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

To support programs at the Law School, to expand student scholarships, and to give added life to innovative ideas, the Law School is dedicated to raising private funds in addition to the public funding it receives through the state.

Those interested in contributing to a wide array of programs may contact the University of Hawai‘i Foundation at (808) 956-8849 or through the foundation’s website at: http://www.uhfoundation.org/

TO REACH THE LAW SCHOOL FOR GENERAL INFORMATION:
2515 Dole St., Honolulu, HI. 96822-2350, (808) 956-7966

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Official Legislative Recognition of Law School’s 40th Anniversary

Dean Avi Soifer took a position of honor on the floor of the Hawaii State Senate chamber for an official legislative recognition of the 40th Anniversary of the William S. Richardson School of Law.

During the short ceremony at the opening of the Senatorial session on Valentine’s Day, the Hawai’i State House of Representatives, this time by Rep. Linda Ichiyama, who is also a graduate of the University of Hawai’i Law School.

In his remarks to the Senate during the Senatorial presentation, Taniguchi recalled some of those early years at the Law School, including being “serenaded by pile-driving” by work in preparation for the UH swimming pool.

But he also gave homage to the school’s namesake, Chief Justice William S. Richardson, saying, “CJ Richardson believed all qualified residents of Hawai‘i should have the option of an excellent legal education.”

During the short ceremony at the opening of the session on Valentine’s Day, Taniguchi also recognized another UH Law School graduate, his colleague Sen. Maile Shimabukuro, currently vice chair of the Senate Judiciary and Labor Committee.

Earlier that morning the Law School’s three deans had joined legislators for breakfast in a second floor conference room before moving downstairs to the chambers for the official recognition. It was during the breakfast that Rep. Ichiyama presented the House certificate of recognition.

CJ Richardson believed all qualified residents of Hawai‘i should have the option of an excellent legal education.”

The Hawaii Supreme Court’s current Chief Justice, Mark Recktenwald, was in the gallery for the presentations, and joined Soifer, legislators, and other Law School staff members on the chamber floor for photos.

The Hawai’i Supreme Court on its 40th Anniversary Year

On September 4, 1973, Hawai’i’s only law school opened its doors in the Quarry. It consisted of two portable classrooms, a single unisex bathroom, and photocopied notes instead of textbooks. Fifty-three classmates filled with spirit of pride, enthusiasm, and commitment entered the fledgling University of Hawai’i School of Law.

Hawai’i Supreme Court Justice William S. Richardson’s vision made the Law School possible. He believed that all qualified students in Hawai‘i should have the opportunity to obtain an excellent legal education with sensitivity to the unique culture and community service in our islands. He placed special emphasis on fields of law of particular importance to Hawai‘i and the surrounding Pacific and Asian region, including Native Hawaiian Law, Pacific-Asian Legal Studies, Environmental Law, and law of the sea.

In 1983, the law school was renamed as the WILLIAM S. RICHARDSON SCHOOL OF LAW in Chief Justice Richardson’s honor. Today the Law School offers outstanding teaching and first-rate professional training by a talented and very accessible faculty. It benefits from close ties to the state and federal judiciary, the downtown legal community, and international connections throughout the Pacific.

To date, 3,216 juris doctor degrees have been awarded, of which 2,415 alumni are currently members of the Hawai‘i State Bar. Total law school enrollment in 2013 is 365, including full-time and part-time and LL.M students.

The Senate of the Twenty-Seventh Legislature of the State of Hawai‘i, Regular Session of 2014, hereby congratulates and recognizes the WILLIAM S. RICHARDSON SCHOOL OF LAW on its 40th Anniversary and extols appreciation to Dean Avi Soifer and all of the faculty and staff for their dedicated leadership and service to the UH students. The Senate further expresses its warmest aloha to the law school for continued success, in all future endeavors.

The evening celebration of heavy pupus and drinks will include music and performances by alumni and friends: Lyle Hosoda, Nathan Aips, Ward Jones, Richard Bissen, Collette Gomoto, The Honorable Sabrina McKenna, George Lindsey, Willy Domingo, Randy Rosenberg, Kimo Leong, Blake Oshiro, James Stone Jr., Ikaika Rawlins and everyone! Aloha attire; flat shoes recommended.

We’re Throwing a Party!
COME CELEBRATE WITH US
Richardson Law School Celebrates 40 Years with A Kanikapila Evening
Friday, April 11.
Tickets are available for the Law School’s 40th Anniversary Kanikapila scheduled for Friday, April 11, from 6-9 p.m. on the ‘Iolani Palace Barracks Lawn at 364 S. King St.
Tickets are 565. To send in an order go to www.law.hawaii.edu/celebrate40

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THE HAWAII STATE LEGISLATURE ADOPTS THIS CERTIFICATE OF RECOGNITION FOR

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**Not Your Ordinary Attorney:**

**Law School Offers Many Career Pathways**

Donavan Kealoha ’07 spends his time launching companies and considers himself both a businessman and an entrepreneur. He has raised investor money and self-funded both a businessman and an entrepreneurial companies and considers himself a businessman and an entrepreneur.

Each of these professionals has a law degree from the William S. Richardson School of Law, but each of them has chosen a non-traditional legal career path they consider greatly enhanced by their legal training. They represent only a very small sample of the many Richardson graduates who have found compelling and fulfilling careers outside the usual law office setting.

“I never intended to be an attorney,” says Kealoha who launched his first start-up while still in law school. “I was always interested in business. But having a legal background and legal training and discipline helped me in the organization of a company. In a start-up, you’re trying to build something out of nothing. So the law degree gave me legitimacy when I was talking to people about the company. And I met my first investors through a class I took at the Law School.”

Since leaving Law School Kealoha has been involved in launching two companies. The first, Adama Materials, is still in the Research and Development phase but Kealoha has already raised several million dollars for it. The second, ASHD Corp., is a software development/technology consulting company that handles web projects for clients. He’s based at the Mānoa Innovation Center.

“Building a company that handles web projects for clients. He’s based at the Mānoa Innovation Center for that, but also in the process of developing other projects. It’s the rigorous thinking [needed in law school] that’s involved with being successful,” says Kealoha. “And I still keep in touch with a lot of my classmates. A lot of my success in business is because I rely on them. I found all my law school classmates to be incredibly intelligent and motivated. You just expect great things of them.”

In Palau, Prescott’s law degree was a requirement for the positions she has held with the government, first as legal counsel to the House of Delegates for the Palau National Congress (Olbiil Era Ke­lua) and now as an Assistant Attorney General.

Her law training has played a critical role in finding jobs where she can serve others.

“Legal training has given me the opportunity to travel and meet new people, and to do things I wouldn’t have been able to without it,” she says. “And it has allowed me the opportunity to pass on what I have learned to others.” While landing a job is never easy, having legal training has enabled her to see employment in areas where she can help others.

“Going to law school improved my ability to conduct research, which is essential in a job that requires you to give legal opinions to other agencies. I might not know the answer to every question, but I do know how to find the answer quickly and efficiently. Legal training also honed my writing skills and my ability to think critically. This has helped me to be prepared to address any issue that might arise in the context of a specific problem.”

Before moving to Palau, Prescott worked as a Deputy Prosecuting Attorney for the City and County of Honolulu, beginning her career as a paralegal and legal clerk.

