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May 2014 Graduation Celebration

Access To Justice – Protecting the Vulnerable

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‘Hands-on’ legal Training at UH Law School
Faculty Focus: Professor Kapua Sproat
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Looking Back at the 40th Anniversary Year

Stories by William S. Richardson School of Law Media Consultant Beverly Creamer, unless otherwise noted.
UH Law School Graduation Has It All

128 New Graduates Celebrate Under Rainy Skies

AWAI‘I SERVED UP EVERYTHING for the University of Hawai‘i Law School graduation this May – sweet-smelling lei, impassioned speeches, jubilant graduates, proud families, and a healthy downpour.

A crowd of more than 700 braved a very rainy Sunday afternoon to watch 109 graduates receive JD degrees, and another 19 receive Masters of Law degrees. The LLM class came from 13 countries, including: Argentina, Bangladesh, Belgium, Bhutan, Canada, Chile, Germany, Japan, South Korea, Saudi Arabia, Singapore, Spain, and Switzerland.

They heard Hawai‘i Supreme Court Associate Justice Sabrina McKenna ’82 emphasize that the Law School’s 40-year history has shown that “anything is possible for graduates of the William S. Richardson School of Law.

“You are going to have an impact not only on Hawai‘i, but on the world,” McKenna told the graduates, reflecting on the important contributions made beginning with the inaugural Law School class of 40 years ago, especially during the 1978 Constitutional Convention that added resource protections and a deep Hawaiian cultural resonance to Hawai‘i’s laws.

McKenna reflected on that week’s departure of the Polynesian Voyaging Society canoe Hōkūle‘a on its 47,000-mile worldwide voyage to 26 countries, noting that “for the Class of 2014, your worldwide voyage starts today.

“Remember what the entering class of 1973 taught us,” continued McKenna, “that we must embody the spirit of the host culture, the spirit of aloha.”

Aloha was certainly evident during the afternoon festivities as the audience of family, friends and well-wishers made the best of dodging unpredicted heavy rain, stepping through puddles, and trekking briefly to the nearby music school as organizers attempted to move the ceremony under cover, only to decide to move it back again outdoors to Andrews Amphitheater as the rain clouds parted.

“This is an exceptional class,” Dean Avi Soifer told the assemblage as families and graduates gathered in the courtyard. “They have met challenges, including rain on graduation day, but it’s bright skies ahead.”

“We were not going to miss this,” said Bonnie Watson, mother of graduate Capt. Casey Jones, whose family had come from California, as she watched the start of the ceremony from under an umbrella.

“I loved it.”

The ceremony, pegged to start at 4:30 p.m., was pushed back almost an hour because of the downpour, but was that much more welcome when it did begin with a deeply moving personal address by faculty specialist Ken Lawson, who has been involved with the Hawai‘i Innocence Project. In introducing Lawson, graduate Sommerset Wong said Lawson’s challenges in life have served as “invaluable lessons” for his classes.

“He has taught us lessons about life and the law,” said Wong. “We see in him the kind of person we would want to be.”

Lawson has become a favorite of the students for his brash honesty about his own fall from grace that led to a year’s incarceration in federal prison because of his addiction to prescription painkillers after a serious sports injury. He encouraged the graduates to believe in themselves and to recognize that a life devoted to serving others will be what truly makes them happy.

“Whatever your dream is, you’ve got to go get it,” Lawson said. “There’s a gift deep down inside each of you and you have to reach for it … You don’t come here [to law school] to be somebody—you are somebody.º

ºUH Law School Graduation Has It All
somebody. You don’t have to be perfect; be who you are, with all your weaknesses and strengths. You are perfect being imperfect.”

Lawson spoke passionately of all the things he had chased – money, success, a big house, a fancy car - trying to be happy, only to discover that none of it filled a deep void inside. Only when he came to Hawai’i and slowly began discovering that he had been living “backwards – by being a taker rather than a giver” – did he begin to fill that emptiness.

“If you want to be happy for a lifetime,” he told the students, “be of service to others.”

Student speakers – Akesh Abhilash for the LLM graduates, Matthew Cohen for the Evening Part Time Program graduates, and RJ Brown for the regular JD graduates - also spoke eloquently about being part of the Richardson Law School family.

“For as long as I live, I will be proud of what we’ve done here,” said Brown. “Progress will always call upon the courageous – this is who we are and this is our responsibility for all we’ve been given.”

“The part time program brought phenomenal people back to school. I have seen you fall and get back up... Say yes to your greatness.”

