

e news

FROM THE WILLIAM S. RICHARDSON SCHOOL OF LAW AT THE UNIVERSITY OF HAWAI'I



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to the Thirteenth issue of
the William S. Richardson
School of Law e-news.



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Stories by William S. Richardson School of Law Media Consultant Beverly Creamer, unless otherwise noted. Photos by Spencer Kimura '96 and Mike Orbito.

This Moment in History on January 6, 2021 Serves as a Stark Reminder of Democracy's Fragility

COMMENTARY BY DEAN CAMILLE A. NELSON

(As first published in the *Honolulu Star-Advertiser*)

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AT MOMENTS LIKE THIS, we realize that without the integrity of our democratic systems, and protections for the rule of law, we are vulnerable to impulses which would tear us apart.

At moments like this, we affirm that our disagreements and differences, while expected and perhaps unavoidable, should not devolve into violence toward each other, or to our democratic institutions and constitutional commitments. Indeed, there is utility in dissent and discussion which encourages us to live up to our constitutional mandates, and which furthers our aspirations for inclusive justice.

Dean Camille Nelson



Protest, if peaceful, is not antithetical to democracy. Indeed, as a nation, we have witnessed the power of protest in moving us towards greater civil rights in ways that have highlighted our shared humanity, not undermined it. And so, in moments like this, we must condemn the rejection of dialogue, as well as the violence that threatens the positive and healing virtues to which we should aspire.

At moments like this, we recognize the role of all who believe in the core values embedded in our Constitution. All of us, including our students who are our future leaders, are protectors of our democracy, with a special role to play in ensuring its longevity.

At moments like this, all those who love democracy, especially future lawyers and leaders, must recognize the responsibility we have, both to learn from the tribulations of this historical moment, and to help us move forward with integrity, humanity, and a true embrace of the power of the law to work for the common good.

Despite our isolation by virtue of the pandemic, and our own struggles and vulnerabilities within this challenging time, the light will begin to appear at the end of the tunnel in part through the work in which we engage to bring us closer together, not to alienate and separate us.

At moments like this, with Raphael Warnock becoming the first Black United States senator from Georgia, and the first Black Democrat from the South, and Jon Ossoff becoming the youngest member of the Senate in the 117th Congress, and the first Jewish senator from the state of Georgia, we recognize that January 6, 2021 will not soon be forgotten. These are impressive firsts, ones that will be written about in the history books. The insurrection in Washington D.C. dealt a devastating blow to the fabric of our democracy, as

“This moment reminds us to appreciate the power of words, to humbly acknowledge the fragility of our democracy, and to recommit to its tenets.”

well as to national security, and our international standing. It is also historic.

At moments like this, we must, therefore, analyze and study the events of the day, lest that fabric unravel, or be torn apart. There has been a desecration and a surreal collapsing of history. This moment reminds us to appreciate the power of words, to humbly acknowledge the fragility of our democracy, and to recommit to its tenets.

At moments like this, I am reminded that the ABA Model Rules provide that lawyers, are “...public citizen[s] having special responsibility for the quality of justice.” And that, “Lawyers play a vital role in the preservation of society.”

At Richardson Law we take this responsibility seriously. We are called to help ensure that we all understand the role and rule of law, the importance of critical thinking in our national dialogue, and to support the empowerment of leaders who will speak truth to power to preserve what is best about this country.

This is a teachable moment. It is a moment from which we should learn, including about ourselves. How we resolve to go forward will reverberate beyond our years. We have an opportunity to recommit to the word and the spirit of the Constitution. At this time of peril, legal education, and the role and responsibility of lawyers in upholding the law, and in pursuing justice is most evident. We have an opportunity to work toward unity, for peace, to recommit to inclusion and non-violence, and the setting of higher expectations for ourselves, and ultimately to healing.

At moments like this, we have an opportunity to signal and sound who we aspire to be, both to people within the United States, and to observers around the world. To remain whole, we cannot be divided, let alone against ourselves. ❖

New 'Business Boot Camp' Designed To Build Financial Acumen Among All Law Students

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THE LAW SCHOOL IS ENHANCING ITS strength in business law through a new series of "Business Boot Camps" whose inaugural session was offered to students via Zoom each evening during the week of spring break, March 15-19.

Initiated by Dean Camille Nelson and moderated by Professor Charles Booth, with assistance from Law Lecturer Garrett I. Halydier '15, the series offered an intensive group of lessons designed to provide students with a strong foundation in basic business concepts, as well as improve their financial literacy, and offer a preview of Richardson's business courses. Professor Booth is the Michael J. Marks Distinguished Professor in Business Law, and the Founding Director of the Institute of Asian-Pacific Business Law (IAPBL). He focuses on comparative cross-border insolvency and commercial law.

The Boot Camp also brought together key community leaders including judges, attorneys in business and real



Professor Charles Booth

estate law, as well as faculty members who specialize in business courses, to offer their insights and expertise.

In welcoming students Dean Nelson stressed the importance of the offering for each student's ability to navigate an ever more complex world where financial matters, tax code changes, debt and interest rates, and bankruptcy issues increasingly impact the work of attorneys. The course was made even more critical in the midst of a global pandemic that has shuttered businesses and devastated economies worldwide.

"The course also included instruction from Professors Nicholas A. Mirkay and Justin Levinson who led the students through the intricacies of setting up several imaginary technology companies..."

In the first session Professor Booth began by outlining basic concepts of financial literacy and discussed the importance of financial and business skill-sets. Additionally, bankruptcy Judge Robert J. Faris led a discussion of credit card debt and the management of credit scores. He returned later in the week to discuss basic personal and corporate bankruptcy concepts and to discuss the challenges of discharging student loans



Professor Nicholas A. Mirkay

in bankruptcy.

The course also included instruction from Professors Nicholas A. Mirkay and Justin Levinson who led the students through the intricacies of setting up several hypothetical technology companies with the idea of teaching students about business formation and corporate taxation concepts.

Professor Mirkay teaches several business courses including tax law courses, as well as Estates and Trusts. He is currently Director of Faculty Research but will step into the role of Associate Dean of Academic Affairs in the coming months. Professor Levinson teaches High Growth Entrepreneurship and Business Associates, among other courses, and practiced in Silicon Valley. He is also an authority on the field of implicit bias and the law and his articles have been cited repeatedly nationally and internationally. He is number 186 on the HeinOnline listing, an exceptional

recognition of his scholarship.

In the third session, Lauren R. Sharkey of the Case Lombardi & Pettit law firm, discussed how to read balance sheets, income statements, cash flow statements, and other corporate financial documents. Additionally Andrea K. Ushijima '13 introduced the students to real estate finance in the state and Professor Booth followed up with a discussion of secured transactions.

In the Camp's final session, attorney Ted N. Pettit '86 moderated an interactive panel to highlight how financial literacy and basic commercial skills help all lawyers, no matter what their area of expertise. The panel included commercial, civil, transactional and litigation attorneys from both small and large firms, with Professors Booth and Sherry P. Broder, Lea Hong '91, Director of the Trust for Public Land, and attorneys Pettit, Tod Z. Tanaka, and Miyoko Pettit-Toledo '15. ❖

Richardson Again Among Top 100 Law Schools with Big Gains in 2022

U.S. News & World Report Rankings

RICHARDSON SCHOOL OF LAW is again among the nation's top tier law schools in the new 2022 rankings by *U.S. News & World Report*, with the overall program remaining in the top 100, both the Environmental Law and Evening Part-Time programs being recognized with significant upward movement, and the Law Library lauded as one of the best. The 2022 ranking places both the full-time and part-time programs among the Best Graduate School law programs in the country out of 193 ABA-accredited law schools. It's a position that Richardson has consistently held for a number of years. A year ago the overall program was ranked 96th in the country; this year it moved to 98th, tying with the University of Buffalo-SUNY (NY), the University of Louisville (Brandeis) in Kentucky, and just a little behind the University of South Carolina.

The Environmental Law Program rose six points, to 24th in the country among 181 programs, compared to 30th a year ago. Meanwhile, the Evening Part-Time Program rose three points, moving to 28th place out of 70 programs, compared to 31st a year ago. Richardson's Evening program is "one of its hidden strengths," says third-year student David Case '21, noting that while he's not in that program he has shared many classes with students who are. "Their visible dedication, professionalism, and commitment to the learning of law is not only admirable," said Case, "but also inspires me to be the same."

The Law Library was also recognized with a ranking of 22nd out of all U.S. law schools—and ahead of highly ranked schools such as Columbia University and the University of Chicago. "I credit our excellent ranking to the collaborative work environment of our Law Library staff and faculty and their dedication to our students' success," said Law Library Director Vicki Szymczak. "We make the most out of any resources that come our way in an effort to boost curiosity about the law, and encourage rigorous research in our community."

Additionally, five other programs moved up dramatically, including:

- International law which ranked 62nd this year compared to 83rd a year ago;
- Constitutional law that moved to 76th place from 93rd a year ago;
- Business/corporate law that moved to 111th this year from 123rd a year ago;
- Health law, which ranked 104th this year compared to 112th a year ago;
- Tax law that leapt to 95th this year from 110th place last year.

"We are gratified that our Law School and its specialty programs are being nationally recognized for their excellence through the rankings. This has been a challenging year, yet because of the excellence of our faculty, staff, and students, the school continues to excel," said Dean Camille A. Nelson. "The dramatic improvements in so many areas speak directly to the dedication and professionalism of our faculty and staff, and the extraordinary commitment of our students. We are honored that, despite being one of the smallest law schools in the country, Richardson Law continues to have a powerful presence among the country's best schools for legal education."

Richardson is known for featuring small classes, plus a supportive family-like, yet professional atmosphere that builds strong relationships among faculty, students, alumni, and the larger community.