“The world is a very complicated place, no matter where you live,” says Prescott. “The more knowledge you have, the easier it is to make decisions when faced with the trials and tribulations of life. The Law School gave me the ability to think critically and to think about the problem solve by teaching me to analyze all the facets of the issue. Law school also taught me how to communicate effectively.”

For Phan, the communication and analysis skills he learned at the Law School have been critically important. In his position with HMSA, he’s been immersed in dealing with issues triggered by the federal Affordable Care Act, as well as Medicare regulations. Translating the impact of the ObamaCare law for Hawai’i health-care providers and patients – and now being involved in high quality pharmaceutical management – has been made much easier because of his legal training.

“With contract, procedural, and regulatory work it helps to have a legal background,” says Phan. “My new position encompasses everything to do with medications. We oversee all the pharmacy operators contracted with HMSA, including safety, contracts, compliance, regulations, and regulatory support.”

“Law is the best liberal arts degree you could ever get,” he adds. “It teaches you to learn and to think critically. Look at me and you’ll see how good it is.”

Kealoha, who was born and raised on Lanai, says success in law school provided an immeasurable boost to his belief in himself. As a young man his role model was fellow Lanai native and current insurance executive Colbert Matsumoto – and Kealoha says he went to law school because Matsumoto was an attorney. He and Matsumoto are good friends, and Matsumoto is still an important mentor.

“He gave me my first job out of law school,” says Kealoha. “When I was officially starting Adama, they [Matsumoto and his company] helped me incubate the company. And it was his encouragement that led me to leave the comfortable investment job I had. He encouraged me to just go and do it and that has led to all these business opportunities.

“Now I’ll hire attorneys,” he says, with a smile, “but I won’t be the attorney.”
HE WILLIAM S. RICHARDSON School of Law has once again been ranked among the Top Tier law schools in the country, according to the 2015 rankings released by U.S. News & World Report.

The University of Hawai‘i Law School was ranked in 100th place among the 146 best law schools – tying with the University of Oregon Law School, SUNY Buffalo Law School in New York, and Florida International University Law School.

While Richardson Law School was tied for 80th last year, school administrators note that the change this year could be the result of a static bar passage rate. In the July 2013 bar exam, however, the bar passage rate soared seven points to 82 percent, which could indicate a ranking upward for 2016.

A school’s bar passage rate is one of the complex array of metrics used by the U.S. News consumer guide in making its evaluations, including student/faculty ratios, employment at graduation and nine months afterward, LSAT scores, and acceptance rates.

Dean Avi Soifer called the latest rankings recognition of the excellent education offered by Richardson, one of the country’s smallest and most affordable law schools.

“What makes our school exceptional however, is not measured in these rankings,” Soifer noted. “We are able to personalize the legal education we provide,” he added, “and to offer – the opportunity to learn and live aloha. That’s what we offer, the spirit of cooperation and solving, not creating problems.”

McKenna said Richardson Law School provides the community with both students and graduates ‘committed to public service and dedicated to the future of Hawai‘i. ‘

“They serve as valuable volunteers and externs to the three branches of government,” she said, “and comprise a large percentage of law clerks throughout the State Judiciary.”

“As a law student, and even now,” continued McKenna, “I see many Richardson students who would not have been able to attend law school on the mainland due to financial or family circumstances. True to the vision of C.J. Richardson, the Law School provides opportunities for local residents to obtain a first-rate legal education that otherwise might be unavailable to them.”

For Richardson first-year law student JAMES DIEHL ’16, originally from California, school rankings were one piece of the process – but certainly not the only piece – he used in deciding where to apply to law school.

“I feel it’s an easy answer for a lot of people, but I looked at facts beyond that,” said Diehl. 26. “What are the other factors that go into it?” For me, the measure is my employment after law school, and Richardson has gone out of its way to help me in the job market.”

“[Faculty Specialist] Dale Lee has introduced me to members of the community with downtown tours. And with on-campus interviews and pre-interviews beforehand, Richardson has been very creative in how they’ve crafted the experience, with a very pragmatic goal – employment. And that’s been very beneficial.”

Diehl said that in speaking to many local attorneys now working in the state, the fact that Richardson graduates has risen from “not trusting UH, to relying on UH for quality associates... They used to rely on Mainland-trained attorneys, but now they’re relying on UH graduates.”

For those looking to pursue a legal education, Dean Soifer pointed out that there are many ways to evaluate a law school. He notes that the average debt for a law school graduate these days could easily be over $200,000. By comparison, the average debt by Richardson graduates is less than half that, or between $60,000 and $70,000. The tuition is set at about $20,000 annually for residents and $36,000 for non-residents.

Soifer also notes that 30-40 percent of Richardson students get judicial clerkships and that the ratio of students to faculty stands at 8 to 1.

In recent years, Richardson Law School was also highly lauded by PreLaw Magazine which ranked it 6th in the nation for diversity. Another magazine ranking called it one of America’s “Success Stories” because of its top rankings in diversity for the last two years in a row.

In November 2012, UH Law School was ranked 7th in the “Diversity Honor Roll” among America’s top 27 law schools by National Jurist magazine, placing among the top 20 U.S. schools for overall diversity and among the top seven with the highest diversity of faculty.

As well, in October 2012, Princeton Review listed Richardson as one of the “Best 168 Law Schools” in the country, ranking Richardson No. 1 in the “Best Environment for Minority Students.”

What’s the point of going to law school if you will face a big tuition bill and declining job prospects that was the question posed in Nanea Kahn’s “What’s the Point?” in the Star-Advertiser (Dec. 23, Page A1).

But as radio personality Paul Harvey (can you hear his voice?) liked to say: “Here’s the rest of the story.”

Each prospective law student must make her or his own long-term decision, of course, but here are some facts about the UH Law School that set us apart:

• We have not lowered our admissions standards to keep enrollment up. The University of Hawaii Law School has admitted 500 students from most law schools in the United States and it means that prospective employers will know that Richardson students have been rigorously selected and highly talented.

• We are the most diverse law school in the country. This is important not just in Hawaii, where we treasure our diversi-

ty, but across the nation as the United States and the rest of the world becomes increasingly multicultural and multi-racial.

No matter where our students end up, they will have cultural fluency and can become ambassadors for diversity, without ever losing sight of their own origins.

• Our hiring rates are very high compared to other law schools. Our bar passage rates are also high and trending higher. And our faculty truly is renowned not only for scholarship but also for their teaching skill. We are small enough that our great teachers can give one-on-one attention to our students as they continue to exemplify and to teach practical skills. Students who choose Richardson need not fear for their career prospects.

• Our scholarships and fellowships support one another wonderfully. This helps ensure that our graduates face a considerably better law job market than do most law graduates. The National Jurist magazine, for instance, decided to honor Richardson graduates. We also have many scholarships for our students.

• We are the first school of law to introduce a rolling admissions process and by offering the Evening Part Time program for those whose family and work commitments make it difficult or impossible to enter a full time day program. In keeping with the vision of the late Chief Justice Richardson and his family, we are deeply committed to afford- ing opportunity for all qualified applicants who otherwise could not attend law school. This is the opportunity not only to become the leaders of the bench and bar in Hawaii and beyond, but also to be the leaders in any other settings in which our graduates choose to live. This is an impor-

tant opportunity and we stand by it.