Abhilash, from Singapore, spoke of finding “a unique and welcoming culture” in Hawai’i and a student body offering mutual respect in an environment of great support. “In the immortal words of the Carpenters,” he added, turning to his classmates, “we’ve only just begun.”

Before the ceremonies began, graduates shared a champagne toast, and also watched 21 youngsters - children of 16 of the graduates – receive their own diplomas. The diplomas gave official recognition, said Liam Skilling ’07, director of the Part Time Evening Program, to the children “who had to give up so much time with their mothers and fathers while they went to Law School.”

The Law School’s ‘Students With Keiki’ program plans special events for the children during the year and welcomes them to classes with their law student parents. The organization also recognizes just how tough it is on both students and families because of the long days and nights of studying and the sacrifices they all make. Of the children recognized, the youngest was 18 months, the oldest 11.

As the graduation ceremony ended, graduates held hands and ringed the lawn of the amphitheater singing “Hawai’i Aloha” as their families headed toward them with balloons, lei, hand-painted signs, and happy smiles.

But long before twilight fell, Bill and Leah Wah Yick expressed great delight at the accomplishments of their granddaughter, graduate Sharde Mersberg Freitas, the mother of 18-month-old Kawena‘ulaokalani Freitas who was born during Sharde’s second year of Law School.

“The whole family is awfully proud,” said Sharde’s grandmother, Leah Wah Yick. “She’s the oldest granddaughter, and she has set the bar really high for the rest of the grandkids.”
Access to Justice Still a Goal
For the Nation’s Most Vulnerable

The U.S. has failed to provide access to justice in civil cases for 80 percent of the nation’s most vulnerable people, according to the president of the Legal Services Corporation, the nation’s largest funder of legal aid services.

“Only 20 percent of the needs for legal assistance [among the group of poor and moderate-income people] are being met,” James J. Sandman told an audience of 280 at the William S. Richardson School of Law during an annual conference in late June that focused on improving access to legal assistance for the nation’s most needy.

That means that most citizens often face civil court fights alone - without legal help at their side, Sandman told the gathering that brought together judges, attorneys, legal scholars, community activists, and students for the 2014 Access to Justice Conference.

Hawai‘i Supreme Court Chief Justice Mark Recktenwald added:

“And every day,” he said, “people come into our courts who have to represent themselves in these matters because they can’t afford legal counsel, and who are at sea because they don’t understand the process and what is expected of them.”

This year the federal Legal Services Corporation provided $365 million nationally for civil legal assistance to low-income people – down from $420 million four years ago.

“Funding is at an all-time low,” Sandman said. “There’s been a 30 percent decrease from 2007 to today.”

“The great paradox is that access to justice is about who we are as a nation,” said Sandman. “With values like ours, how can it be that we let this situation occur?”

The annual Access to Justice Conference is sponsored by the Hawai‘i Access to Justice Commission in collaboration with the State Judiciary and the William S. Richardson School of Law.

Law School Dean Avi Soifer, who chairs the Access to Justice committee that plans the conference each year, said, “This year’s gathering - the sixth that we have had at the Law School - again inspired, educated, and reenergized the lawyers and law students who attended and who are committed to serving our most vulnerable neighbors.”

LSC President Sandman said that 65 million people – 21 percent of the U.S. population – meet the income threshold to receive legal help from the country’s 799 legal aid offices. While they fall within poverty and low-income guidelines and are eligible for services in civil law matters, said Sandman, there is nothing that entitles them to a lawyer.

“Most Americans don’t know you can lose your home, have your children taken away, or be a victim of domestic violence and yet you have no right to a lawyer in a civil case,” he said.

In Hawai‘i, the Legal Aid Society has seen an 18 percent cut in the funding it receives from LSC over the last two years, said director Nalani Fujimori Kaina.
the group’s $6.2 million budget, approximately $1 million comes from the LSC. The remainder comes in state grants-in-aid as well as private foundation grants.

Fujimori Kaina said the Legal Aid Society of Hawai’i receives 16,000-18,000 calls for assistance every year, but only about 9,600-10,000 of those people are eligible for services. While not all receive the services of an attorney, the office endeavors to ensure they all get something, even if it’s only advice on the agency’s hotline.

While Legal Aid and other small non-profit agencies that also serve this population continue to struggle for funding, there are now strong partnerships among service agencies that often step in to help each other, according to speakers at the conference. They are strengthening Hawai’i’s safety net, and constantly looking for new ways to improve it.

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Some of the most powerful advocates for increasing this help are judges themselves, said Sandman, and he had high praise for the efforts to advance access to justice made by Chief Justice Recktenwald. Among the initiatives discussed were self-help centers in courthouses throughout the state, as well as Ask-An-Attorney clinics on Neighbor Islands.