"For a small school to be recognized in so many diverse areas demonstrates the strength—and breadth—of our program," said Professor Daniel L. Barnett, Associate Dean for Academic Affairs. "We strive to provide a quality legal education that is on par with much larger law schools, and we are doing it! Our success is a testament to the dedication, hard work, and creative vision of our students, faculty, and staff."

Student support is also reflected in

the emphasis on assistance with bar exam preparation, as well as the low student-to-faculty ratio of 4.5 students per faculty, which puts Richardson on par with Yale and Stanford which have a 4.4 ratio, and Northwestern's Pritzker Law School which stands at 4.5.

"Small seminar classes allow us to cultivate community, even if it's on Zoom," says Student Bar Association President Gloria-Leilani Palma '21. "The relationships that we develop at Richardson are going to be life-long, and the Law School really provides us with a great launching pad so that by the time we are practicing, we have relationships to build on, and help us out when we need it."

"We are gratified that our law school and its specialty programs are being nationally recognized for their excellence through the rankings."

Palma also had high praise for the school's constitutional law courses. "Professor Freeman's teaching style incorporates current events that relate to topics discussed in class, which helped me retain concepts in Constitutional Law," says Palma. "She also encourages us to consider the social impacts that these laws have on our society."

"These rankings reflect, in part, a concerted effort recently to get the word out nationally about our faculty's impactful legal scholarship and other accomplishments," stated Professor



Guests gathered outside before entering during the 2019 dedication of the new Clinical building that expanded the community reach of the Law School.

Nicholas Mirkay, Director of Faculty Research. "The faculty is supported by our entire 'ohana—the Dean, the librarians, the staff, the students, and the local legal community. We are truly a distinctive and committed collective of teachers and scholars."

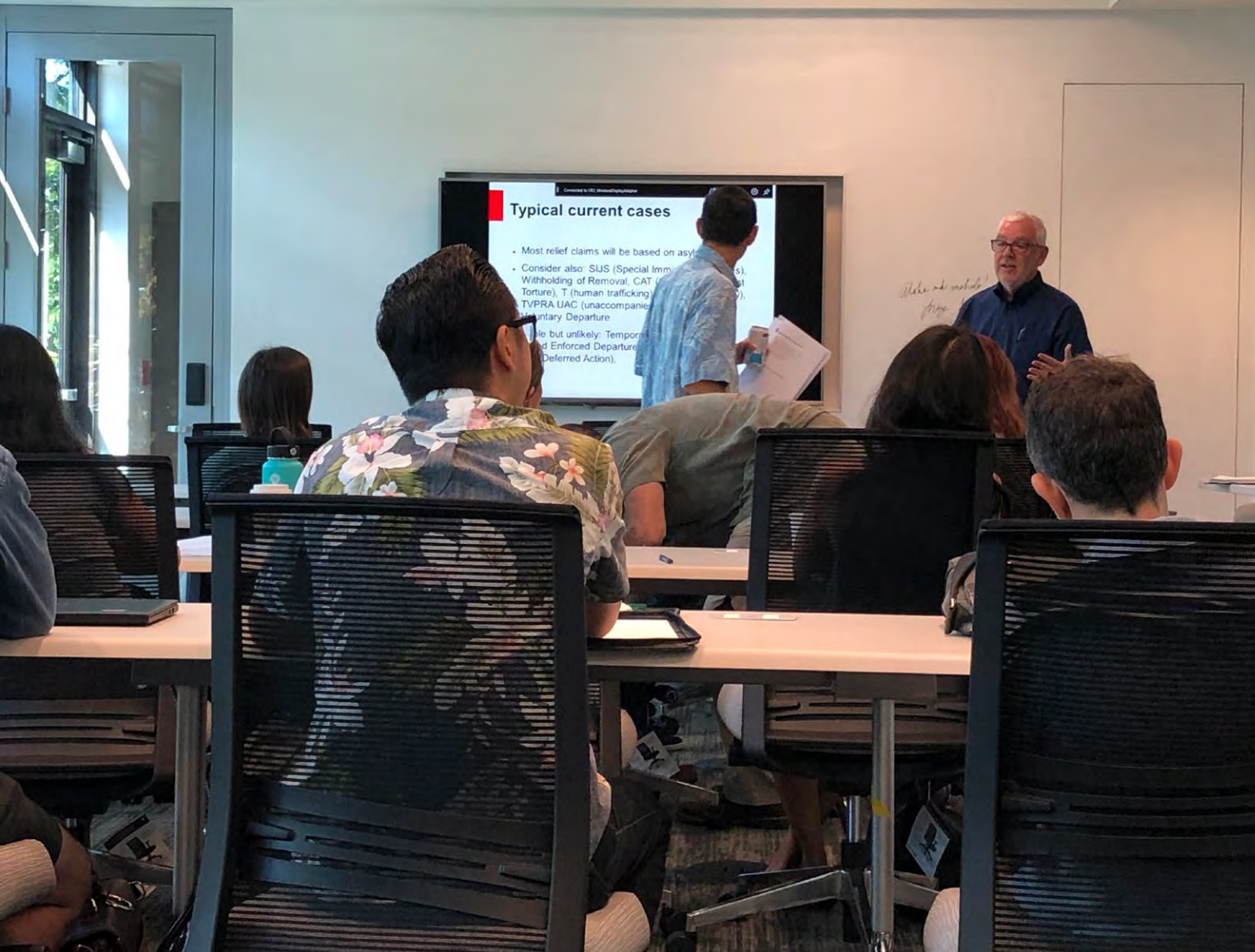
Third-year student Ellen Ashford '21 agrees. "Our faculty is on the cutting-edge in socially-minded research, highly regarded in their fields for good reason, and exceedingly accessible to students given our small class sizes and favorable faculty to student ratio," said Ashford. "The opportunity to develop meaningful, lasting relationships with so many members of our esteemed faculty is something I did not realize would be possible during law school."

In compiling its rankings, *U.S. News* uses a complex weighting system which includes such data as: bar passage rate for first-time test takers; number of

graduates employed at graduation and 10 months later; LSAT scores and GPA for incoming class; acceptance rates; student/faculty ratio; financial aid availability; school expenditures per student; and a newly revamped approach to measuring library resources. They also include two new placement indicators on graduate indebtedness.

The part-time rankings are based on four specific factors, including: LSAT and GRE scores; undergraduate GPAs of students entering in fall 2020; the breadth of the program; and the program's reputation among deans and faculty at peer law schools.

Overall rankings include a subjective reputational survey in which the deans, several faculty members at each school, plus lawyers, and judges in communities across the nation are asked to rate schools from marginal to outstanding. ❖



Fighting for Immigrant Children and Families Is Part of Richardson Law's DNA

ABOVE: Clinic Director John Egan '00 leads a workshop for volunteer attorneys in 2019 as the Refugee & Immigration Law Clinic began meeting in the Law School's new Clinical Building before the outbreak of the pandemic.

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TWO DOZEN CENTRAL AMERICAN asylum-seekers, some of them traumatized teenagers who have fled violence in their home countries, plus 'Dreamers,' families striving to be reunited, and two victims of human rights abuses from Africa seeking asylum, are all finding legal help thanks to Richardson Law School's Refugee & Immigration Law Clinic.

The clinic, one of the most recent creations at the UH Law School, is staffed by six law students and a recent graduate with a clinic Fellowship. They are all under the guidance of Clinic Director John Egan '00, who has spent the past two decades working on behalf of migrants struggling to find new, safe lives in the United States.

"Our young clients from Honduras and Guatemala range from 14 to 20 years old and they have mostly come unaccompanied across the Mexican border, some as recently as eight months ago," said Egan. "Some of them have experienced trauma on their journey so that's another difficult, challenging thing for our students. Being 'trauma aware' and trying to accomplish their legal goals at the same time is really putting students in the real world. 'Trauma-informed practice' is the term they're using for this."

Taylor Brack '19, who has been working with Egan through a fellowship since passing the bar exam, and who was also helping during her third year at Richardson, is assisting not only with the cases but also in teaching current students.

"The highly-politicized nature of the law that we practice as well as the rapid and dramatic changes in federal immigration policy that have occurred, particularly in the past four years, makes it extremely challenging to navigate, especially as a new attorney," says Brack. "Trying to attain a satisfying resolution for our most vulnerable clients—a resolution that helps them to achieve some measure of safety, dignity, and hope—becomes harder and harder in this kind of environment."

Despite setbacks in the local Immigration Court, none of the clinic's clients have received final deportation orders. Moving now to the appeal stage, Egan and his team are hopeful. "We had a case that started two years ago and we just recently 'briefed' that case to the Board

of Immigration Appeals, and it may take another year to get a judgment," he said.

"And if we are not successful at the Board, we would take that case to the Ninth Circuit Court of Appeals. At that point the case jumps out of the administrative law side and into the actual judiciary. The Immigration Courts and the Board of Immigration Appeals are not part of the Article III judiciary. They are employees of the Department of Justice and tend to follow Executive branch

"What I personally hope to see is undocumented people being recognized as an integral and valued part of the community."

policy directives, which have been pretty challenging the past four years. But our clients are remarkably resilient and we've told them we're willing to take their cases as far as we reasonably can."

With the recent change in the national administration, Egan and his students have renewed hope that their clients may find relief.

For her part, Brack would also like to see a change in the system for immigration cases. "Through the years, there have been numerous proposals for substantive and comprehensive reforms to immigration law," she says. "I personally would like to see Immigration Courts become Article III courts and for there to be a straightforward, legal



Taylor Brack '19

pathway for citizenship for the millions of undocumented people living in the United States."

Brack would also like to see additional resources offered to undocumented immigrants.

"What I personally hope to see is undocumented people being recognized as an integral and valued part of the community," she said. "Aside from serious legal reforms, I think undocumented people in Hawai'i could benefit from more access to community resources.