(Star-Advertiser column ran in the editorial pages of the Honolulu Star-Advertiser Jan. 5, 2014)
U.S. Supreme Court Associate Justice
Antonin Scalia Entertains an Audience of 150 at UH Law School

N A RARE VISIT TO HAWAI‘I – early in February, U.S. Supreme Court Associate Justice Antonin Scalia warned that the Korematsu case – upholding the internment of Americans of Japanese ancestry after the bombing of Pearl Harbor – could well occur again in time of war.

“You’re kidding yourself if you think it won’t happen again.”

And then he quoted a Latin saying that translates to: “In times of war, the laws fall silent.”

During a visit to the William S. Richardson School of Law at the University of Hawai‘i, Justice Scalia lectured to a law class, had lunch with the faculty, and answered questions in an open forum in the Law School courtyard. A level of more than a hundred faculty, and members of the public seemed to appreciate his down-to-earth humor and matter-of-fact positions on interpreting the Constitution that he defined as “the Scalia approach.”

“It’s not our [the Supreme Court’s] job to shape up the government,” he replied to a question involving presidential power.

The Law School has been bringing U.S. Supreme Court Justices to Hawai‘i on a regular basis since 1987. It’s a program that helps to define the Law School, said Richardson graduate CHRIS LEONG ’11 who had joined the audience especially to hear Scalia speak.

“It’s very rare for a law school to have a program with the Supreme Court justices,” said Leong, who recently completed two years clerking for Hawai‘i Supreme Court Justice Paula Nakayama after graduation.

The Korematsu case has particular resonance at the Law School because Prof. Eric Yamamoto, who was named the Fred T. Korematsu Professor of Law and Social Justice in 2012, was one of the team of young attorneys who successfully reopened the case in 1984 using the rare writ of coram nobis to raise new evidence of government wartime deception. In 2012 Gov. Neil Abercrombie named Janu-

ary 30 - Korematsu’s birthday - as Fred Korematsu Day in Hawai‘i, and last year the Hawai‘i State Legislature further honored Korematsu by naming January 30 as an annual “Civil Liberties and the Constitution Day” in Hawai‘i in recognition of universal struggles for social justice.

In introducing Scalia to the crowd that flooded the Law School’s open-air courtyard just before noon on a drizzly Monday, Dean Ahi Suiser noted that the Justice was known for being an active questioner, a commentator, and also “for getting the most laughs.” True to form, Scalia drew both smiles and laughter from the crowd, turning the event into one that helped define his jurisprudence but also his sense of humor.

One amusing moment was his re-

response to a student question about his relationship with other members of the Supreme Court, referencing in particular an Internet photo showing Scalia and Associate Justice Ruth Bader Ginsburg together astride an elephant in India.

Re-

gardless of individual political views, Sca-

lia said the justices all get along.

The elephant ride could perhaps be such proof, he suggested, and he regaled the crowd with his very human description: “Elephants are very high up,” he de-

clared. “I worry about falling. You’re up about two stories.”

He then described Ginsburg – a liberal jurist whose opinions are often dia-

metrically opposed to those of conserva-

tive Scalia - as “a little thing but fierce.”

He added, “She was parasailling over the Mediterranean. I wouldn’t do that if my life depended on it.” He also called her “best friend” on the high court, noting that “I like all my colleagues and they let me be the last word.”

Scalia has been the longest-serving justice – he noted that his confirmation 28 years ago – he is the most pragmatic – he noted – “my big shtick in 28 years on the Court is originalism. The Constitution does not change. I do not believe in a living constitution that changes with the age.”

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“Of course it was wrong,” said Scalia, of Fred Korematsu’s incarceration after refusing detention and, by extension, the internment of Japanese-Americans on the West Coast and in Hawai‘i.

“We’ve repudiated it. But you’re kidding yourself if you think it won’t happen again.”

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“My big shtick in 28 years on the Court is originalism. The Constitution does not change. I do not believe in a living constitution that changes with the age.

“One argument must often made in favor of a ‘living’ Constitution is ‘It’s over 200 years old...It has to grow with the so-

ciety it governs or it will become brittle and snap.’

That, argued Scalia, is a wrong ap-

proach.

“A biconstitutional constitution is absurd. A Constitution is not a living organism. It’s a legal document and means what it says. ... You either use the original intention of the constitution or tell your judges ‘Come govern us.’”

But he also touched on many other legal topics, noting that he was not look-

ing forward to the Court’s future delib-

erations on cases involving the Second Amendment in an era when “a shoulder-

fired missile can bring down an airplane.”

He also expressed concern that the Su-

preme Court was the body that will be the one to deliberate on actions taken by the National Security Agency. He said the Supreme Court is the institution “that knows the least about what the threats are,” and yet will be the one with the au-

thority to pass judgment on NSA actions.

“I don’t know why you want us to be the last word,” said Scalia. “I’d say it’s crazy to have the last word on that given to the institution least capable of giving any an answer.”

He also defended the constitutional-

ality of eminent domain. “The constitution endorses the taking of private property. It clearly envisions the taking... as long as you pay the person.”

Scalia also took a swipe at Congress, noting that some laws are meant less for enforcement than political effect.

“There are so many laws out there,” he added, “it’s hard not to make a fool of the law that doesn’t violate one of them.”
The Back-story to the
legal challenges to the
Japanese American Internment

BY ERIC K. YAMAMOTO, FRED T. KOREMATSU PROFESSOR OF LAW AND SOCIAL JUSTICE,
WILLIAM S. RICHARDSON SCHOOL OF LAW, UNIVERSITY OF HAWAI‘I

2013 marked the twenty-fifth anniversary of Japanese American inter¬
ternment redress under the 1988 Civil Liberties Act – recognition of egregious
civil liberties violations and the result¬ing human harms, a presidential apology
for the racial incarceration of Japanese Americans, $14 billion in symbolic pay¬
ments, and creation of a fund for public education.

On a human level, redress was ca¬
thartic for many—a measure of dignity restored.

On a societal level, Japanese Ameri¬
can redress provided insights into the
downbreak of democratic checks and bal¬
ces during national distress. It revealed
the extraordinary social cost of courts turning a blind eye to the execu¬
tive branch’s curtailment of American civil liberties under an ultimately false
mantle of national security — the heart of my talk here.

And (that’s) especially im¬
portant today; post-9/11.

What are the historical and present-day underpinnings — the na¬
tional security civil liberties tensions and redress for civil and human rights trans¬
gressions? Here’s the back-story.

KOREMATSU VS. U.S. 1943.

In December 1944, the United States
Supreme Court rendered its now infa¬
mous decision in Korematsu vs. U.S. A
majority of six Justices exhibited extreme
defiance to — unquestioning acceptance of — the government’s factual claim of
“military necessity.”

But what was the foundation of the
government’s claim of “military neces¬
sity”? The “facts” were recited in the Fi¬
nal Report of General John DeWitt, the
General who issued the military orders,
and his political views were clear. He said
to Congress: The Japanese are an enemy race. And
“It’s wrong to imprison us because of race.
We did nothing wrong.”

That Report recited two crucial facts: (1)
that West Coast Japanese Americans had
engaged in espionage against the U.S., and
(2) that because there was insufficient
time to sort out who was loyal and who
was not, all persons of Japanese ancestry,
including mainly American citizens, had
to be locked up. (Turns out, those recited
“facts” were deliberate fabrications).

Nevertheless, the U.S. Supreme Court
simply treated the Report’s untested
“facts” — about “acts of espionage” and
“insufficiency of time to handle disloyalty
individually” — as undisputed, as uncon¬
trovertibly true, and on this basis upheld
the constitutionality of the internment.

