in support of Mr. Crabtree's appointment commends his dedication to law, high degree of integrity, and willingness to share his insight on trial strategies and complex legal issues. Testifiers describe him as an energetic scholar and writer with a demeanor and temperament that is befitting of a good judge. He is described as one who listens carefully to all points of view, is compassionate and objective, and treats people fairly.

Accordingly, based on testimony submitted on his behalf, your Committee finds that Jeff Crabtree has the experience, temperament, judiciousness, and other competencies to be a Circuit Court Judge. He has a good sense of where the equities, rights, and responsibilities lie in a case, which is essential for a Circuit Court Judge.

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

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



CLAYTON HEE, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL
Consent

Gov. Msg./Jud. Comm. No.:* GM 1	Committee Referral: JDL	Date: 10-22-2014		
<input type="checkbox"/> The Committee is reconsidering its decision				
The Recommendation is:				
<input checked="" type="checkbox"/> Consent 2347 <input type="checkbox"/> Not Consent 2349				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
GABBARD, Mike	✓			
GALUTERIA, Brickwood	✓			
IHARA, Jr., Les	✓			
SOLOMON, Malama	✓			
SLOM, Sam	✓			
TOTAL	7			
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report. Clerk's Office Drafting Agency Committee File Copy				

* Only one Message/Communication per Record of Votes