



September 28, 2023

The Honorable Richard Durbin
Chair, Committee on the Judiciary
United States Senate
711 Hart Senate Office Building
Washington D.C. 20510

The Honorable Lindsey Graham
Ranking Member, Committee on the Judiciary
United States Senate
211 Russell Senate Office Building
Washington D.C. 20510

RE: Micah W.J. Smith U.S. District Court Judicial Nominee for the District of
Hawaii

Dear Senator Durbin and Senator Graham:

The Board of Directors of the Hawaii State Bar Association (HSBA) appreciates the opportunity to submit comments on the nomination of Micah W.J. Smith for the position of Judge of the U.S. District Court for the District of Hawaii.

Prior to informing a confirming authority of its findings on a judicial nominee, the HSBA Board of Directors follows a multi-step review process.

- Notification to the nominee of the HSBA appointment review process, which includes a questionnaire requesting educational credentials, legal and other professional work experiences, personal references; a resume; redacted copies of applications and questionnaires submitted to other entities; a form authorizing disclosure from the Hawaii Office of Disciplinary Counsel of any disciplinary action; and an interview with the HSBA Board of Directors in Honolulu.
- Notification via electronic transmission to the HSBA membership of the appointment and a request for comments on the nominee.
- Appointment of a three-person review Subcommittee of HSBA Board members by the HSBA President, which serves as a neutral fact-finding body to review documentation submitted by the nominee, contact references submitted by the nominee, review comments received from the HSBA membership, and conduct follow-up member contact for clarification, if necessary, for presentation to the HSBA Board.
- Submittal of a report by the three-person review Subcommittee to the HSBA President, and subsequently to the entire HSBA Board.
- Meeting of the HSBA President and the nominee prior to the scheduled interview of the nominee by the HSBA Board.

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- Interview of the nominee by the HSBA Board.
- Deliberation of the HSBA Board which culminates in a qualified or unqualified vote.
- Submittal of the HSBA Board's recommendation to the confirming authority.

The HSBA President met with Mr. Smith on September 25th to discuss the Subcommittee's findings. On September 26th, Mr. Smith was interviewed by the HSBA Board of Directors in an executive session.

Documentation submitted by Mr. Smith was reviewed and all the references listed were contacted for their personal opinions and observations. The comments and letters received from HSBA members reflected an affirmation of Mr. Bennett in all categories of the HSBA criteria which include:

- Integrity
- Diligence
- Legal knowledge and ability
- Professional experience
- Judicial temperament
- Financial responsibility
- Public service
- Ability to fulfill the responsibilities and duties of the position

Mr. Smith has a remarkable life story. He grew up in public housing on the Island of Kauai, attended Kauai public schools, and then attended Lock Haven University of Pennsylvania, followed by Harvard Law School and a clerkship with United States Supreme Court Justice David Souter. After working in Washington D.C. and New York City for a decade, he returned home in 2018 to serve as an Assistant United States Attorney for the District of Hawaii. Upon returning, he immediately sought out pro bono opportunities, including serving as Co-Chair of the HSBA Delivery of Legal Services to the Public Committee, which focuses on access to justice and providing legal resources to indigent clients.

After the interview of the nominee, which included dialogue and questioning relating to his background, experiences, and reasons for pursuing the position of U.S. District Court Judge for the District of Hawaii, the Board of the Hawaii State Bar Association found Mr. Micah W.J. Smith to be **QUALIFIED**.¹

Sincerely,



Rhonda L. Griswold
HSBA President

¹ Please note that, unlike the American Bar Association, the HSBA findings are limited to determining whether a nominee is "qualified" or "unqualified." We do not have other rankings such as "well qualified."