Justice Jackson’s ringing dissent in
Korematsu castigated the Court majority for
its blind deference.

How does the Court know that these
orders have a reasonable basis in neces¬
sity? No evidence whatever on that subject
has been taken... So the Court, having no
real evidence before it, has no choice but
to accept General DeWitt’s own unworn,
self-serving statement, untested by any
cross examination, that what he did was
[necessarily] reasonable.

Justice Murphy’s powerful dissent
characterized the Court’s decision as “fall¬
ing into the ugly abyss of racism.” And
Justice Jackson also issued his now famous
“loaded weapon” warning about the de¬
cision’s ominous precedential effect, rel¬
ent today, of the Court’s decision.
The Court for all time has validated the
principle of racial disloyalty and of transplanting American citizens.
The principle lies about like a loaded
weapon ready for the hand of any authori¬
ty that canning a plausible claim [even if false] of urgent need.

REOPENING KOREMATSU.

So for over 40 years Fred Korematsu was a
man with a criminal record. He was
called to testify in his own case. He also was
the man who tried and failed. Not only for him but for all Japanese Americans.

Nothing extraordinary happened. Re¬
searchers came upon dust-covered boxes of World War II government documents. Those documents once made public
showed that government decision mak¬
ers at the highest levels in the military
and War and Justice Departments knew,
when the government’s Korematsu brief
was submitted to the Court in 1944 and
indeed at the time the internment was
initiated in 1942, that there had been no
“military necessity” to justify it. Even
more incredibly, the documents showed
that the War and Justice Departments had deliberately misled — lied to — the
Supreme Court about the crucial facts
on “military necessity” and that key Justi¬
ce Department lawyers had launched a
huge internal fight to stop their own De¬
partment’s fabrications and “suppression of evidence” (but they lost). What were
these shocking uncovered WW2 govern¬
ment documents? The most significant lay in three clusters.

Original DeWitt Report. The first
cluster concerns the hidden original
DeWitt Report. That original version
showed that General DeWitt actually
determined citizens were ample time for
individual loyalty determinations but that
hearings would be useless because Japa¬
nese Americans were inherently disloyal.
Yikes! After a huge battle, high govern¬
ment officials pulled back the original
version and rewrote the Report to state
falsely that there was insufficient time to
determine disloyalty individually. It was
this altered version of key facts that was
submitted to the Court.

Intelligence Reports. The second
document cluster involved key assess¬
ments by all the American intelligence
services investigating potential Japanese
American disloyalty. Those intelligence
services were clearly shocked by the reports of the significant
more important statements about Japanese
American “disloyalty” that DeWitt recited as
fact in his Report (and that the Court
relied upon in reaching its decision). The
intelligence services collectively
concluded: The “facts” in DeWitt’s Report
about Japanese American espionage were
actually “willful inaccuracies”; there was
no danger posed by Japanese Americans
as a group; any potential disloyalty could
be handled individually, and, most im¬
portant, there was no need for mass race-based treatment. This damning official intelligence, which had been sent to DeWitt and the Attorney General and the Solicitor General, was deliberately hidden from the Court.

Cover-up. The third cluster of uncovered documents revealed a dramatic cover-up that preceded Watergate by 30 years. The War and Justice Departments, combined, deliberately concealed from the Supreme Court the existence of the original DeWitt Final Report and the (intelligence) reports. First, the War Department attempted intentionally to destroy every piece of paper even remotely related to the fabrication of the key part of the DeWitt Report – but one copy of the original survived along with memos about altering or “burning and destroying.” Second, U.S. Solicitor General Fahy (whose office is supposed to represent all Americans before the Supreme Court) refused to disclose to the Supreme Court the crucial detailed Office of Naval Intelligence assessment finding that there was no need for mass racial handling.

Third, in preparing the government’s Korematsu legal brief to the Court, Edward Ennis, the Justice Department Attorney writing the brief, and his assistant, John Burling, attempted to destroy the Court in a key footnote to the conclusion in the intelligence assessment. There was no military necessity, essentially destroying the government’s legal defense of the internment. A furious internal struggle ensued. Memos flew back and forth. High officials in the War Department forcefully pushed to get the Justice Department to remove Burling’s damaging footnote. Burling, as a junior attorney, courageously stood his ground and wrote to the Attorney General: “There is no doubt that these statements [about military necessity in the DeWitt Report to be submitted to the Court] are intentional falsehoods.” Ultimately, however, the Burling footnote was drastically altered to conceal the government’s knowledge of the unequivocal “no internment justified” conclusions of its top intelligence services.

Fourth, Solicitor General Fahy then went further and deliberately misled the Justices during oral argument. He first stated that the DeWitt Report referenced facts proving the military necessity justification of the military orders. Then, in a direct misrepresentation (lie!) to the Court on this pivotal issue, Fahy added “and no responsible person in government ever again, to anyone.”

Let us stand up and prevent this kind of injustice from happening ever again, to anyone.

CORM NOSIS LITIGATION. Based on these startling documents, Fred Korematsu reopened his case in Federal District Court in San Francisco in 1983 – forty years after the Supreme Court ruling.

I joined the Korematsu legal team part way through to lend my experience in complex litigation.

The civil litigation vehicle was the ancient writ of coram nobis. This is a rarely used extraordinary writ that aims to stop the continuing harmful consequences of a “manifestly unjust” conviction arising out of egregious governmental (usually prosecutorial) misconduct.

The Justice Department strongly opposed a full hearing on the petition in 1984 opinion and the Attorney General and the Solicitor General and the Solicitor General attempted intentionally to destroy the petition. I co-authored that brief. But the Court in a direct misrepresentation (lie!) to the Court on this pivotal issue, Fahy added “and no responsible person in government ever again, to anyone.”

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IMPACTS. The coram nobis decision provided the previously missing legal cornerstone for the 1988 Congressional Civil Liberties Act. It is this apology, reparations, and education legislation that is now cited by groups nationally and worldwide who are seeking redress for historic injustices.

What insights might we glean from all of this? First, that good faith concerns of many people for a nation’s security can be overtaken by scapegoating or extreme overzealousness in the name of national security by some with political power. And, second, that the Supreme Court abdicated its constitutional role as guardian of fundamental liberties of all of us when it takes a hands-off role – turns a blind eye — in addressing government national security actions that curtail civil liberties. These issues are alive today!

In 2004, in the last amicus brief of his life, that President Bush urged the Supreme Court in the Guantanamo Bay Rasul appeal to closely scrutinize, and not to accept blindly, the government’s claim of national security for “politically popular” indefinite detentions without charges or trial. I co-authored that brief. But the second Bush was all Fred’s. He reminded the Court that in 1944 the government was never put to the test – it test could not legitimately have passed. The government needs worldwide latitude to protect the nation and its people, he said. Yet, grave injustice is possible during times of national fear when the government is given unfettered rein over cherished constitutional liberties and is not held accountable by the courts. “Let us stand up and prevent this kind of injustice from happening ever again,” Korematsu wrote, “to anyone.”

**A quick bit of history about Constitution Day Hawai‘i**

In 1983, the legislature designated January 30th for this commemoration. This day is Fred Korematsu’s birthday. By Governor Abercrombie’s executive order, after lobbying by Waiakea High and Intermediate School students, January 30, 2013 was named Fred Korematsu and the Constitution. That day last year was a huge educational success and a larger group lobbied to have January 30 become Korematsu education day in perpetuity. The Senate approved, but the House at the last moment changed it to the broader “Constitution Day.”
It's shown me a new way to evaluate big picture problems and predict the outcomes of possible solutions...