“We need to look at institutionalizing self-help centers,” said Recktenwald, pointing out that they’ve already been successful but need additional pro bono assistance from community attorneys. “In Hilo we had more folks come in than lawyers to serve them,” he said, adding that he hopes technology such as Skype can be used to remedy such issues.

Recktenwald lauded the Law School for taking a leadership role in access to justice efforts and the initiatives begun by law students to connect student loan repayment assistance to community service.

Sen. Suzanne Chun-Oakland, speaking on a panel with Sen. Clayton Hee, noted that the need for pro bono assistance from community attorneys is critically important, often necessary to help with the staggering amount of paperwork in areas such as applications for the Rental Housing Trust Fund and Hawaiian Homelands.

Hawai’i law students are already providing hundreds of hours of pro bono assistance to vulnerable clients as part of a graduation requirement.

While conference speakers spoke about the on-going needs in the community, they also pointed to many successes. Sandman pointed, in particular, to the nationwide trend of medical-legal partnerships that provide free legal services as part of medical care in high poverty areas. Hawai’i’s own Medical-Legal Partnership for Children in Hawai’i – founded five years ago by graduates of the Law School – has received a top national award for the outstanding legal service it provides to patients at the Kokua Kaliihi Valley Community Health Center. (See story on page 19.)

Chief Justice Recktenwald also spoke about his pairing Law School graduates who want to work with the current unmet need for legal services in the community. “With the leadership at the Law School I think we can come up with a model for people who want to come back to the community and serve the community,” said Recktenwald.
A Starry, Starry Night and Friends for a Lifetime

Richardson Law School Kanikapila Celebrates 40th Anniversary

SURROUNDED BY FRIENDS, retired Judge Marie Milks soaked up the Kanikapila atmosphere that included twinkling lights, a gentle breeze, Hawaiian music, and a multitude of voices of happy Richardson Law School graduates whose law school days stretched back 40 years.

“I kind of wish I could go back to Law School,” said a wistful Milks, “so I could be a William S. Richardson graduate.”

The sentiments were warm and enthusiastic throughout the evening as more than 500 graduates, family members, friends, and associates gathered in mid-April for the Law School’s 40th anniversary festivities on the lawn next to Iolani Palace Barracks. It was a sparkling moment overflowing with graduates reconnecting with old friends, and mingling with new ones, said Lyn Flanigan ’81, senior advisor for special projects and lead honcho for the celebration.

“It was an opportunity to celebrate the experience of the Law School and the contributions it has made to the community,” said Flanigan, who spent the morning of the celebration overseeing a cadre of students and staff volunteers as they installed elaborate decorations that included gigantic bouquets of donated heliconia, torch ginger, and monstera leaves under a tent hung with green and white lanterns.

“I ran into Duke Aiona the other night and he said ‘That was a great party you threw!’” recalls Flanigan. “And that
night Professor David Callies was one of many people who said it was just great - he had the chance to talk to students he hadn’t seen in years.”

Graduates from the Law School’s inaugural class of 1973 congregated in a central area, warmly greeting and welcoming younger grads and posing for photo after photo.

“This is important for us personally,” said former Gov. John Waihe’e ’79, a member of that inaugural class that was housed in portable classrooms in the Quarry. “It’s great to see everybody and get a sense of how the Law School has grown. It’s also important for the community to see the impact of their investment.”

The gathering under a clear night with a starry sky brought together many dignitaries including two current mayors – Honolulu’s Kirk Caldwell ’84, and Hawai’i Island’s Billy Kenoi ’96; former Lt. Gov. Aiona ’81; and Associate Supreme Court Justice Sabrina McKenna ’82; and current Hawai’i Supreme Court Chief Justice Mark Recktenwald. McKenna also was one of the many entertainers, taking the stage to share a song.

The line-up of entertainers also included: Lyle Hosoda, Nathan Aipa, Ward Jones, Richard Bissen, Collette Gomoto, George Lindsey, Willy Domingo, Randy Rosenberg, Kimo Leong, Blake Oshiro, James Stone Jr., and Ikaika Rawlins.

Many graduates flew back for the celebration, including some from the inaugural class, as well as three LLM graduates who came in, respectively, from Germany, Japan and New Mexico.

Norma Titcombe ’79, a member of the fourth graduating class, arrived with her daughter-in-law Jennifer Wessner, and was quick to point out that if not for the new Richardson Law School, a legal education would have been beyond her reach after she had raised her children. “My kids were grown,” she said of her opportunity to go to law school. “But the most important thing was we HAD a law school! I wouldn’t have even dreamed of law school if I had to go to the Mainland.”