For undocumented people who are pushed to the margins, they often live very isolated and under-resourced lives. This situation presents our clients with many barriers when it comes to working with legal service providers and though our Clinic works very hard to help clients to overcome certain barriers, we cannot do this work alone."

Brack said the Clinic already depends very heavily on a number of churches that provide outreach to individuals and families who live on outer islands. Nonetheless, she added, "Our work at the Clinic could greatly benefit from our clients being able to access culturally competent mental health services and other social support services."



Students in the clinic in 2019 meet with Hawai'i U.S. Sen. Mazie Hirono at the Law School.

In response to some of these needs, community members have been stepping up to assist in these efforts. That includes several attorneys from the Cades Schutte and Denton's firms, as well as several churches whose congregations are contributing funds to fly Neighbor Island clients back and forth to court appearances, as well as pay for ground transportation. Harris United Methodist Church has declared itself a sanctuary, and is providing sleeping space if clients need to stay overnight. First United Methodist Church is offering space for citizenship workshops, and the office of Social Ministry with the Catholic Diocese has helped with citizenship

programs as well as outreach to Spanish-speaking parishes. Additionally, faculty and students in the university's own Spanish Department are supporting clients as volunteer translators.

With the difficulty of arguing cases before Immigration Court, the team plans on taking them to the Board of Immigration Appeals. The Board is headquartered in Virginia just outside D.C. and appeals from Immigration courts across the country come to it. "Right now none of our clients have been deported, and any or all of them would likely have been deported without having legal representation," says Egan.

The COVID-19 pandemic is creating additional difficulties in representing asylum-seekers. For instance, at a recent hearing Egan and his client were in one courtroom, the judge was in another linked by video camera, the interpreter was on the East Coast linked by telephone, and the Department of Homeland Security attorney was in a fourth location, also linked by phone.

"It changed the dynamics of a hearing to have people scattered," said Egan. "One of the items up for consideration is the credibility of the applicants, and any witnesses. The judge is expected to make a credibility ruling and the typical criteria includes not only looking at doc-

uments and hearing testimony, but also observing the demeanor of the person testifying, and that's very different with a video camera hearing. It's difficult to catch the nuances. It gives the client an additional challenge. For most of our clients who come from poor rural communities ... just being in a courtroom at all is very unnerving and often disorienting. So to be trying to tell their story to a camera is a very new experience."

Despite the pandemic and the difficult situations it has created for court appearances, the cases are moving forward, according to Egan.

"The cases are still going on and we're still getting notices every day at the Law School and having to write memorandums and motions and briefs even though the rest of the world seems to have come to a stop. The government's efforts to deport aliens has not stopped. We're hoping to see changes under the new administration, but they won't come overnight."

Despite the challenges, Brack has been encouraged. "I have had to approach this tumultuous period in my legal career with a lot of humility and patience," she said, "and the people I have been privileged to work with have helped me tremendously. In these past two to three years, our clients have taught me so much about the type of attorney I want to be. For one, I have learned that tenacity and empathy can take me very far when dealing with difficult circumstances outside my control. Despite the frustrations I have experienced, I feel our work is not in vain."

While the asylum cases are a substantial caseload to handle, they are just a small number of the migrants in Hawai'i who may need help. There are no solid numbers, said Egan, but the total could be as high as 500 individuals.

"At this point," he said, "unless we get additional resources, we are pretty much maxed out." ❖



Clinic students sharing their concerns on immigration issues with Sen. Hirono.



UH Law Earns Top Rankings from 2021 Princeton Review, including #2 for Minority Students

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THE WILLIAM S. RICHARDSON SCHOOL OF LAW at the University of Hawai'i has again received top rankings among the nation's outstanding law schools by the 2021 edition of *The Princeton Review*.

Richardson Law was included among the nation's 167 best schools and was recognized specifically with the following rankings:

[Best for State and Local Clerkships](#)

#6

[Greatest Resources for Minority Students](#)

#2

[Most Chosen By Older Students](#)

#5

[Most Diverse Faculty](#)

#4



Graduates at commencement exercises in 2019, before the pandemic.

"We are pleased and honored that *The Princeton Review* has listed Richardson Law School as one of the best law schools, and has again recognized some of the many areas in which we excel and lead," said Dean Camille Nelson.

She added, "Our professors are recognized for their excellence in teaching, as well as their important scholarship, and impactful public service. The students are extraordinary, and are committed to transformational legal work – they are committed, diligent, and driven to make a difference. Together with our exceptional staff, the faculty and students make Richardson Law a truly unique and special place."

The top 10 law schools in each of 14 categories, were ranked using surveys of 14,000 students attending the law schools, as well as administrators of those schools.

The student survey asked students to rate their schools on dozens of topics and report on their school experiences. The student surveys were conducted over the last few academic years, and, on average, 113 students at each law school were surveyed.

The survey of law school administrators included questions covering such topics as academic offerings, admission requirements, and graduates' employment.

"Every one of the 167 law schools we chose for our 2020 'Best Law Schools' project offers an outstanding academic program," said Robert Franek, Editor-in-Chief of *The Princeton Review*.

"The schools vary considerably, however, in their offerings and campus culture. Our purpose is not to crown any single law school as 'best' overall

"Our professors are recognized for their excellence in teaching, as well as their important scholarship, and impactful public service."

or to rank the schools from 1 to 167, hierarchically."

UH Law Dean Nelson noted that she is especially proud of the high quality of students and faculty at Richardson, and the education the school provides.

"Legal education at Richardson is one of the most nurturing, diverse, and robust academic experiences provided by a law school and includes excellence in Asian-Pacific Law, Environmental Law, and Native Hawaiian Law, along with many other opportunities for study and learning," Nelson said.

Franek said that *The Princeton Review* knows that applicants are mainly concerned with finding the best law school for them which is why the education services company reports multiple categories of law school ranking lists.

"Each of our lists sheds light on a distinctive aspect of law school campus culture or administrative offerings that applicants have told us matters to them," said Franek. ❖



The new Clinical Building

UH Law Tops Nation's Law Schools As the No. 1 for Asian Students in Spring *PreLaw* Magazine survey

THE UH LAW SCHOOL has again topped the nation as the best law school for Asian students in the new survey released in the Spring 2021 issue of *preLaw* magazine.

The magazine ranked the top 25 law schools in the nation, with the William S. Richardson School of Law continuing to lead the country, with 50.1% of its students identifying as either Asian or Native Hawaiian.

Additionally, 41.7% of the faculty are identified as being members of a minority group.

PreLaw's methodology included: grading schools based on the percentage of students in each ethnic group (50% of score); the percentage of minority professors (25% of score); and diversity services offered by the school (25% of score.)

Law Dean Camille Nelson noted that Richardson's diversity is an important strength, bringing together students with a rich array of backgrounds, interests and perspectives.

"Our diversity is intrinsic to our excellence," said Nelson. "We welcome the



Law graduates Kaitlyn Iwashita of Waipi'o, O'ahu, and Cheyne Yonemori of Hilo, after the Andrews Amphitheater Law graduation ceremony in 2019, before the pandemic.

recognition of the diverse and inclusive excellence that makes Richardson Law a special place to learn to be a legal professional ready for the world's opportunities and challenges."

In the same spring issue, Richardson Law School earned an 'A' grade for its International law program, and was listed as one of the top 25 law schools for all clerkships, with 23.2% of its graduates finding clerkships.

Richardson was among 13 schools earning As for international law, among a group of schools that included Cardozo School of Law, Duke University, Fordham University and the University of Michigan.

Meanwhile, the clerkship record puts Richardson 17th among an equally powerful list of schools whose students serve in the judiciary after graduation. The list included such schools as Stanford Law School, the University of Chicago, the University of Maryland, and Rutgers Law.

"Clerkships are prestigious, and they help graduates learn the inner workings of the judicial bench," points out the magazine article. "Students get hands-on experience with all the players in the courts, including judges, prosecutors, defense attorneys, trial litigators, and support staff. Plus, there's the research, the writing, and the focus on how the court process is managed." ❖

Professor Justin Levinson Ranked as 186 On HeinOnline List of Top Legal Scholars



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PROFESSOR JUSTIN LEVINSON'S

ground-breaking research on implicit bias in the criminal justice system has launched him into the rarified strata of the HeinOnline database ranking listing the top 250 most cited legal scholars.

Over the past five years, Levinson's work on implicit bias has been some of the most cited in an area of law. His scholarship has gained national stature and importance especially as the Black Lives Matter movement gained strength.

"Professor Levinson is listed at 186

Professor Justin Levinson

which is an incredible testament to the impact of his scholarship,” said Dean Camille Nelson. The position places him among legal scholars from Yale Law, Harvard Law, University College London, Columbia University School of Law, and many other top ranked law schools.

Levinson has been doing research on this area of social impact law since 2007 when his first study on the topic – “*Forgotten Racial Equality: Implicit Bias, Decision Making and Misremembering*” – was published in the Duke Law Journal.

“In that article, I investigated whether judges and jurors misremember case facts in racially biased ways,” Levinson explains. “The study I conducted showed that, indeed, people’s memories often function in stereotype-consistent ways, a finding that raises deep concerns for a system that we already know has major problems.

“I then expanded my work to investigate the ways that implicit bias functions throughout the criminal justice system and beyond,” said Levinson. “In 2014, I began a series of collaborative projects examining how implicit racial bias may function within death penalty cases. The first article in that series was called ‘*Devaluing Death: An Empirical Study of Implicit Racial Bias in Six Death Penalty States*,’ and was published in the NYU Law Review in 2014. That study found that jury eligible citizens harbored negative implicit biases related to the value of human lives, and that racial preferences seemed to automatically influence the fundamental understanding of human lives and worth.”