Though Vessels is now deeply immersed in her law studies – drawn especially to intellectual property law and helping to join the Public Defender's Office on graduation – there was a time when her life revolved around keeping her team safe and making sure the goods she cleared for delivery onto base were also safe.

Vessels was often in the open, and often in potential danger during her year in Afghanistan working 14-hour days. She signed up in 2008 right after college (she majored in chemistry at Xavier University in Ohio) and mustered out in 2012, originally planning to join the FBI or maybe go to medical school.

As a movement control leader during her U.S. Army service, it was her job to wrangle the trucks bringing food and other supplies to the base. The truck yard was outside the safety of the base, where as many as 60 to 90 vehicles would convene at a time, all of the drivers jockeying to get onto base and deliver their goods. It was called a Forward Operating Base, and it was vulnerable.

Most of the goods had arrived by truck from Karachi, traveling through Pakistan and the Kyber Pass to Bagram or Kandahar and on to the base where Kaki was stationed. “These were host nation trucks, and the trip would take weeks,” she said. It was Vessels’s job to clear the trucks, one by one, making sure they contained what the paperwork said they had, and then sending them in.

“We were a movement control team, a smaller unit of 20 people,” she says. “Anything moving into or out of our hub, we did all the documentation, all the trucking, and all the arrangements for it.”

She developed a sixth sense when something felt wrong.

“We’d go out to the truck yard every day and all the local drivers wanted to be the first one to get onto the base to get paid. There would be hundreds crowding up on us.”

“If it felt wrong,” she remembers, “I’d turn my guys around and take them back in.”

Vessels could tell when it wasn’t safe. The children wouldn’t be in their trucks. And there would be few people on the road, and few people visible. On those days her unit wouldn’t leave base. Other times they’d head back to the base quickly.

That sixth sense stood her team in good stead. There were a couple of scares, she remembers, but no really bad incidents. “They would obviously test us. They’d leave boxes out in conspicuous places and one time there was a truck that pulled up and was supposed to have water, but the driver said ‘By the way, there’s an unexploded RPG that someone shot into my truck.’”

“Oh-kay,” she replied, backing away.

“We called the EOD – explosive ordnance disposal unit and they did a controlled detonation.”

Once Vessels was on a convoy hit by a mine, an Improvised Explosive Device, but no one was hurt. The convoy respond to one truck being hit or shot at. “We called the EOD – explosive ordnance disposal unit and they did a controlled detonation.”

It’s shown me a new way to evaluate big picture problems and predict the outcomes of possible solutions.

Nowadays, as she winds up her first year at Richardson here in the Islands - a place she now calls home. She and her husband Brad live on a boat – a 58-foot trawler – berthed in Koinoa harbor and he runs the boat business they purchased last year - a yacht brokerage firm called Kokua Yacht Sales. Last year they sold almost $2 million worth of boats, says Vessels. “We are the only floating yacht brokerage business in Hawaii’s volatile market, with our boat business, her law school classes, and a penchant for doing triathlons, the couple share a love of sailing. Before starting Law School, Kaki spent nine months crewing on a privately owned 120-foot yacht - the Valkyrie - that hosted fishing expeditions throughout the islands. ‘I was basically gone three weeks and home a week,’ she says. ‘I got to see so much of the islands...I got to sail around every island except Kauai’.

Along with their boat business, her law school classes, and a penchant for doing triathlons, the couple share a love of sailing. Before starting Law School, Kaki spent nine months crewing on a privately owned 120-foot yacht - the Valkyrie - that hosted fishing expeditions throughout the islands. “I was basically gone three weeks and home a week,” she says. “I got to see so much of the islands. I got to sail around every island except Kauai.”

Kaki took his advice and last year was accepted at Richardson here in the Islands - a place she now calls home. She and her husband Brad live on a boat – a 58-foot trawler – berthed in Koinoa harbor and he runs the boat business they purchased last year, a yacht brokerage firm called Kokua Yacht Sales. Last year they sold almost $2 million worth of boats, says Vessels. “We are the only floating yacht brokerage business in Hawaii’s volatile market.”

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NEW FACULTY FOCUS:

Meet Assistant Professor Andrea Freeman

Working on the Front Lines of Life

As one of the newcomers to the faculty and the mother of four-year-old twins, Freeman would think about law school, and only the beginning of a decade she spent working in theater, domestic abuse counseling, film production, and then freelance journalism.

As a child, Freeman was a piano prodigy but decided against a concert career because she felt it would be limiting. As a result, she has chosen a life that has led her to work on the front lines including helping victims of domestic violence and serving as a law clerk for federal judges in Puerto Rico and Connecticut, dealing with cases involving terrorism, journalistic freedom, and NSA spying as well as writing about her own family history deeply affected by the Holocaust.

Freeman speaks five languages – Spanish, French, German and Hindi, as well as English - and she is now studying Spanish, French, German and Hindi, as well as English - and she is now studying.

In New York, Freeman worked on a film short that eventually became the acclaimed “Boys Don’t Cry,” starring Hilary Swank, a movie that explored the ugly world of violence against transgender individuals.

In New York, Freeman worked on a film short that eventually became the acclaimed “Boys Don’t Cry,” starring Hilary Swank, a movie that explored the ugly world of violence against transgender individuals.

In between these occupations, Freeman managed to trek around the world – including spending a year backpacking during her education at the University of Toronto – plus months more roaming Mexico, Thailand, and India, much of it on her own. It wasn’t until she was in San Francisco, working as a creative writing instructor with girls on probation, that she began pondering law school.

“I felt it was time to either get an MFA in creative writing or a law degree,” she says. “I felt it was time to either get an MFA in creative writing or a law degree,” she says. “Food and social justice and sovereignty – those are some of the most important issues in Hawaii. Food equality looks at racial and socioeconomic disparities regarding who has access to nutritious food and who does not, and how institutions like the government and corporations influence that,” she explained.

In Freeman’s article, “Payback: A Structural Analysis of the Credit Card Problem,” published in the Spring 2013 issue of the Arizona Law Review, she points out: “Many low-income African-Americans have a higher cost of living than whites at the same income levels. African-Americans living in poor neighborhoods pay more for goods and services than people in other neighborhoods pay for identical products, including basic food items. Many inner-city residents lack the means of transportation to shop for cheaper goods in other places or cannot travel due to child-care, time or health issues. Transportation costs may be prohibitive, and mass transit often under-serves or does not service poor neighborhoods.”

Freeman’s commitment to social justice began early, and was reinforced after she graduated from college when she worked in shelters with women and children who had experienced domestic abuse.

She also worked at the non-profit theater “Buddies in Bad Times,” where she was a stage manager, did some performance, and wrote the play about her grandmother’s life.

“Her brother was in France in the Resistance,” says Freeman. “She and my grandfather escaped but the rest of the family did not. Her mother and sister died in the concentration camps.”

Food Security, Social Justice, and Sovereignty

Food Security, Social Justice, and Sovereignty

Two outstanding members of the Law School faculty were recently singled out for community-wide recognition. Associate Dean Denise Antolini was named the 2013 recipient of the John Kelly Lifetime Achievement Award by the Surfrider Foundation for her service to the environment, and Prof. Mari Matsuda was honored by the Japanese American Citizens League for her contributions to social justice.