“It was an opportunity to celebrate the experience of the Law School and the contributions it has made to the community.”
The State’pioneering Medical-Legal Partnership for Children in Hawai’i (MLPC) has won national recognition for the free legal services it provides to vulnerable families in tandem with their community-based health care.

At the recent 2014 Medical-Legal Partnership Summit held in Seattle, WA, the MLPC Hawai’i was one of two organizations recognized by the National Center for Medical Legal Partnership (NCMLP) and honored with a “2014 Outstanding Medical-Legal Partnership Award.”

The MLPC Hawai’i team worked within the Kokua Kalihih Valley Wellness Center, providing legal services to hundreds of families served by the grassroots community health center. In its five years of operation, the legal team has served more than 500 clients. Since its beginning in 2009, MLPC Hawai’i has earned its reputation as “a model site” among the National Network of 231 healthcare sites in 34 states for providing exemplary integration of health and legal care as it addresses a broad spectrum of social determinants of health for families it serves.

The entire MLPC Hawai’i team was in Seattle to receive the award, including: Dina Shek ’06, Legal Director and co-founder; Dr. Alicia Turlington, Medical Director; Randy Compton ’12, Staff Attorney; and U’ilani Goods ’13, Law Fellow. Compton and Goods are both graduates of the WSRSL Ulu Lehua Scholars program.

MLPC is a project of the University of Hawai’i’s Richardson School of Law and Kokua Kalihih Valley Comprehensive Family Services (KKV), a federally qualified health center. MLPC lawyers and KKV doctors work together to deliver legal care to patient families on-site at the health center: “We do this,” said Shek, “because there are 50,000 children living in poverty in Hawai’i who need legal care to be healthy.”

The MLPC team involves both law students and law graduates in its work. In her remarks upon receiving the award, Shek said: “Our MLP team sees our role as neighbors, as part of the community … We’re not just professionals reaching across disciplines, we’re professionals reaching through the trappings of professionalism to work hand-in-hand, side-by-side, with our patients, clients, children—our community.

“None of us would be in this room today,” Shek continued, “if we didn’t believe that communities we serve are vibrant, full of promise and hope, talented, and often are their own best advocates and carry their own best solutions.”

The national award was presented by NCMLP Board Member Dr. Ed Paul, Director of Medical Education at Yuma Regional Medical Center and Professor of Family & Community Medicine at the University of Arizona in Tucson.

To contact the MLPC team: Office: (808) 791-9470, Cell phone: (808) 371-2698, MLPCHawaii@gmail.com, www.MLPCHawaii.org
A Little Je Ne Sais Quoi

At the Law School’s ‘Crepe Cafe’

Sometimes for breakfast, but almost always for lunch, Kevin Croker makes his way to a shady oasis under half a dozen shade umbrellas and a couple of shower trees, and then settles down for a moment of calm in the open air ambience of ‘Le Crepe Café.’

“It’s like this hidden little treasure,” says the physics grad student who is working on a doctorate on dark matter. “This is the best food on campus,” he says, tilting back in the comfy wire chair and pondering his last few bites on a breezy afternoon outside the Law School. “If it’s a sweet crepe I want, I’ll get the torte crepe — I guess they call it that because of the Law School! It has butter, lemon juice, and powdered sugar. But I always add strawberries.”

In less than three years at its new home just outside the Law School entrance, ‘The Crepe Cart’ - as it’s known colloquially to crepe aficionados - has become a well-established UH campus eatery. With half a dozen tables out front and umbrellas to shade customers from rain or sun, the area is building a reputation as a popular outdoor dining destination.

When there’s a line, Anthony Marquez and Jack Childs will be pumping out as many as 150 crepes an hour, often working so hard there’s no time to chat or look up.

“Our busiest time is from 11 to 2,” says manager Marquez. “If I’m on the burners I can’t look up for two hours. I’m just making them as fast as I can.”

With a deft pour and delicate wrist work, Marquez will start one on the main burner, then flip it to a second burner where Childs or another worker will pile on everything from sliced strawberries, Nutella chocolate, and bananas to cheese, turkey and pesto. Faithful customer Croker says his favorite is probably the Moulin Rouge. “But if I’m doing vegetarian,” he adds, “I’ll go for the Balsa Greek.”

The Crepe Café is drawing customers from across the campus, luring students, faculty, and staff with sweet or savory aromas as they pass the Law School on their way to classes to or from the parking structure.