That work has recently been included in judicial decisions on the death penalty, including in the United States Supreme Court (dissent in *Glossip v. Gross*), by the Connecticut Supreme Court, and most recently by the California Supreme Court in August 2020. It

comes at a time when the debate over racial disparities in the death penalty is particularly active.

“Last year,” said Levinson, “the UC Davis Law Review published the results of a recent collaboration that examined whether implicit biases are present in the basic elements of punishment theory. That study investigated whether retribution and mercy in particular are implicitly and automatically associated

“Professor Levinson is listed at 186 which is an incredible testament to the impact of his scholarship.”

with racial bias. Our study found that indeed people’s fundamental understanding of punishment is intertwined with racial stereotypes on a core level. These results are contextualized within other studies I have conducted, including one finding an automatic association between Black Americans and criminal law guilt, and another finding that skin tone bias can affect the way that ambiguous case evidence is interpreted.”

Levinson said one of the most intriguing studies he conducted was a collaboration with a then-sitting federal judge to test implicit biases of 180 sitting United States federal judges.

“Because by that point, research on anti-Black implicit bias was well estab-

lished, we tested whether judges held less-studied implicit biases, specifically related to Asian Americans and Jewish Americans,” said Levinson. “We found that, indeed, sitting federal judges held negative implicit stereotypes about Asian Americans and Jewish Americans, and that these stereotypes may affect judicial decision-making.”

Levinson connects the recent scholarly popularity of implicit bias research to decades of pathbreaking work published by legal scholars, including Critical Race Theorists. He emphasized the connection of his own work to those who preceded him in the legal academy, including several “superstar” colleagues at Richardson Law School.

“My scholarship has benefitted immensely from the work and mentorship of my amazing colleagues,” notes Levinson. “When you think about the collective scholarly impact that Charles Lawrence, Linda Krieger, Mari Matsuda, and Eric Yamamoto have had on the field, it’s mind-blowing. So much of my work has been inspired by their scholarly leadership and I’m honored to be part of this wonderful faculty with them.”

While it was less common to be doing empirical legal research when Levinson first began examining implicit bias through a legal lens, both fields have become much more central to legal discourse. “The fields of empirical legal studies and implicit bias scholarship have been gaining in popularity for some time,” said Levinson. “But I think the biggest surprise is that courts increasingly understand its importance and are citing this work now.” ❖

30th Anniversary Year for UHELP Chronicled in Hawaii Bar Journal

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FOR 30 YEARS Professor James H. Pietsch and Faculty Specialist Lenora Lee have taught law students about the needs and concerns of the elder community—while also providing important legal advice to Hawai‘i elders, including older veterans. Additionally volunteer community attorneys have worked with the program to increase its reach.

UHELP—the UH Elder Law Program—handles several hundred cases a year, as well as conducting extensive

community outreach services such as providing educational seminars for elder groups, caregivers and service providers. During the coronavirus pandemic much of this activity has been done by phone, or electronically, including via Zoom. Individuals may qualify for UHELP services if they are



UHELP leaders Professor James Pietsch, right, and Faculty Specialist Lenora Lee, left, with former secretary Roberta Hironaka, and Chief Justice Richardson in the early days of the program.



Chief Justice Richardson and Professor James Pietsch with kupuna participating in the program. CJ often visited with the UHELP team before his passing.

older and are socially or economically needy, or if the individual is a caregiver of an older person and needs legal assistance on behalf of the older person.

Just before Halloween each year, the team offers the “Nite of the Living Will”—a free seminar that provides information on advance directives, and offers other assistance in managing aging issues. Additionally, UHELP has produced a series of legal handbooks that explore issues and concerns for Hawai‘i’s older persons, families and caregivers. The latest handbook can be accessed on UHELP’s website, www.hawaii.edu/uhelp.

In the February 2021 issue of the Hawaii Bar Journal Pietsch traces

“By 2035, there will be 78 million people 65 years and older compared to 76.7 million under the age of 18.”

the story of the clinic and the Elder Law Program at the Law School from its start in 1991 until today, when the coronavirus pandemic has stimulated a massive increase in reports of elder abuse. Pietsch explains that the pandemic has especially impacted older people, increasing their feelings of social isolation and depression, and making them more susceptible to abuse and undue influence.

Over those three decades the clinic staff and leadership, working in conjunction with interested students, and volunteer community attorneys, have helped more than 25,000 elders, their families and caregivers handle the myriad issues of aging in Hawai‘i.

Pietsch points out that by 2030 all baby boomers will be older than 65. As a result, this will expand the older population so that one in every five residents will be of retirement age.

“By 2035, there will be 78 million people 65 years and older compared to 76.7 million under the age of 18,” writes Pietsch, citing data from the 2017 U.S. Census Bureau’s National Population Projections.

Pietsch notes that “Coronavirus disease 2019 (COVID-19) continues to impact older adults disproportionately with respect to serious consequences ranging from severe illness and hospitalization to increased mortality risk....[and] highlights the necessity for legal planning for the future including the widespread and urgent need for all adults to engage in advance care planning discussions and create an advance directive,” citing an article in the Journal of American Geriatrics Society.

Pietsch writes that while elder law has been part of the legal landscape in Hawai‘i for more than 40 years, there is often no clear understanding of this unique field of practice. He points out that attorneys who handle elder law may handle a range of issues, but usually have clients who are older. Alternatively the clients may be representatives, or caregivers, of older persons.

“Over the years the national Academy of Elder Law Attorneys (NAELA) has developed a more expansive definition of the concept of practice in the field of elder law which now specifically includes the needs of disabled persons and veterans, in addition to its traditional focus on older

persons,” writes Pietsch.

The origin of the Elder Law program was in the Senior Citizens Unit of the Legal Aid Society where Pietsch and Lee had expanded services to older citizens under a federal grant administered through the City and County of Honolulu and had begun to offer elder law-related courses at the Law School. An agreement among the Law School, Legal Aid Society of Hawai‘i, and the City and County of Honolulu Elderly Affairs Division created a new program at the Law School with additional grants and three objectives, said Pietsch:

- To provide law students and other students substantive courses in Elder Law and related topics, including Health Law and Bioethics.
- Provide law students an ability to participate in a clinical education

program involving real clients and real cases.

- To provide direct legal services to older persons as a community service.

That original agreement—and Pietsch and Lee’s leadership and commitment—has more than succeeded, as the Bar Journal article shows.

As Pietsch writes: “UHELP has a long history of advocating for older persons in our community and in teaching future generations of legal and healthcare providers in our community, nationally, and internationally. Although UHELP is proud to be celebrating its 30th anniversary at the Law School, much work remains to be done in educating our community about law, aging, and medicine, and in combatting elder abuse, neglect, and exploitation, and even disappointment at the end of life.” ❖



UHELP team, Professor James Pietsch and Faculty Specialist Lenora Lee with U.S. Rep Patsy Mink, and former secretary Roberta Hironaka.

Dina Shek '06 Uses 'Rebellious Lawyering' To Build Legal Skills for Micronesians in Hawai'i

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LEGAL DIRECTOR DINA SHEK '06 calls it "rebellious lawyering," to define the technique she and staff use in the Medical Legal Partnership for Children in Hawai'i to create resilience and strength for clients with whom they work.

"Rebellious lawyering is really about honoring what your clients bring to the table, and uplifting their knowledge and power through advocacy. It's not how we can fix the problem, but how they can be their best advocate and invoke their legal rights.

"One thing we've done is create and teach 'advocacy academies,'" continues Shek, a co-founder of the partnership. "You should know your legal rights and what to do with your legal rights."

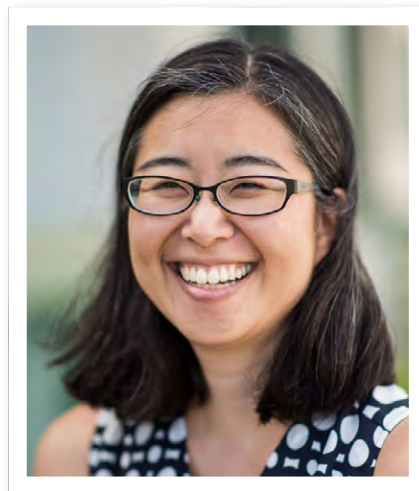
A sewing class for Chuukese women became one of these academies, and Shek explains that in it the women learned to role-play as a way to practice using legal skills. "We would have one person say out loud 'I need an interpreter.' And practice saying that," she said.

"Role-playing is valuable and through that people felt they could invoke their legal rights. For instance, how do you ask for something in writing? Or what if a person is rude to you? Through this training people felt they could assert their rights and that they knew how to do it."

"Through this training people felt they could assert their rights and that they knew how to do it."

Often, says Shek, her team will hear about how one of their clients has put some of their new skills into practice. "One of our participants was in a doctor's office and told another woman to make sure to ask for an interpreter. I love how many of the people we've trained also use that knowledge to help other people."

The Medical-Legal Partnership was formed a decade ago, inspired by a concept Shek heard about at Richardson, and then supported by the law dean, and by her own concern for Hawai'i's immi-



Legal Director Dina Shek '06

grant Micronesian community and their lack of legal services. Partnering with Kokua Kalihi Valley Comprehensive Family Services Shek joined forces with the clinic's medical care staff to provide holistic legal coverage for medical clinic clients.

The legal group serves about 100 clients annually but those numbers have tripled with the pandemic, and Shek has been utilizing a zoom video conferencing channel at the health center to respond to the need. Nowadays she and her team continue to provide Tuesday and Thursday Legal Advocacy Clinics alongside the KKV Pediatrics Clinic to address the legal needs of Kalihi families.

