

## MINUTES OF THE MEETING OF THE DEFENDER COUNCIL

DATE: November 2, 2023

TIME: 10:00 a.m.

Join Zoom Meeting

<https://us02web.zoom.us/j/84297143555?pwd=WFpWK253YytiVjN1RZTW1tUUZrZz09>

Meeting ID: 842 9714 3555

Passcode: 707487

MEMBERS PRESENT: Crystal Glendon (in person)  
Stanton Oshiro (in person)  
Gina Gormley (in person)

ALSO PRESENT: Randall Nishiyama, Deputy Attorney General (in person)  
James Tabe, Public Defender (in person and virtual)

Meeting called to order at 10:17 a.m. by Chair Glendon.

### Motion to Amend Agenda

Chair Glendon requested a motion to amend the agenda as follows:

1. Roll call
2. Approval of the Regular Session and Executive Session Minutes of October 4, 2023.
3. Approval of the Regular Session and Executive Session Minutes of August 4, 2023.
4. Report of the Public Defender
5. Public Testimony
6. Executive session pursuant to section 92-5 (a)(2), Hawai'i Revised Statutes, regarding discussion and possible selection of the Public Defender.
7. Possible announcement of the selection of the Public Defender.
8. Announcement regarding next meeting

Member Oshiro moved to amend agenda; Member Gormley seconded motion; motion approved unanimously.

### Approval of Minutes of Meetings held on August 4, 2023 and October 4, 2023:

Chair Glendon requested approval of minutes held on August 4, 2023 and October 4, 2023.

Member Stanton moved for approval of minutes held on August 4, 2023; Member Gormley seconded motion; motion approved unanimously.

Member Stanton moved for approval of minutes held on October 4, 2023; Member Gormley seconded motion; motion approved unanimously.

### Public Testimony:

At 10:21 a.m., Chair Glendon solicited public testimony.

The following individuals provided testimony:

- Darcia Forester, Deputy Public Defender
- Ryan Ha, Deputy Public Defender, support the selection of Craig Nagamine
- Andrew Fukuda, Honolulu Fire Department, support the selection of Mr. Nagamine
- William Hornuck, Honolulu Fire Department, support the selection of Mr. Nagamine
- Ben Creps, Civil Beat Law Center, expressed concerns that hiring sessions should be conducted in the open, requested hiring deliberations in open session

### Public Defender Report

At 10:33 a.m., Public Defender Tabe provided Public Defender Report

1. Bandwidth/internet upgrade for Oahu, Maui, Hilo, and Kona branch offices completed
2. Maui wildfire
  - a. Attorney was displaced from home
  - b. Initially, the Maui Office attorneys set up tent/table at Honokawai Park on Fridays to assist not only our clients but others seeking legal help. Also, helped people connect with social services. Several attorneys from other islands flew in to help.
  - c. The Lahaina Court assigned attorney are remaining at the courthouse after court session ended to assist people with their legal matters.

- d. Currently, Maui Office attorneys are working with the Maui Bar Association at the Lahaina Civic Center to not only provide legal advice, but to help people filling out government applications and connect them with service providers.
  - e. Maui Office Supervising Attorney is attending weekly meetings for “Maui Hope: Building a Systems Map for Legal Support Following the August 2023 Wildfires.”
  - f. The Maui Office is working on an outreach plan for the “tent city” in Kahului (near the airport) to support the homeless population displaced by the wildfires.
  - g. The Maui Office are defending individuals charged with cases arising from the wildfires, such a Breach of an Emergency Order.
3. Honolulu Community Outreach Court recognized as Team of the Year at the Department of Budget & Finance Incentive and Service Awards ceremony
  4. Attorneys participated in the HSBA Bench Bar Conference
  5. The annual Oahu Office Halloween party returned after a four-year hiatus.

Executive session:

At 10:38 p.m., Chair Glendon entertained a motion to enter into executive session; Member Gormley moved to enter into executive session; Member Stanton seconded motion; motion approved unanimously.

Council went into executive session at 10:39 a.m.

Open session reconvened:

At 11:54 a.m., Member Oshiro moved to reconvene open session; Member Gormley seconded motion; motion approved unanimously.

Announcement of the appointment of the Public Defender:

Chair Glendon reviewed the process of selecting the Public Defender:

The announcement for the Public Defender position was posted August 4, 2023 on HSBA website. Applications were due September 8, 2023. The Council received five applications. Once application was rejected for qualification reasons.

On September 13, 2023, a request for confidential comments for the applicants was sent out to the employees of the Office of the Public Defender and HACDL

(Hawai'i Association of Criminal Defense Lawyers) members via e-mail. The request for comments was also posted on the Office of the Public Defender website. Comments were to be submitted via a third-party website (JotForm), in which do not identify the sender. Alternatively, comments were also allowed to be submitted directly to any member of the Council.

The Council received 87 confidential comments via third-party website; a few direct e-mail message and a few direct phone calls were received. The e-mails and phone calls were shared with all council members and Deputy Attorney General Nishiyama.

The four applicants were interviewed on October 4, 2023, by quorum of council members.

Each applicant went through the same process. Each applicant was asked the same standard questions; applicants were also asked a set of questions tailored to them based on the confidential comments received. If the Council had further questions, the applicant was also asked to submit follow up responses. Each applicant responded in a timely manner.

Addressed the concerns raised by confidentiality and anonymity of submitting comments. Also addressed the possibility of "fake" comments. Assured that the comments will remain confidential and anonymous.

Chair Glendon requested a motion to proceed with the vote for the appointment of the next Public Defender; Member Gormley moved to proceed; Member Oshiro seconded the motion; the motion was approved unanimously.

Chair Glendon voted for Jon Ikenaga  
Member Oshio voted for Jon Ikenaga  
Member Gormley voted for Jon Ikenaga

Jon Ikenaga to be appointed the next Public Defender.

Next meeting:

Next meeting is scheduled for Friday, January 26, 2024, at 10:00 a.m. in person and via Zoom.

Adjournment:

Member Oshiro moved to adjourn the meeting. Member Gormley seconded the motion. Motion unanimously approved.

Meeting was adjourned at 12:05 p.m.