“I like how friendly they are and how the staff tries to remember all our names,” says Ramona Hussey ’89, whose office is barely 50 feet from the cafe. “They also stay open until 5:30 p.m. so they can catch our evening students who are rushing in from work and often starving.”

Hussey, the Law School’s Assistant Director of the Evening Part Time Program and Administrative Assistant for Student Services, often chooses a crepe for lunch,
Does Race Still Have a Significant Impact in the Courts of the United States?

Many believe it does. And now, research conducted by Richardson Law School Professor Justin D. Levinson and colleagues at several institutions on the continent adds empirical backing to those premises.

While more research is needed, Levinson cautions, unconscious racial attitudes have an impact on everything from how juries react to instructions from the bench to death penalty decisions.

The death penalty study, led by Levinson in collaboration with researchers at the University of Hawai‘i, the University of North Carolina, and Rutgers University, suggests that at an unconscious level Americans seem to value white lives more than black lives.

The researchers surveyed jury-eligible citizens in six states and found that the majority of these citizens had moderate to strong unconscious biases – based on race – related to how they value human life.

“If people indeed associate value with white citizens and lack of worth with black citizens - despite their best intentions - it opens up a...
whole new dialogue about inequality and what to do about it,” Levinson explained.

In the study, the researchers measured the so-called “implicit [unconscious] biases” of the study sample, and compared the bias scores of “death eligible” citizens (those who would be allowed to sit on a death penalty jury) to non-death-eligible citizens (those who would be removed from such a jury due to their unwillingness to consider the death penalty as a possible punishment).

In this context, the study found that jurors who are eligible to sit on juries in death penalty cases actually harbored significantly more anti-black biases than those who would not be allowed to serve.

“How can a defendant get a fair trial when we exclude the jurors who are the least likely to hold implicit biases against the defendant?” asked co-author Robert J. Smith, who is an Assistant Professor of Law at the University of North Carolina at Chapel Hill.

Smith noted that the results of the study indicate that the current legally-sanctioned process actually increases racial bias during the types of trials with the highest stakes - whether a person lives or dies.

Another study in which Levinson was a co-author found that procedures designed to produce fairness in the federal justice system might actually shift the attention of jurors toward black faces and away from impartiality.

This other study, also published this year, was conducted by researchers at the University of Hawai‘i and Rutgers University and offers strong evidence that jurors who hear “presumption of innocence” instructions from trial judges are immediately more attentive to black faces than white. Similar shifts in attention toward black faces have been shown to demonstrate the implicit association between the racial category of black and being considered guilty.

By comparison, when these instructions are not given, jurors look equally at both black and white faces.

The presumption of innocence doctrine often is portrayed as one of the bedrocks of fairness in the American legal system, designed to protect innocent citizens from wrongful conviction. This principle, summarized in the mass media through the phrase “innocent until proven guilty,” is supposed to mean that unless jurors can find a defendant guilty beyond a reasonable doubt, they should not convict.

The new results in the research done by Levinson and his colleagues should provoke reconsideration of whether judicial invocation of this bedrock doctrine actually is fair.

“I interpret these results as indicating the presumption of innocence doctrine may be corrupted by a mix of cultural stereotypes that have overpowered the vast importance of its protective purpose,” said Levinson.

“It’s cause for concern,” agrees co-author Scott Sinnett, associate professor in the UH Department of Psychology, although he and Levinson both acknowledge that future research is needed to solidify the link between the presumption of innocence and a potential backfiring effect that could be harmful to black defendants.

Sinnett explained: “We don’t have a direct measure yet to say if someone were to hear the ‘presumption of innocence’ instructions they would be more likely to attribute guilt to a black defendant.”

Levinson added that he believes “it’s too early to say” that the presumption of innocence jury instructions should be changed, adding that additional research is needed to confirm that the biased attention effect that he and Sinnett found causes harm to black defendants. But he said the results do raise serious concerns.

“It certainly worries us. If, theoretically, the presumption of innocence has been corrupted by decades of racialized media coverage of crime, including crime dramas in which the presumption of innocence often appears in the same scene with a guilty black defendant, we would expect the same results,” Levinson explained.

The UH researchers were joined by Dr. Danielle Young, a post-doctoral fellow at the Rutgers University Psychology Department, who is the lead author of the presumption of innocence study. Details of this study may be found at: http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjourn alpone.0092365
UH Law School Showcases its Evening Part Time Program

At Downtown ‘Career fair’ Pauhana in May

T WAS A CAREER fair with a twist!

As the work-week wound down early in May, the Honolulu legal community had the chance to hobnob with a cadre of unique law students and recent graduates with practical work experience as well as a first-rate legal education.