"Our work is about addressing people's legal rights and supporting their capacity to lead themselves," says Shek, "and this means doing all we can to support their knowledge and power." ❖



Dean Camille Nelson

Leading Women: Dean Camille Nelson Advocates For Fairness and Opportunity in BANKOH profile

D DEAN CAMILLE NELSON was profiled on the Bank of Hawaii website as part of the financial institution's ongoing series about women leaders in the community. The story appears in the Insights & Stories section. Find it at this link: <https://www.boh.com/insights/leading-women-dean-camille-nelson-on-advocating-for-fairness-and-opportunity> ❖

New Book with Cartoon Captions Brings Guffaws To a Serious Legal Evidence and Trial Issue

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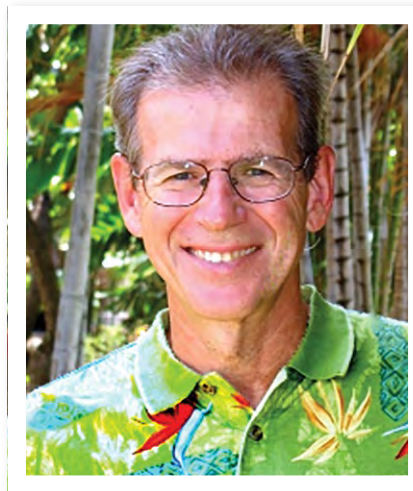


"What a coincidence, my lawyer had Barkai for evidence too!"
 "I think I'll be getting out soon. My new lawyer had Barkai for evidence."
 "You know Larry, I don't think I'd make the best character witness."
 "My lawyer was wrong! That stuff was admissible the whole time."
 "Next time you should hire one of Barkai's former students. I didn't either."
 "I'm telling you it was all prejudicial."
 "I'd like to add you to my Professional Network on "LinkedIn."
 "No way! My ex-wife was the prosecutor's witness too!"
 "I accidentally texted the getaway driver on Facebook, and the prosecutor "liked" my post."

CONTINUED ON PAGE 23

▶ **FOR 40 YEARS** Richardson Professor John Barkai has been testing his evidence classes by asking them to caption cartoons that involve evidence and trial issues. Those cartoons— with the bulk of the captions written by students, and the remainder by Barkai himself—make up a new book available on Amazon that offers a hilarious and somewhat light-hearted view of these serious issues. The book is called *"Humor in Trial Evidence: Cartoon Caption Contest Winners and Challenges from My Evidence Class."* Additionally, Barkai has photo-shopped more than 70 professional

colleagues into these cartoons. One includes all seven deans he has served under during his four decades plus two years teaching at the William S.



Professor John Barkai

Richardson School of Law.

"My main interest in publishing this book is to get the cartoons and captions to law school evidence professors to use in their classes," says Barkai. "However, any lawyer or law student who has ever had to dig deeply into the rules of evidence should get some laughs from

this book.

"Even if you have never read the Daubert, Crawford, or Hillmon cases, or never heard of the residual exception to the hearsay rule, you may still understand the humor in many of the captions," he says.

The book contains almost 900 of the best original captions written by students on his evidence and litigation final exams. The headshots of Richardson faculty that show up in the cartoons replace the original faces in cartoons for which Barkai did not have copyrights. For some cartoons he purchased rights; for others he was gifted the rights; and for others he had a research assistant draw some new images.

Barkai is giving e-copies of the book to evidence teachers and telling them that they are free to share the e-copies of the book with anyone they want.

And he has told colleagues at Richardson that they, too, can share e-copies. If they want a hard copy, the book is sold at cost for less than \$5 on Amazon. He is taking no profit so sales do not benefit him.

Interested persons may find this and Barkai's other evidence books on Amazon by searching his name. ❖

CONTINUED FROM PAGE 22

"You tell me. I got a C+ in Evidence."
 "Look how far we got without really knowing evidence."
 "I don't know either. I say we just flip a coin and go with it."
 "If you think this is bad, you should have taken Barkai's evidence final exam."
 "For the life of me, I have no idea what is admissible. I just fake it."
 "I think black is your color."
 "This is taking too long. Can't we just judicially notice that he's guilty?"
 "How dare they say my brain is an ancient document?"
 "No, I wasn't paying attention either."
 "So, I asked my son about the dent in the car and he replied, "Subsequent remedial measures are irrelevant."
 "I wish I had paid more attention in Evidence class."

The 7 Law School deans that Professor Barkai has worked for at Richardson Law.



How to Zoom with the Best of Them —Law School Expert Offers Tips For Great Presentations

WITH BUSINESS IN EVERY SECTOR increasingly determined by digital connectivity, how you look has become a growing and important part of the on-screen equation. But making a great Zoom impression takes more than pulling on a fresh shirt.

So should you be thinking about your shiny face and whether it looks like you slept well?

“Absolutely, and much more,” says Elisabeth Steele

Hutchison, Director of Admissions at the William S. Richardson School of Law, who has been the point person for training faculty and staff for Zoom teaching and conferences, and is now teaching others across the country and the Pacific.

Recently Hutchison presented a webinar to more than 500 registrants to the New York State Bar Association, with other presentations coming in the weeks ahead, including a presentation for the Continuing Legal Education Association of Australasia.

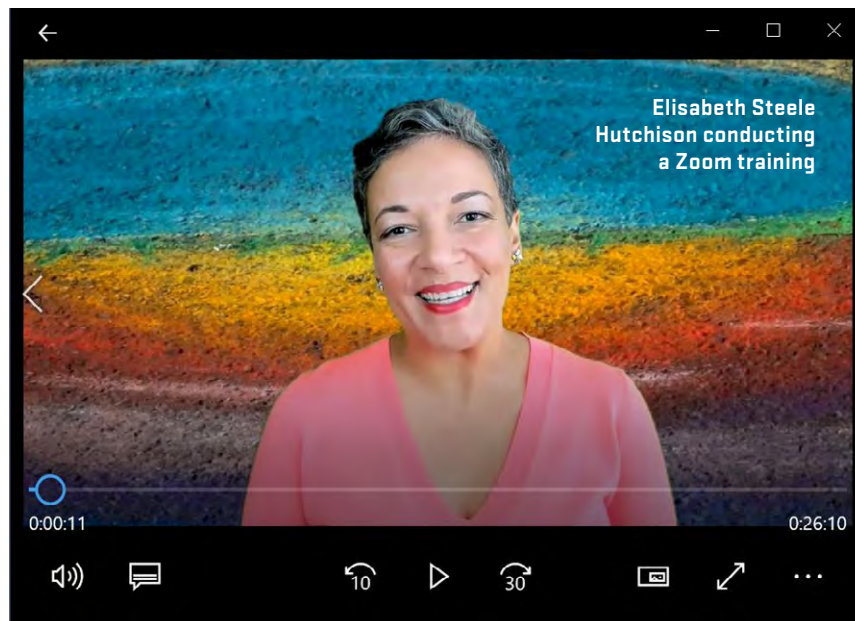
In 2020 Hutchison chaired the Richardson Law School’s COVID Task-Force Subcommittee on Online Instruction Readiness, to teach law professors and legal professionals how to feel more comfortable on (web)camera. But now she is also

assisting state bar associations as far away as Texas and the East Coast, national law networks and legal conferences, and college and university professionals in fields other than law.

Her teaching highlights the work of cinematographers, YouTubers and online gamers of color.

Hutchison offers these 10 tips as a starting point:

- ① Drink lots of water before, during, and after your video conference.
- ② Brush your teeth with baking soda to whiten them.
- ③ Splash cold water on or mist your face before and between calls to reset.
- ④ Massage your face with a jade roller chilled in the freezer or ice cubes.
- ⑤ Use eye drops to whiten the whites of your eyes.
- ⑥ Apply a light, non-greasy moisturizer to your face.
- ⑦ Blot any shiny places.
- ⑧ Apply tinted lip balm to define your lips.
- ⑨ Clean your eyeglasses and webcam lens.
- ⑩ Brush your eyebrows. ❖



Hybrid Graduation Ceremony Schedules UH Law School for 6 p.m. May 13 at Bachman



AS THE UH ADMINISTRATION continues to pivot with each new phase of the pandemic, graduations are shaping up as hybrid entities this year, with the opportunity for students to wear their graduation regalia, lei tributes and have their photos taken.

In a complex and intricate plan, the University of Hawai‘i at Mānoa commencement planning team has stitched together an elaborate template that will allow the students of every college to individually walk-through a line-up at Bachman Hall to have photos taken with two friends or family members, and then receive a certificate from their dean or college administrator—who will stand behind a plexiglass barrier.

Photographers will also be on hand to take photos of the diploma moment in front of the Bachman Hall mural, and then another shot in front of a green screen as the graduate exits the Bachman courtyard and building. Graduates will be able to choose

the background they prefer to put behind their green screen photo.

The William S. Richardson School of Law is scheduled for its photo option walk-through at Bachman Hall at 6 p.m. on Thursday, May 13. Three colleges or professional schools will have their hybrid option that same day, with the John A. Burns School of Medicine at 5 p.m., and the School of Architecture at 7 p.m. just after the Law School.

“It’s open air, and the line will snake through the courtyard and then overflow to the lawn if needed,” said Lori Y. Furoyama, who is in charge of graduation planning in the Office of the Vice Chancellor for Academic Affairs.

The colleges will continue, one at a time, through Sunday, May 16.

The planning committee conducted a student survey in March asking if students would attend a hybrid ceremony where they would be able to take photos and receive a diploma while their names are read. The response was very positive, with most students saying they would attend.

Each graduate will be able to bring two guests, said Furoyama, and parking will be available in the quarry structure. The graduation speeches will be pre-recorded and posted on the UH website. ❖

Bachman Hall

ELP Director David Forman '93 Celebrates 30th ELP Anniversary and a New Book



Legal Actions for Future Generations

Emilie Gaillard & David M. Forman (eds.)