Associate Law Dean Denise Antolini

Honored with Top Environmental Award from Surfrider Foundation

Antolini joined the UH Law faculty in 1996 and directed the Law School’s nationally recognized Environmental Law Program for many years. At the Law School, she has taught environmental law and litigation, ocean and coastal law, torts, and legal writing and she has served as Associate Dean for Academic Affairs since 2011.

In addition to her service at the William S. Richardson School of Law, Antolini is being recognized for working tirelessly in the community to preserve the environment and for successfully helping build coalitions dedicated to environmental issues and to strengthening environmental protection laws. She lives in Pūpūkea and helped to found and serves on the boards of two prominent North Shore non-profits: the North Shore Community Land Trust and Mālama Pūpūkea-Waimāna. She also has served on numerous community and government committees, most recently the nominating committee for the State Water Commission. She was the inaugural chair of the Honolulu City Council’s Clean Water and Natural Lands Commission and is past chair of the State Environmental Council.

Two outstanding members of the Law School faculty were recently singled out for community-wide recognition. Associate Dean Denise Antolini was named the 2013 recipient of the John Kelly Lifetime Achievement Award by the Surfrider Foundation for her service to the environment, and Prof. Mari Matsuda was honored by the Japanese American Citizens League for her contributions to social justice.
Professor Mari Matsuda

Honored by Japanese American Citizens League for Social Justice Work

AW SCHOOL PROF. MARI E. MATSUDA was celebrated as a “Champion of Justice” by the Japanese American Citizens League at the group’s 2013 general membership meeting and Distinguished Service Awards ceremony.

In choosing Matsuda, JACL President Liann Ebesugawa ‘03 said: “The award is given to members of our community who have demonstrated exceptional service to civil rights and social justice.” The award also noted that Matsuda made history as the first Asian-American female law professor to gain tenure in the U.S. “An international scholar in the fields of constitutional law, feminist theory, social justice, and legal history, Professor Matsuda returned to teach at the Richardson School of Law after serving on the tenured faculty of both the UCLA and Georgetown law schools,” noted the official program.

It continued: “A widely-read writer and self-described scholar activist, Prof. Matsuda is noted for siding with the underdog. She has a long record of pro bono work and social change activism. Her articles on hate speech, onaccent discrimination, and on reparations are among the most cited law review articles of all time. “Law and Economics scholar and renowned judge Richard Posner predicted that her work will have lasting influence, and the Society of American Law Teachers gave her its highest award for teaching.”

Prof. Matsuda gave a moving speech as she accepted the award, for the first time revealing that the JACL had stood by her father when he was under attack during the height of McCarthyism. She also introduced Prof. Charles Lawrence III as her husband and explained that this was the first time she so introduced him because their marriage no longer seemed to be a special privilege. “The Hawai’i Supreme Court Associate Justice Simon R. Acoba Jr., and Hawai’i Public Defender John Jack Tonaki.”

Going Behind-The-Scenes at Honolulu Law Firms
And Getting Tips on Landing the Job You Want

DURING FOUR FRIDAY FORAYS from mid-January through mid-February, law students could peek behind the scenes of 20 of Honolulu’s top law firms—many of them well-known for hiring Richardson Law School graduates. In calling the visits “a resounding success” JAMES DIEHL ’16 said they gave him firsthand knowledge of what the firms look like, the kinds of law they practice, and what they want in new recruits. “For a lot of the students,” said Diehl, “it was their first exposure to a real law firm and to get a vibe of what they’re like.”

“I really thought it was of great value,” he continued, “and I heard that echoed by some of the graduates at the firms. They said they wished they had had the same opportunity.” The visits have been part of a heighten ed focus on Professional Development at Richardson that includes doing more connecting and acquainting students with real world jobs. The visits helped set the stage for on-campus spring interviews that are often a springboard to future employment. In fact Diehl, from California, said he applied to Richardson Law School in part because of its exceptional track record in seeing its graduates hired. “Richardson was the only school that advertised the percentage of students employed prior to graduation,” he said. “That spoke of where their values were. And after the ABA cracked down on falsifications in some law school graduate employment statistics I saw that Rich-
adison's statistics stayed the same.”

During the final week of the down-
town visits, students heard from UH Law '06, an associate at the firm of Bays Lung Rose & Holma, recommend keeping an open mind during their law school studies by not narrowing their focus. She also said that the firm she joined soon after com-
pleting her degree offered unique oppor-
tunities to grow as a young lawyer.

“If the task involves,'We give you as much work as you can han-
dle,'” she said, “you have to balance that you’re investing in the firm and we’re investing in you.

“It allows you to progress quickly. As an associate you’re going to work on all different cases with all different partners. You get to experience a wide range of dif-
ferent issues.”

Love said it was important for her to try out multiple legal areas, such as trans-
actional law and litigation. “That allows you to see what things you have to feel for yourself,” she said. “You need to try out how you feel being more adversarial, for instance, or do you like working on business deals.”

Partner Harvey Lung pointed out that three of the partners are Richardson Law School graduates, six associates are UH Law School grads, and so is another law-
cy who is of counsel. Additionally two incoming associates are UH Law grads, as are three summer associates.

Partner Michael Carroll, who handles hiring, noted that the firm generally hires two summer associates each summer, often after interviews at the Law School.

What the firm looks for, Carroll said, are students that stand out from the crowd, but also those who will mesh with people already at the firm.

“I look for people that have back-
ground, and compatibility – someone I would feel fit in – plus someone with real world experience. After reading 30 cover letters that all sound the same, I like it when someone stands out.”

She said that provides an additional topic of con-
versation to better know a potential em-
ployee, she said.

At the same time, partner Craig Waj-
nild noted that prospective applicants need to be as aware of the person at the firm to see if they feel as if they will be able to work well together.

“What’s way more important than an-
other thousand dollars in [pay] is that the peo-
ple you work with,” he said. “And I lucked out. I decided these are people I will mesh with. Some are [now] my best friends in the world. [So] have those feelers out;” he advised the students. “Do these feel like people I’d like to go have a beer with?’

Student BROOKE HUNTER ‘16, said it was of particular interest to get a sense of ‘the environment’ at each firm, including how the attorneys viewed the importance of work/life balance.

“You could tell a lot had an emphasis on family life,” she said. “You could tell the environment was more relaxed at some over other ones.” Hunter said it was important to her to see that overall view-
point at the firms.

“Firms are more accepting today of work/life balance,” she said.

Although Hunter said one can gain much information from a firm’s website, that can’t compare to touring the offices and gaining a sense of the attitudes, de-
meanor, and even the age range of the at-
torneys at each firm.

“A lot of firms stressed they had men-
torship programs and I liked that a lot,” said Hunter. “The small intimate nature of UH [Richardson Law School] would make it hard to plunge into a large firm.”

In their visit to Chun Kerr, students heard from associate KEOGA KELLY ‘11 explain that he was first hired as a summer associ-
ate, but then stayed with the firm.

As Keiley led the student group through the expansive office, founder Ed Chun joined the group and chatted about how the attorneys had planned to tidy up the stacks of files before the stu-
dents’ visit. Then he admitted that the tidying had not materialized, adding that it was more important for students to see what a real working law office looked like.