The Richardson Law School held its first ever downtown networking event to showcase students from the UH Law School’s Evening Part Time Program. The event drew more than 60 people to the Fresh Café located at the former Indigo Restaurant at 1121 Nuuanu Ave.

The unique career fair helped introduce current students, as well as program graduates, to prospective employers.

Evening Part Time Program Director Liam Skillling ’07 said the Part Time program provides the Law School – and the community – with a new group of dynamic students who already have rich, varied, and unique life experiences.

Brian Morrow, Director of Wholesale Revenue Management at the Hilton Hawaiian Village who has just finished his second year of evening law classes, was one of this unique group of evening students. He has worked with Hilton hotels for 13 years, including while he was an undergraduate student in California.

“It will be nice to acquaint the firms with these talented [Evening Program] individuals who can walk out of law school, not just with a legal degree, but with significant business or governmental experience already,” said Morrow in anticipation of the event.

“We’re ready to hit the ground running. We already understand what it means to be a member of the workforce and how to act professionally.”

Since its launch six years ago, the Evening Part Time Program has seen nearly 70 graduates, most of them career professionals with years of experience in other fields. Course-work is generally complet-
ed over four years rather than three, with students often balancing day jobs and families along with their law studies.

Michele Nakata, Branch Chief for the State Department of Health’s Disease Investigations Branch, is another of the evening students who was in attendance at the pauhana career fair. She’s in Law School because of a promise she made to her boss years ago that she’d go back for an advanced degree once her youngest child was in college. That time has come; and with a legal education she hopes to gain an understanding of how to better fashion laws to support disease investigation work.

“I’ve always been interested in advocacy and that has really piqued my interest now that I’m in law school,” says Nakata. “Because of the possibilities I’ve been exposed to involving the variety and scope of the work lawyers do, I have the opportunity to branch out from public health if I choose to do so. I’m so excited about what I’m learning.”

The networking event included pupus and a no-host bar.

Canadian Supreme Court Justice Rosalie Abella

Reflects on Her Personal Story and the ‘Arc of the Moral Universe’

In the hushed courtroom of the Hawaii Supreme Court, Canadian Justice Rosalie Silberman Abella’s voice fills with emotion. Even today, almost 70 years after the end of World War II, the wounds are palpable. Her baby brother’s death in Treblinka; the deaths of everyone in her father’s family; the devastation her newly married parents faced in a Nazi concentration camp.

Abella’s words cut through the quiet room, and again her voice breaks: “My life started in a place with no democracy, no rights, no justice,” she said. “It created in me an unquenchable thirst for all three.”

Rosalie Silberman Abella, a Justice on Canada’s Supreme Court since 2004, was the Bright Jurist-in-Residence at the Law School in late March, and her visit gave deep resonance to the reality of the Holocaust and its aftermath.

Speaking as a lawyer, judge, and social commentator in the second of her two public talks, Abella traced the evolution of justice in the seven decades since the war ended, noting at one point: “The arc of the moral universe increasingly does not bend toward justice.”

She also offered a riveting decade-by-decade perspective on the social history of the last half of the 20th century. As the century wound down, she said, North Americans “concluded that the battle for justice had been won.” As a result, they...
Justice Rosalie Silberman Abella of the Supreme Court of Canada visited the UH Law School from March 29-April 4 as part of the Bright International Jurist-in-Residence program, which brings outstanding judges from other countries to Hawai‘i.

Justice Abella, who was appointed to the Canadian Supreme Court in 2004 as the culmination of a path-breaking legal career, was joined by her husband, distinguished Canadian historian Irving Abella.

Law School Dean Avi Soifer said, “We are thrilled to have such distinguished guests with us this year. The Abellas are known for the great work of their productive and influential minds, but they stand out for their hearts and for their down-to-earth qualities as well.”

Justice Abella earned a B.A. and LL.B. from the University of Toronto, and practiced civil and criminal litigation until her appointment in 1976 to the Ontario Family Court, and then to the Ontario Court of Appeal in 1992. In 1984 she served as sole Commissioner for Canada’s Royal Commission on Equality in Employment, and created the influential concept of “employment equity.”

Theories of “equality” and “discrimination” Justice Abella developed in her report were adopted by the Supreme Court of Canada and implemented by the Canadian government as well as by the governments of New Zealand, Northern Ireland, and South Africa.

Justice Abella has served as a visiting law professor at McGill University and as chair of numerous government boards and commissions dealing with human rights, labor relations, and access to legal services for the disabled. She also was the Mackenzie King Distinguished Visiting Professor at Harvard and a Distinguished Visiting Faculty at the University of Toronto Law School. She has been awarded 32 honorary degrees by universities around the world.