Normandy Chair for Peace
Future Generations, Peace & Environment

PETER LANG
EDITION SCIENTIFICS PUBLISHED INTERNATIONALLY

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ENVIRONMENTAL LAW PROGRAM

Director David M. Forman '93 has much to celebrate. The program is celebrating its 30th anniversary this year – and is in the process of reimagining its future – and he has recently published a new book.

Among other events, the anniversary celebration brought together environmental law experts in April to weigh in on the program's future. They included: former UH ELP Law Professor Shalanda Baker, who is now the first Deputy Director for Energy Justice & Secretary's Advisor on Equity at the U.S. Department of Energy in Washington, D.C.; U.S. Sen. Brian Schatz; and Julia Olson, the lead plaintiffs' attorney in the *Juliana v. United States* climate case which alleged the government violated the rights of young people to a safe climate.

As part of the 30th anniversary celebration, attorney Olson reflected on the Oregon case she argued involving the

rights of the younger generation to have a climate that is safe.

Meanwhile, Forman's new book, written with environmental law academic associate Emilie Gaillard from France, looks at the passage of environmental laws impacting unborn future generations. Co-author Gaillard is an environmental law lecturer at Sciences Po Rennes, and general coordinator of the Normandy Chair for Peace led by Tony Oposa.

Their book - "*Legal Actions For Future Generations*" - published by Peter Lang International Academic Publishers, begins with the landmark 1993 *Oposa v. Factoran* case in the Philippine Supreme Court which paved the way for legal action on behalf of future generations.

That case involved a class action suit by several children with the last names of Oposa who sued the Secretary of the Department of Environment and Natural Resources (DENR) to cancel all timber licensing agreements and stop the cutting of the country's remaining rainforests. They filed suit on the basis that they, and future generations, have a right to a healthful ecology, and that includes renewal and conservation of the country's natural resources, including forests, minerals, land, waters, fisheries, wildlife and offshore areas.

Using that case as a springboard, Forman and Gaillard look at new ways of conceiving justice which are evolving in order to protect future generations. They note that the case in the Philippines heralds a new era in legal action throughout the world. And they set out to answer certain questions, including: Is it possible to take legal action on behalf of future generations, and if so on what legal bases could this occur? They also explore what scientific or legal fields have already been successfully used in this regard, and whether there are other bases upon which such legal action could be taken.

They also note that mass disputes and litigation on behalf of humankind in defense of the future of the planet are arguing for future generations in constantly increasing numbers.

Since its founding in 1988, the Environmental Law Program has issued 253 Environmental Law certificates and hundreds of graduates in the ELP 'ohana have put their degrees to work representing a wide variety of interests in the private and public sectors, includ-



Director David Forman '93

ing regulated and governmental entities along with public interest organizations. Many recent graduates are hard at work addressing climate change and renewable energy issues, for example.

"Before our program," ELP founding director Casey Leigh has said, "there just weren't that many people in our community who had this broad-based knowledge. With our graduates out in the field in so many areas, the prospects for success in conserving and preserving significant or critically important lands are so much higher for everyone involved."



During the anniversary event, Leigh led a discussion on environmental law education, professional responsibility, and the future of ELP, and was joined by her successors, former William S. Richardson School of Law Associate Dean Denise Antolini, and current ELP Director Forman.

Director Forman said, "We are built upon a strong foundation that has enabled tremendous growth," adding that he had been looking forward to hearing from alumni, friends and current students about their visions for continuing to nurture development of the program to meet future challenges.

As part of the celebration, a \$100,000 student endowment drive is underway to build a truly sustainable future for student-centered initiatives as part of the ELP going forward. The drive has already raised \$24,000.

Included as part of the anniversary was a student TikTok-Athon. More than 20 Richardson faculty members created amusing videos that were to be shared online weekly. The plan was for new videos to be released if the students received 1,000 likes on the program's [Instagram](#) and [Facebook](#) pages. ❖

Respected Senior Law Faculty – Ronald Brown and David Callies – Will Retire in Summer 2021

TWO OF RICHARDSON'S MOST DISTINGUISHED and highly respected senior faculty members – Professor David L. Callies and Professor Ronald C. Brown – have announced their retirements in the summer of 2021.

Professor Callies is an authority on land use and planning and has been the recipient of numerous honors and awards, and Professor Brown is one of the school's Asia scholars, with expertise in Asian labor law. Professor Brown has served the University of Hawai'i for 40 years, and Professor Callies for 43 years.

Professor Ron Brown:

Professor Brown is a nationally recognized labor arbitrator with the Federal Mediation & Conciliation Service for local and national labor disputes, and also serves as an Editorial Board Member on the Hague Institute for Global Justice.

Brown has been part of the Pacific-Asian Legal Studies Program – PALS – that has provided extraordinary offerings for Richardson students regarding the legal systems of Asia and the Pacific. He has noted that Richardson's expertise in these areas is ahead of larger schools, with faculty who are authorities in their fields. As the

U.S. tilts toward this area of the globe, Brown said, Richardson offers students insights and information about an area of growing global importance. Many of the Law School's graduates have gone on to work in Asia, often assisted by faculty contacts and alumni.

Professor Brown joined the School of Law as a full professor on August 1, 1979 after being a tenured full professor at the College of William & Mary Law School. He has primarily taught Labor and Employment Law, Employment Discrimination Law, Arbitration, Chinese Law, Asian International and Comparative Labor Law, and U.S.-China Labor & Employment Law, in addition to other courses. His course

on comparative and international labor law goes into international free trade agreements, human rights, and labor standards, focusing on China, Japan, and Korea. For anyone doing business in Asia his courses offer comparative insights into the way each country does business, and how each deals with employees.

He has authored three books: *East Asian Labor and Employment Law: International and Comparative Context* (Cambridge 2012), *Understanding Labor & Employment Law in China* (Cambridge 2010), and *Understanding Chinese Courts and Legal Process: Law with Chinese Characteristics* (Kluwer 1997). Additionally, he has authored an extensive list of other publications.

"During his career, Professor Brown achieved significant additional accomplishments including working in China under the USIA's professional-in-residence program working with China's Supreme People's Court, and serving as a Consultant with the World Bank," said Dean Camille Nelson. "He has lectured throughout Asia on comparative and international labor law topics, and taught U.S.-China Comparative Labor Law at Peking University Law School, as well as serving as a foreign advisor on graduate law programs there. He has also served on the International Labor Rights Case Law Journal, the European-China Law Studies Associa-

tion, and conducts legal exchange and international training programs for Chinese lawyers, judges, law drafters, and prosecutors under arrangements with key government legal agencies."

Professor Brown's contributions also extend to a variety of other programs within the University of Hawai'i at Mānoa. From 2000–2006, he served as the University's Director of the Center for Chinese Studies, and also taught in China for three years, teaching at both Peking University Law School and Tsinghua University Law School as a Fulbright Distinguished Scholar. From 2000–2008, he taught in the Master of Human Resources Management Program in the College of Business Administration, Japan-America Institute of Management Science (JAIMS) program.

Professor David Callies:

Professor Callies joined the Law School as a full professor on August 1, 1978, and has taught a roster of classes including Land Use, State and Local Government, Property Law, and other courses.

"In addition to being a stellar teacher, David is a prolific scholar," said Dean Nelson. "His list of publications is extensive; notably he is currently writing another book on the Public Trust Doctrine. Richardson Law, its students, alumni, staff, and faculty colleagues have all benefited from his dedication and myriad contributions to the life – and future – of the Law School as a legal educator, scholar, and community leader."

Callies, whose work explores land use, property, and state and local government law, has lectured around the world, and written or collaborated on more than 90 articles and 20 books. He has been a member of the American Law Institute since 1990. Before entering academia, he was an attorney in private practice.

Early in his career, Callies gained



Professor David L. Callies

"In addition to being a stellar teacher, David is a prolific scholar. His list of publications is extensive; notably he is currently writing another book on the Public Trust Doctrine."

fame as a leading expert on land use and development in Hawai'i, but his research interests have become truly international in scope over time, and encompass land use control, eminent domain, and sustainable development in numerous other countries.

"Throughout his distinguished career, Professor Callies has contributed to the repute of Richardson and the University and has been recognized for his myriad contributions, both inside and outside of the Law School," said Nelson. "His achievements are too numerous to list in their entirety, but these many honors include: appointment in 1995 as