First-year student ROBERT ZANE ’16 noted that he was especially interested in learning about the summer hiring poli-
cies.

“A lot of the firms told us about the number of hires they have during the summer,” said Zane. “I will try to apply to some of those firms.”

Although Zane said he has been in a law office in the past, he said the visits gave him the opportunity to tour many of the major firms where he’d never been and to hear about the kinds of young at-
torneys they want to hire.

“They’re looking for students who most importantly meet their criteria and would be a fit for the firm,” he said.

Zane said he liked the range of options that the big firms provide a young attor-
ney just setting out in legal practice, but he also liked the smaller firms and their more communal feel.

For BRYAN CHEE ’16, the visits served as both a stepping stone to future employ-
ment and map for his next two years of law school.

“On a practical level, I appreciated learning which firms hire summer law clerks,” said Chee. “I learned the opportu-
nity to see what the actual practice of law is like.”

The visits were organized by Dale W. Lee, Richardson’s Director of Profes-
sional Development and Student Enrichment and Externship Programs, and led by both Lee and BONETTE M. KAWAKAMI ’85, As-
socite Dean for Student Services.

THESE NEW PROFESSIONAL DEVELOPMENT PROGRAMS WERE ALSO SO ADDED IN THE 2013-14 ACADEMIC YEAR:

Town meetings—Held in the fall to open a dialogue to determine student interests.

Resume Drop boxes—Established for students to drop off resumes in a confidential file to be accessed by law firms.

Peer Mentoring—During March 2L and 3L students participated as peer mentors in handling mock employment interviews.

LAW SCHOOL EXPANDS LSAT Prep Program

BY LIAM SKILLING, DIRECTOR OF ACADEMIC SUCCESS AND THE EVENING PART TIME PROGRAM

The Ka Huli Ao LSAT Preparation Program is now offering year-round support for prospective applicants to the William S. Richardson School of Law who are pre-
paring to take the Law School Admis-
sions Test (LSAT).

The Ka Huli Ao LSAT Preparation Program provides application counseling and LSAT instruc-
tion for prospective applicants to Rich-
ardson. Prospective applicants can attend information sessions, receive feedback on diagnostic tests, and apply to enroll in one of two 10-week LSAT preparation courses offered each quarter.

The Ka Huli Ao LSAT Preparation Program was launched in 2005, Ka Huli Ao Center for Excellence in Native Hawaiian Law at the William S. Richardson School of Law has of-
fered LSAT preparatory courses for students applying to Richardson, with preference given to students interested in focusing on Native Hawaiian and Pacific indigenous legal is-
sues.

The Ka Huli Ao LSAT Preparation Program has helped over 100 applicants prepare for the LSAT and secure admission to the Richardson. Anna Fernandez ’11, now Director of Govern-
ment Relations for Hawaii Public Policy Advocates, said of the program, “The frame-
work of the course is designed to cover all sections of the exam and also to target ‘problem areas’ where students traditionally need more help.”

By the end of the course, my practice test scores significantly improved and this level of perfor-
many of my practice tests, which includes practice tests, three full-length LSATs, and four simulated practice tests.

The Kahoe’ohahalahale ’11, a first-year at the program, said, “The class provided a very supportive atmosphere and classmates often shared LSAT tips and other helpful informa-
tion with each other. The LSAT prep course provided me with practice and guid-
ance I could not have anywhere else.”

The LSAT Preparation Program is admin-
istered by Derek Kaua-
Benoit, the Student and Community Outreach Coordinator for Ka Huli Ao Center for Excel-
ence in Native Hawaiian Law. Kaua’t now provides application counseling and LSAT prep-
rates for students interested in pursuing legal studies.

Due to high demand for the program, the Ka Huli Ao LSAT Preparation Program is expanding to accommodate more students. Courses will still prepare students for the October and December administrato-
ers of the LSAT. In addition, information sessions and diagnost-
ic tests will be offered from January to June. Potential applicants can learn about the LSAT, receive feedback on their diagnost-
ic tests, and receive guidance on develop-
ing an individualized plan to prepare for the LSAT.

For more infor-
mation about the program, contact us at lawlsat@hawaii.edu.

The next diagnostic test will be admin-
istered on Saturday, April 26.
**Harvard’s Kenneth Mack Dissects Gay Rights Movement Strategies**

IN AN ALMOST NONCHALANT WAY Harvard Law Professor Kenneth Mack wove the story of gay rights – and Hawai’i’s important role in it – into his last class and public lecture as part of the recent January-Term offerings at the Law School.

Mack, the 2014 Frank Boas Visiting Harvard Law Scholar, spent the J-Term week juxtaposing race and law and the civil rights movement. As part of the seminar, Mack reflected on the staggering changes of the last two decades partly through his own growth of awareness around gay rights.

Looking back 25 years to the beginnings of the struggle for gay rights and same-sex marriage, Mack reflected on how different the social culture was in the early 1990s. “It was a space in which no one of color was out of the closet,” he told students and members of the public gathered for his last lecture.

Fast-forward to last summer and the U.S. Supreme Court decision striking down an unconstitutional provision of the Defense of Marriage Act (DOMA), to enable couples in same-sex marriages to have the same federal rights as those in opposite-sex marriages.

“We’re in the midst of a revolution,” said Mack. “And lawyers and litigators have been part of it.”

In describing the process of the gay rights movement, Mack noted that the movement has been greatly aided by the civil rights movement, as well as by courageous attorneys who carefully chose their court battles. For instance, in 2003, when the Supreme Judicial Court of Massachusetts struck down the state law against same-sex marriage, Mack said he feared that Chief Justice Margaret Marshall had done the wrong thing.

“I was afraid it would be reversed,” he said, of that opinion, adding, “Most people thought the decision would be overruled by the Massachusetts legislature.”

But it wasn’t. And the legal strategy employed by lead attorney Mary Bonauto and civil rights attorney Evan Wolfson was designed to offer evidence that gay couples “are just like us,” said Mack.

“What Evan Wolfson did was make us re-imagine what it was to be gay,” Mack explained. “He re-imagined gays and lesbians in the minds of the mass of Americans as ‘just like us’ – middle-class Americans trying to raise their kids and get enough money to survive.

“It turned out this was exactly the place to have the struggle – two committed partners - just like us - who simply wanted to get married,” said Mack.

“Sometimes,” he continued, “what litigation does is make us see something that we didn’t see before.”

In using this strategy to win the right to marry, gay rights attorneys looked back on the successful civil rights movement, and borrowed from that, Mack emphasized. Wolfson, in fact, spent time in Hawai’i in the 1990s where the battle for gay marriage was first launched. He was co-counsel in the landmark Bahr case, which many see as the beginning of the global marriage equality movement.

“The gay rights litigators are doing this after all the school desegregation cases,” noted Mack. “They pick gay marriage because it doesn’t require a complete dismantling of an institution.”

Mack concluded: “Other movements model themselves on the African-American civil rights movement. And the lawyers arguing for gay rights are thinking very strategically – with the African-American civil rights movement in the background.”

**SOMMERSET WONG ’14**, who took both Mack’s class and another one on refugee and asylum law, notes that she’s been participating in J-term classes since her first year in law school and finds them very important. “They teach you things that have practical application,” says Wong.