She has written or co-edited four books and more than 80 articles, and has been tapped for the Harlan Lecture at Princeton, the Ryan Lecture at Georgetown, and the Anderson Lecture at Yale.

Justice Abella taught two classes, met with faculty and students, federal and state judges, and members of the Federal Bar Association and Hawai‘i Women Lawyers, among others. Her powerful talk about justice, delivered at the Hawai‘i Supreme Court, moved many to tears and was warmly praised by Chief Justice Mark Recktenwald.

Some of her most deeply moving words came during reflections on her personal story as well as her analysis of the world in the wake of the atom bomb. “It was a war that left the world tired, angry and vengeful,” she said.

As a result, she said, human rights continue to be repudiated or ignored, and indifference has become a reality. “Silence in the face of intolerance means intolerance wins,” said Abella. “Indifference is injustice’s incubator.”

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During a weeklong visit to the Law School this spring, military justice expert Eugene R. Fidell and his wife, Pulitzer Prize-winning reporter Linda Greenhouse, discussed the recent history of detentions at Guantanamo against the historic backdrop of how the military has treated and tried wartime combatants.

The couple, who both currently teach at the Yale Law School, were co-holders of the Dan and Maggie Inouye Distinguished Chair in Democratic Ideals.

One of the points Fidell made was that if Guantanamo detainees “are not recognized as enemy combatants” they do not have the same rights as soldiers do under the Geneva Convention. And he said that Guantanamo brought to the forefront major questions of how these detainees should be prosecuted – whether through military commissions or civilian courts.

“At the end of the day we don’t know what rights these individuals have,” said Fidell.

Greenhouse, who covered the U.S. Supreme Court for 30 years for the New York Times and continues to write columns about the Court, became the Knight Distinguished Journalist-in-Residence and Joseph Goldstein Lecturer in Law at Yale Law School in 2009 after a 40-year career at the Times. Fidell is the Florence Rogatz Visiting Lecturer in Law at Yale and co-founder and former president of the National Institute of Military Justice.

Law Dean Avi Soifer said Greenhouse is a remarkably knowledgeable, cogent writer about the U.S. Supreme Court and that Fidell has played a leadership role in the field of military justice.

The Inouye chair - created to bring outstanding speakers to the University who have been catalysts for democratic ideals - was created in 2005 to honor Hawai'i’s legendary senior senator and his first wife – both of whom have since passed away – and it is held jointly by the William S. Richardson School of Law and the Department of American Studies.

Greenhouse and Fidell were on campus from Mar. 17-21, when they taught several classes and met informally with students and faculty. Fidell previously taught at Harvard Law School and at the American University Washington College of Law.

Fidell is of counsel at Feldesman Tucker Leifer Fidell in Washington D.C. and is a life member of the American Law Institute. He is also a member of the Defense Legal Policy Board of the Department of Defense, and the board of directors of the International Society for Military Law and the Law of War.

At Yale, Greenhouse is a member of the faculty of the Supreme Court Advocacy Clinic and she teaches additional courses that focus on the U.S. Supreme Court. She is the recipient of numerous journalism awards, including a 1998 Pulitzer Prize and the Goldsmith Career Award for Excellence in Journalism from Harvard University's Kennedy School in 2004.
With ‘Noodle Night’ and ‘Stew Day’
Richardson Faculty Honor Law Students

THE TRADITION OF ‘STEW DAY’—now joined by ‘Noodle Night’—unfolded yet again in late April at the UH Law School as faculty and staff donned silly aprons and paper chef hats to honor law students and to buy and serve them hot lunch and dinner.

“This makes the Law School human,” noted Norman Wong ’15. “And I like the fact they celebrate good deeds, acknowledging that those kind actions every day are important.

Law school students are usually people who are supposed to be cutthroat and looking out for themselves, and this Law School has a different spirit.”

“It’s good to see everyone coming out for this,” said Megumi Lachapelle ’15. “It creates camaraderie.”

The ‘Stew Day’ tradition dates back almost a decade. It was begun and is still organized by Prof. Calvin Pang ’85, who fondly remembers the inexpensive and stomach-warming food served at the Stew House when he was a law student in the mid-1980s.

A parallel ‘Noodle Night’ was added three years ago for those in the Law School’s new Evening Part Time Program.

Pang launched the annual event to recognize and feed students currently enrolled at the Law School, but it also provides another concrete example of the William S. Richardson School of Law’s strong tradition of service.