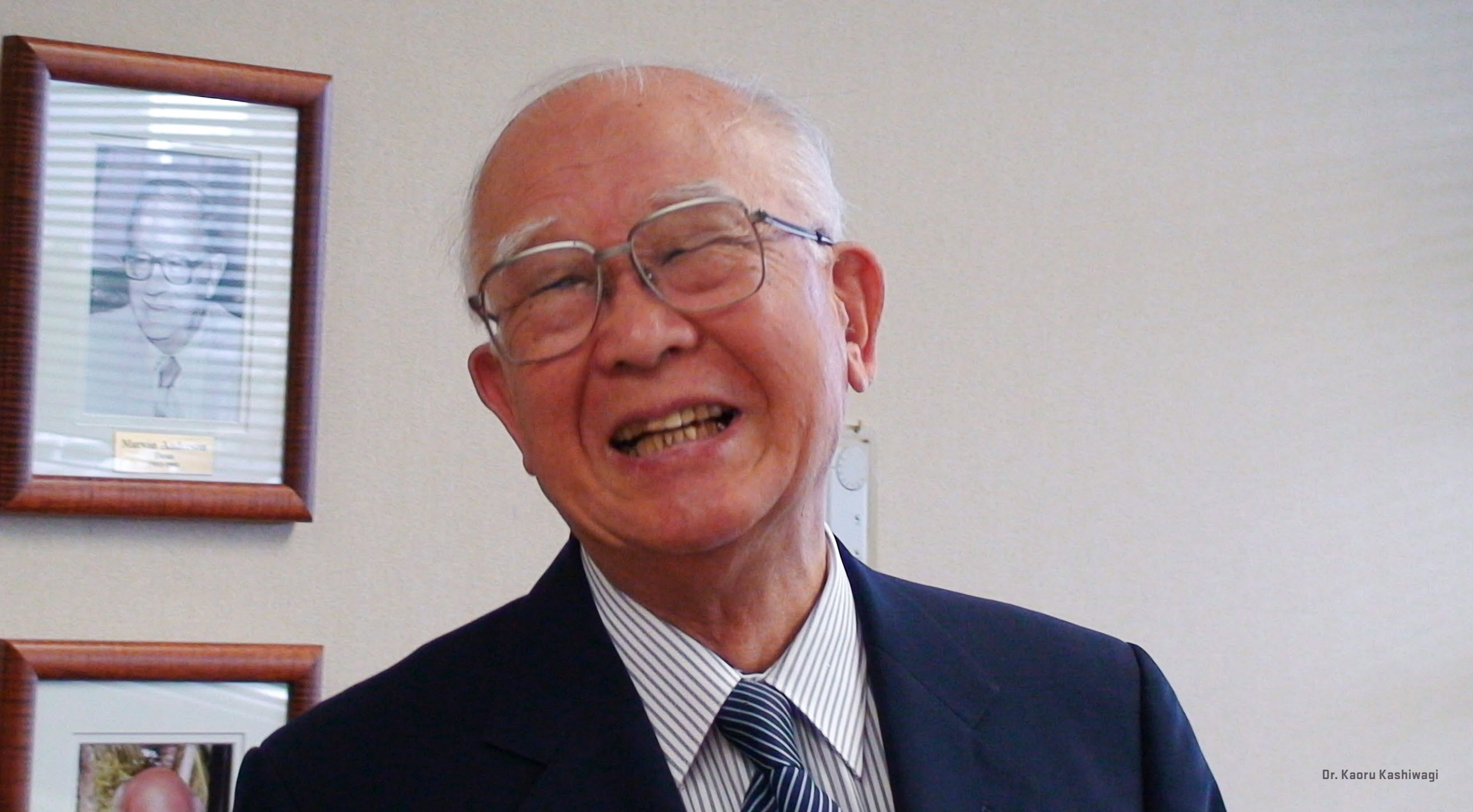
the inaugural Benjamin A. Kudo Professor of Law, an endowed professorship; the Gifford Foundation Distinguished Lecturer in Real Property (2002); the UHM Excellence in Teaching Award (2006); the American Bar Association (ABA) Excellence in Writing Award for Best Overall Article - Real Property for the Kelo v. City of New London Symposium (2006); the Lambda Alpha International Member of the Year Award (2012) (LAI is an international honorary society concerned with land economics and its membership is by invitation only); and the Crystal Eagle Award (2015) by the Owners' Counsel of America (COI) for his lifetime contributions (COI is a nationwide network of eminent domain attorneys that focuses on takings law and private property rights)."

Professor Callies has also provided valuable service and administrative leadership in many community and professional organizations, said Nelson. These include service as the past chair of the Real Property and Financial Services Section of the Hawai'i State Bar Association; past chair of the American Bar Association (ABA) and American Association of Law Schools (AALS) Section of State and Local Government Law; past chair, Academics Forum, and member of Council, Asia Pacific Forum, of the International Bar Association; a member of the American Law Institute (ALI); a member of the College of Fellows of the American Institute of Certified Planners (FAICP); a member of the American College of Real Estate Lawyers (ACREL); and co-editor of the annual Land Use and Environmental Law Review (with J.B. Ruhl). He is also past president and a board member of the Social Science Association of Honolulu.

Callies' previous recognitions also include the Jefferson Fordham Lifetime Achievement Award which is conferred by the ABA's Section of State and Local Government Law. ❖



Professor Ronald C. Brown



Dr. Kaoru Kashiwagi

UH Law School Donor and Long-Time Friend Dr. Kaoru Kashiwagi Passes Away at Age 97

CONDOLENCES AND TRIBUTES HAVE POURED IN to the UH Law School honoring Dr. Kaoru Kashiwagi, a long-time donor and friend who passed away April 6 in Japan at the age of 97, whose generosity supported student scholarships, Law Library acquisitions, and helped build an ongoing link between Hawai'i and Japan in post World War II years.

The Kaoru and Michiko Kashiwagi Endowment - established in 1989 and named for the attorney and his wife - not only funded 25 years of research at the William S. Richardson School of Law, but supported dozens of student scholarship awards, and a multitude of important acquisitions for the library. The endowment enabled the library to add more than 100 monographs, and more than 30 journal titles to the offerings. It also made possible extensive research by Professor

Mark Levin into Japanese law, and especially its post-war development. Professor Levin is director of the Pacific-Asian Legal Studies Program.

"I am forever grateful to Dr. Kashiwagi, and will remember him fondly for his kindness, generosity, and vision."

"Our school would not have a Japanese law program if not for the endowment he established 30 years ago," said Professor Levin who first met Dr. Kashiwagi when Kashiwagi burst into Levin's office in Sapporo when Levin was teaching there. "Dr. Kashiwagi was a very early bridge in Hawai'i-Japan relationships in the post-war years. He built an important international law practice, and earned a dissertation-based Ph.D. focused on UK/Japan comparative corporate governance in his 80s after his retirement."

Dr. Kashiwagi's firm has also been a strong support for Richardson graduates in Asia. Moon-Ki Chai '90 has worked for the last three decades in the Kashiwagi Sogo Law Offices in Tokyo, and a number of other graduates have held both summer and full-time positions there as well.

"I am forever grateful to Dr. Kashiwagi, and will remember him fondly for his kindness, generosity and vision," said Faculty Specialist Spencer Kimura '96 who received a Kashiwagi Scholarship



TOP: Dr. Kashiwagi receives his honorary degree from Richardson Law in 2005; bottom left, Dr. and Mrs. Kashiwagi; and bottom right, Dr. Kashiwagi in his Tokyo law office.

in 1994. “Thanks to the generosity of the Kashiwagis in establishing this foundation, I was able to spend that summer in Tokyo, conducting research into Japanese Antitrust law with Prof. Jiro Tamura of Keio University. This experience fueled my interest in international legal education, and set me on a path toward my current position as Director of the LLM Program at Richardson Law School, where I help cultivate the next generation of international lawyers.”

As the current scholarship recipient – and one of the students to benefit from the Kashiwagi Endowment - Natsumi Nishimoto '22 is also grateful for the financial assistance that has enabled her to focus on her Japan-oriented studies and aspirations. Although she never met her benefactor, Nishimoto believes Dr. Kashiwagi’s generosity and forward-looking visions “have helped and will continue to help nurture capable Richardson lawyers in fostering the Hawai’i-Japan connection.”

What Law School associates also remember is Dr. Kashiwagi’s spirited personality that embraced diversity and gave unstintingly to Richardson. To honor that help - through the doctorate he earned well into his 80s - in 2005 he became the first person awarded an honorary degree from Richardson. Dr. Kashiwagi was also the first international legal consultant licensed to practice in Hawai’i, becoming a member of the Hawaii State Bar Association through 2020.

Dr. Kashiwagi has had a long, illustrious and fond relationship not only with the Law School but also with Hawai’i. The seeds of that fondness were sown after the war when he worked with American attorneys during the wartime trials of Japan’s military leaders. He watched as the attorneys showed fairness and integrity in defending their clients, and knew that law was his future too.

“Given the heated emotions that had run on both sides of the Pacific, those attorneys from the U.S. demonstrated to Kashiwagi in no uncertain terms that lawyers really could transcend their own personal feelings and serve as impartial officers of the court,” wrote Professor Levin and Daryl Takeno in a 2006 biography of Kashiwagi published in the *Asian-Pacific Law & Policy Journal*.

“After witnessing their obvious commitment to justice, Kashiwagi became

“Our school would not have a Japanese law program if not for the endowment he established 30 years ago.”

convinced that he had made the right choice in deciding to pursue a career in law,” they wrote. “Years later, in his own practice, Kashiwagi would have the opportunity to work side-by-side with one of the U.S. defense attorneys at the Tokyo tribunal, Mr. Ben Blakeney, who had decided to remain in Tokyo as a practicing foreign lawyer.”

The Hawai’i relationship with Dr. Kashiwagi was also strengthened because of his extensive experience working with American law firms through the law office of Sadayoshi Hitotsumatsu during his legal education. He took the position to support his mother and younger sister after his father’s wartime death. One of the firm’s clients was Daiei Motion Picture Company which owned movie theaters in Hawai’i, and through that connection Kashiwagi met several

Hawai’i residents who had served in the state’s famed 442nd Regimental Combat Team during World War II, and had gone on to work for companies in Japan. One of those combat veterans was Matsuo Takabuki – an associate of the late Gov. John A. Burns who Burns appointed as a Bishop Estate trustee – and the two became lasting friends.

When Dr. Kashiwagi opened his own Tokyo law office, it quickly became a leading firm, with Kashiwagi serving as chief outside legal counsel for several top Japanese companies. One of his clients was Mitsui and Company, Ltd. which had a growing number of business relations with the U.S.

“Another major client was the Obayashi Group, one of Japan’s largest construction companies, which built and operated many condominiums and hotels in Hawai’i such as the Sheraton Kauai Hotel,” wrote Levin and Takeno in the Kashiwagi biography. “Beginning in the 1970s, working closely with Genro Kashiwa, who like Matsuo Takabuki was a veteran of the 442nd, Kashiwagi was instrumental in facilitating the Obayashi Group’s expansion into Hawai’i.”