“Professor Mack’s class was so valuable. You got to see how important lawyers were in the civil rights movement. For instance, Brown v. Board of Education didn’t do as much as people think it did, but the movement it started led to the Civil Rights Act of 1964. It wasn’t always about the outcome of a case, but the impact it had. Through his class, we realized that case [ruling that separate public schools for black and white students was unconstitutional] may in and of itself not have made great change, but it sparked the change that led to the civil rights movement.”

**The long and complex relationship of immigration between Korea and the United States was the focus in mid-February when an international gathering of experts spent a day in discussions as the Center for Korean Studies at the University of Hawai’i hosted an international conference – “Korean Immigration & Multiculturalism” – at the Center’s auditorium.**

The conference brought scholars together from Asia, the U.S. and Europe to discuss issues ranging from Korean immigration to the United States through the issue of Korean identity today in the global community.

The conference was especially timely in view of the 2011 Free Trade agreement between the U.S. and the Republic of Korea. The agreement transforms peoples’ identity and the way they live,” said Associate Professor Tae-Ung Baik from the William S. Richardson School of Law at UH, one of the conference’s key organizers. “But the identities immigrants have are not at all the same. Although there have been efforts to study the development of Korean immigration to the United States, still many gaps are left unfulfilled.

“From the Korean point of view,” Baik continued, “we always think of the Korean as aspira as one unique movement, but that is not really the correct approach. So we want to look at the different approaches to Korean immigration, the gaps between policy and how people survive between two cultures. Through this conference we hope to discover many unexplored issues.”

**The conference’s key organizers included Assistant Professor Seunghye Hong from the Myron B. Thompson School of Social Work at UH and UH Foundation Professor Tae-Ung Baik from the Lee Murabayashi.**

Forum moderators included: The Hon. Ronald T.Y. Moon, retired Chief Justice of the Hawai’i Supreme Court; Ned Shultz, retired professor at UH and former dean of the School of Pacific and Asian Studies as well as former chair of the Center for Korean Studies; and Hagen Koo, Professor of Sociology at UH.

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Julie Sparks

Named Hawai‘i’s 2014 Mother of the Year

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Yet at the forefront of importance for her are her 19-year-old son and 18-year-old daughter. Her 22-year-old stepdaughter is married and living on the Continent. Sparks explains that her philosophy carries her through the tough times of teenage rebellion, the hours of pure exhaustion, and such moments of disappointment as when both older children decided college wasn’t for them now.

“I finally learned to let go of who I want them to be and let them be who they are,” says Sparks. “It’s a hard lesson to learn as a mother, especially if you’re an over-achiever….It’s a tough lesson for a parent to let go of your dreams for them and realize that as long as they’re good people and they’re happy with their lives that has to be enough. You can’t second guess their choices.”

Sparks has spent her motherhood “fighting back against the culture that wants to sexualize girls so early.” It has meant constantly changing the TV channel or the radio station, “and trying to filter what gets into our house.

“The vile rap songs that have swear words I don’t let them listen to,” she says. “But I can only control so much. It’s a big battle, especially with girls. They all want to look sexy starting at about 12, so my daughter and I have a lot of arguments. I want to send her the message that who she is is more important than what she looks like.”

In choosing to go to Law School in her late 40s, Sparks has set an example of determination and hard work that has sent a profound message to her daughter especially. And when Sparks almost quit school this year because it was taking too much time away from her family, it was her 15-year-old who changed her mind. “My daughter said ‘No, Mom, you have to finish. You’re too close.’”

The Hawai‘i Mother of the Year competition is sponsored by American Mothers Inc., Hawai‘i Association. Sparks was nominated by a client and filled out the application because of her client’s encouragement. The local chapter personally interviewed nominees. True of the things Sparks told her interviewer was simple: “I think my generation was sold a bill of goods, that you’re not very valuable if you’re just raising kids.”

Sparks has been honored at a banquet March 29 at the Hale Koa Hotel Banyan Tree Showroom, and then in April will join honorees from other states for the national American Mother of the Year competition in Colorado Springs, CO.

That she was chosen sends a message that motherhood is no longer apple pie and aprons, but a pathway that veers closer to the precipices and potholes as families wrestle with contemporary culture that affects everyone for the future.

“Take heart mothers of Hawai‘i! Even the newly anointed 2014 Hawai‘i Mother of the Year sometimes struggles to get along with her teenagers. “I was just thinking, both teenagers are mad at me so I must be doing something right,” jokes 49-year-old Julie Sparks ’14, a third-year law student at the William S. Richardson School of Law at the University of Hawai‘i, and also a Honolulu realtor.

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Prelaw Magazine features UH Law School in Two Stories

And Ranks Richardson 6th in the Nation for Hands-On Service

THE UNIVERSITY OF HAWAI’I LAW SCHOOL and its Dean have been featured in two stories in the January Prelaw magazine – with one story exploring the importance of diversity in education, and the other stressing the value of experiential learning through clinics.

The William S. Richardson School of Law earned high marks in each category – coming in 6th in the nation for its clinical programs, in which students get hands-on experience dealing with clients.

And, with the inclusion of an interview with Dean Avi Soifer, the article on diversity – titled “Should Law Schools Be Colorblind?”- points out that UH Law School has earned top rankings in the area of diversity in the last two years.

The story notes that affirmative action has been under attack, and asks the question “What is diversity, particularly today?” Then it offers some new definitions, pondering whether in addition to racial, cultural, and gender diversity, the definition should be expanded to include such values as socio-economic and life experience diversity.

In highlighting UH Law School as one of America’s “Success Stories,” the article notes that UH has managed to fine-tune the definitions, but also has the good fortune of being located in the state with the most diverse population in the country. Year after year the School’s Admissions team brings together unique entering classes with students who truly reflect what diversity means in today’s world.

“The University of Hawai’i at Mānoa – William S. Richardson School of Law - has been lauded as being one of the nation’s more diverse law schools,” the story notes. “In 2012, it finished fifth in The National Jurist ranking, and it finished first in the 2013 U.S. News & World Report’s tally.”

The article goes on to quote Dean Soifer: “Our students graduate with many cultural influences. In the world, wherever they may end up, they can adjust more easily.”

Soifer also noted that Richardson Law School provides significant outreach to the state’s Native Hawaiian population to offer opportunities for legal education to those whose roots are deep in Hawai’i.

When the Law School was founded 40 years ago, this was one of the goals envisioned by Chief Justice Richardson – to provide a first-rate legal education to Hawai’i residents who often before had been passed over by law schools on the continent, or who found it impossible to afford the cost. Richardson Law School remains one of the most reasonably priced in the nation.

As the state’s only law school, the majority of its enrollees continue to come from the Islands. In 2012, for instance, more than 75 percent of the students in the fall class were from Hawai’i, and that cohort included more than a dozen different racial backgrounds.

In its story on clinical programs, the magazine established a “Top 20” list by dividing the total number of full-time law students into the number of clinics available. Using that rubric, Richardson ranked just a few notches behind Yale Law School, which ranked first, but significantly above such well-known law schools as Cornell, Berkeley, Northwestern, and the University of Chicago.

The article pointed out that UH Law School had 130 clinical course openings in 2013, and a fulltime enrollment of 261 students. The article calculated that this gave Richardson students a 49.8 percent opportunity to participate in a clinic.

According to Prelaw Magazine, clinics “allow students to get practical experience, which helps make them more practice-ready upon graduation.”

The article also noted that while clinical opportunities are costly for law schools to provide, especially in this time of falling enrollments, “The value they bring continues to make them popular.”