With his extensive legal background, and his respect for American jurisprudence, Kashiwagi also became acquainted with Richardson Law School and many of the Asia-focused faculty. Over the years, he and his wife made many visits to the school and even met with students who had received scholarship support.

“We appreciate the friendship and legacy of Dr. Kashiwagi as well as his generous and inspired engagement with Richardson Law,” said Dean Camille Nelson. “His support has made an important contribution to our ongoing excellence, especially our expertise in Japanese legal studies, and the Pacific-Asian Legal Studies Program more generally.” ❖

Professor Mark Levin Takes on Academic Advising Role for Kyoto Graduate School

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PROFESSOR MARK LEVIN, Director of the Pacific Asian Legal Studies Program, has been named as an academic advisor for the Ritsumeikan Law Review at the Ritsumeikan Graduate School of Law in Kyoto, Japan.

As an authority on the legal system in Japan Levin expects that the school will send him questions to respond to as part of the content of the law review. He taught in Japan for a number of years before joining Richardson Law School.

“It’s always wonderful to have the superb ambassadorship of our faculty in such impressive endeavors,” said Law Dean Camille Nelson.

One of Levin’s former students, Richardson alumni Michael Wolf ’99, has been teaching Anglo-American Law at the Kyoto school since 2016. ❖



Professor Mark Levin

Todd Eddins '91 Takes his Associate Justice Place As the Second Richardson Grad on Supreme Court

TWO OF THE STATE’S TOP LEGAL JURISTS—newly named Associate Justice Todd Eddins ’91, and Associate Justice Sabrina McKenna ’82, who was recently confirmed for a second term—received their legal training at Richardson Law.

Associate Justice Eddins, who was appointed by Gov. David Ige last year and confirmed by the State Senate to serve on the Hawai’i State Supreme Court, credited his training at the UH Law School as the “foundation for my legal skill set.”

Justice Eddins said in an email that his life has been “enriched by the life-long friends I met at the William S. Richardson School of Law.”

“We exchanged ideas on every topic imaginable, revised our world views, and refined our analytical skills,” he said. “My professors also inspired me to think critically and responsibly about the law’s impact on individual lives, and the challenges we face as a society.”

Associate Justice Sabrina McKenna ’82 noted that this would be the first time that two Richardson lawyers would be serving concurrently on the Hawai’i Supreme Court. The impact, noted McKenna in an email, is “furthering Chief Justice Richardson’s vision of educating lawyers focused on serving Hawai’i and the Pacific, and who seek justice for all under the law.”

Law Dean Camille Nelson said she joins Richardson Law in celebrating the appointment of former First Circuit Judge Eddins as the new Associate Justice of the Hawai’i Supreme Court.

“He exemplifies excellence,” said Nelson. “Throughout his distinguished career he has served impressively as an advocate for his clients, and as a learned jurist. His commitment to public service is an example for us all as he has lived true to the calling of our profession to be in service of others.”

Eddins had been named in 2017



to the First Circuit, and before that was a lawyer in private practice specializing in complex criminal, civil, and appellate litigation. He served as lead counsel in numerous high profile cases, including his successful 2016 defense of the late former Hawai’i Island Mayor Billy

“Throughout his distinguished career he has served impressively as an advocate for his clients, and as a learned jurist.”

Kenoi who was accused of misusing pCard funds.

During his time on the Circuit Court bench he presided over 85 trials and resolved thousands of legal motions, according to a statement from the Governor’s office.

Eddins is also a former state Public

Associate Justice Todd Eddins ’91



In 2017 Todd Eddins was sworn in as a Circuit Court Judge by Chief Justice Mark Recktenwald during a ceremony that also included Catherine Remigio and Keith Hiraoka. The recent swearing-in ceremony for the Supreme Court was held by Zoom.

Defender, and was among a core group of Hawai'i law students who initiated the *Pro Bono* Program that was adopted at Richardson in 1992, requiring students to complete 60 hours of free public service as part of graduation requirements.

It was one of the first mandatory public service law school programs in the nation, as well as the first student-initiated program, and became a model for other law schools.

"This rewarding experience animated my career-long commitment to public service," Eddins said.

Eddins' public service commitment has also included serving on the Moiliili-McCully and Waipahu Neighborhood Boards, and spending time coaching youth athletics and as coach

for the Hawaii Youth Correctional Facility's high school mock trial team.

Eddins grew up in Kailua, attended elementary school in the Windward community, and then graduated from Hawaii Baptist Academy. He went to Virginia's College of William & Mary before returning to Hawai'i to work with his father, helping him build his software business.

"During this time I indulged my nerdish proclivities by wading through the world's literary masterpieces," he says. "I had recently finished Dostoevsky's *Crime and Punishment* and *The Brothers Karamazov*, when I plunged into Kafka's *The Trial*."

"It was then that I began to intensely think about legal and government systems. The computer business was

thriving to the point where I felt I could pass the baton. I was eager for an intellectually stimulating environment, and I believed that law school would satisfy the desire."

Eddins, who clerked for the late Associate Justice Yoshimi Hayashi of the Supreme Court, recalls that as a time when he had simple goals, and just wanted to perfect his craft in the law.

"I strived to make sure that each day I soaked up knowledge from bright minds, learned something new, and improved my legal skills," he said. "I felt that with this mindset, which I still maintain, anything was possible."

Eddins replaced Associate Justice Richard Pollack who retired last July. ❖

PHOTO: COURTESY OF THE HAWAII JUDICIARY

New Law School Clinical Building Gains Gold LEED status as a UH System's Energy Efficient Structure

THE LAW SCHOOL'S NEW CLINICAL BUILDING has joined a dozen other structures throughout the UH campus system in achieving Gold LEED status, one of the top levels of energy efficiency. Although the building was dedicated two years ago, it takes time for the U.S. Green Building Council in charge of LEED designations to verify and finalize a building's status.

Credits awarded to the Law School to achieve Gold designation included: diversion of 86% of the on-site generated construction waste from the landfill; sourcing 48% of the materials from the region; access to public transportation; bicycle racks; a reflective white roof coating; double-pane tinted windows; low-flow water use features; high quality of indoor air

and ventilation; use of non-toxic and low VOC paints and materials; occupant-controlled lighting and motion sensors; water-efficient landscaping and natural stormwater controls (bioswales); an overall "energy cost savings" of 31% from various features including 50 solar photovoltaic panels on the roof that generate about 17% of the building's power needs.

Other "green" features of the building include a specialized skylight two stories overhead that fills the lobby with natural light; native plants landscaping surrounding the building; and sound-proof interview rooms offering privacy to community members served by the Law School's increasingly robust clinical program.

When the building was dedicated in 2019, former Associate Dean Denise Antolini, who oversaw much of the decade-long funding, design, and construction of the Law School's third building, spoke of the importance of striving for LEED status to contribute to a sustainable campus.

"Looking 30 years ahead – when this building is here but most of us will not be on this campus – I hope our suc-



The makai side of Clinical Building after its completion two years ago.

cessors will say that this project truly improved the university and our Island community,” Antolini told the assembled crowd of several hundred.

“Despite our very large personal and professional investment in getting this building off the ground, it’s really not about us. It’s about building a sustainable future for our students who will serve others, with professionalism and aloha, here in Hawai‘i and around the world.”

Dean Camille Nelson said she is gratified by UH’s dedication to supporting sustainable structures and is proud of the LEED recognition attained by the Clinical Building. She added her thanks to former Dean Avi Soifer for his dedication to the project and leadership in the multi-million dollar fundraising effort led by Honolulu attorney Mark Davis. She praised the entire team at Richardson and UH that oversaw its completion for their forward-looking vision and commitment.

“The Richardson community, its friends, and supporters, came together to envision, plan, and construct the new building in a way that exemplifies great care for the sustainable future of Hawai‘i,” said Nelson. “They deserve our gratitude for their hard work, steadfast determination, and commitment to the Law School, the university, and the state.”

In order to gain Gold LEED status, the U.S. Green Building Council evaluates a broad number of things involved in the building’s construction, including: the indoor environmental quality, materials and resources, water efficiency, energy and atmosphere, innovation in design; and on-site renewable energy that optimizes energy performance.

As part of the materials and resources, the council looks at whether the building uses regional materials, rapidly renewable materials, recycled content and certified wood. Additionally

it evaluates the sustainability of the site selection, including whether it enables alternative options such as public transportation access, bicycle storage and changing rooms, and parking capacity, along with considerations of storm water handling.

“It’s about building a sustainable future for our students who will serve others, with professionalism and aloha, here in Hawai‘i and around the world.”

The two-story building includes: 2 classrooms; 4 interview/skills rooms; 9 offices, 1 break room; 3 all-gender bathrooms; a service Xerox and event prep room; and an atrium. It is connected

to the main Law School building by an elevated walkway.

The architects with G70 who led the initial design, Charles Kaneshiro and Chris Hong, UH project manager Ross Richards, and contactor F&H Construction of Maui, were integral to the Law School’s efforts to create a sustainable, state-of-the-art building that is light-filled, open, flexible, and sustainable. The two main classrooms can be easily reconfigured with a foldable, moveable wall. “It’s more collaborative, with a lot of windows, common space, and atrium, and the rooms designed so you can see what’s going on, and run into each other, to catch the wave to a new style of legal practice,” Antolini has explained.

During the 2019 dedication UH President David Lassner called the new building yet another important way the Law School is committed to community service and embedded in the community. “It will help us serve the people of Hawai‘i,” he said. Through the clinics, Richardson students and professors provide thousands of hours of free legal assistance annually to some of the state’s most vulnerable people including elders, veterans, youths, immigrants, prisoners, and families living at or below poverty levels. ❖



The front of the clinical building before the official dedication in 2019.