“We know our students are really, really smart,” Pang said in a recent interview. “We don’t have to develop their intellectual vigor very much. But we want to reinforce the idea they should serve as well, and it should come from the heart.”

Ramona Hussey ’89, assistant director of the Evening Part Time Program, said that these events not only celebrate service to others, but also that students are asked to nominate classmates who they consider “everyday heroes.” Every year, students contribute stories of acts of kindness, generosity, humility, and courage by their classmates.

“We are always inspired by these stories – and this year we had over 80 nominations,” said Hussey.

Loren Seehase ’15 said that she especially enjoyed hearing how her classmates helped one another. “It’s a great way to recognize our fellow classmates. So many are unsung heroes and this is a great way to appreciate what they’ve done in going above and beyond.

“It shows the moral and ethical character of our student body.”

Josh Michaels ’15 was also impressed. “This is cool because it’s really unique when faculty make a point to show us how much they appreciate us. And it’s great to have a break from that faculty/student role. It shows what a family this Law School really is.”

Nicole O’Kief ’15 had a similar observation: “All of a sudden you feel more comfortable going to talk to them.” Christian Smith ’16 agreed. “This exemplifies the professors’ general spirit of giving. They’re here to be of service to us in every way, and this is another way they show us.”

The Law School’s top ‘Everyday Heroes’ this year — Leotele Renee Togafau ’15, Christiaan Mitchell ’14 and Part Time Evening Program student Michele Nakata ’17— each received a pair of red socks – a nod to Dean Avi Soifer’s beloved sports team.
‘Hands-on’ Legal Training
At UH Law School Ranks
Among Best in the Country for ‘Experiential Learning’

The UH Law School has again been ranked among the very top in the nation for the opportunities it offers students to have real-life “hands-on” legal experience as part of their legal training.

In the February issue of PreLaw magazine, the William S. Richardson School of Law ranked 6th for offering clinics in which students help real clients handle legal issues.

Then, in The National Jurist’s March issue, Richardson Law School was included in its Honor Roll as one of the country’s Top 60 law schools delivering practical training.

In The National Jurist ranking, Richardson earns an A- for the variety of opportunities it provides students, including externships, clinics, and pro bono work in the community.

The story notes that a 2012 survey of law school students by the Law School Survey of Student Engagement showed that clinics, pro bono work, and field experience, “offer students opportunities to fine-tune their thinking, to sift, sort and analyze information that likely will benefit them in future practice.”

Richardson was one of the first Law Schools in the country to add a pro bono requirement for graduation, first suggested by students themselves in the early 1990s. Students are required to provide 60 hours of free legal help to the community. This has totaled thousands of hours of legal assistance over the past two decades for some of the most needy and vulnerable people in Hawai’i.

For instance, the Elder Law Clinic founded by Prof. James Pietsch has served more than 10,000 clients in its two and a half decades at the Law School. “We were one of the first law schools in the nation to have a mandatory pro bono program,” noted Pietsch in a recent article, adding that the pro bono requirement was suggested by some of the same students who started in his Elder Law clinic.

A number of students explain that the main reason they chose Richardson Law School was because of its enthusiastic and extensive outreach, and the opportunity to learn in real-life settings.

And Hawai’i Supreme Court Chief Justice Mark Recktenwald has called the UH Law School “a vital partner” in addressing community needs.

In giving Richardson an A- as one of the “Best Schools for Practical Training,” The National Jurist ranked schools for their overall comprehensive programs. Richardson was one of 15 schools to receive an A- among the top 93 schools in the country. Of those 93 schools, only 60 made the magazine’s Honor Roll.

In February, when PreLaw ranked Richardson 6th in the nation for the opportunity it offers students to learn real-world skills, the magazine noted that with “experiential learning still a buzzword in legal education, the number of clinical opportunities at law schools continues to grow.”

The magazine ranked the Top 20 schools for clinical opportunities and Yale Law School was ranked first.
Law Professor Kapua Sproat Selected for UH Board of Regents’ Excellence in Teaching Award

In April Law Professor D. Kapua’ala Sproat ’98 received a 2013 Board of Regents’ ‘Excellence in Teaching Award’ in recognition of her exceptional teaching record, and her multiple contributions to the university and the community, as well as her legal expertise in the vital arena of Hawai‘i water rights.

This is Sproat’s 7th year at the William S. Richardson School of Law. The Law School nominated her for the most prestigious University of Hawai‘i teaching award because of her skillful teaching in courses such as Environmental Litigation Seminar, Environmental Law Clinic, Water Rights, and Second Year Seminar.

“Kapua brings great pride and honor to the Law School, her ‘ohana, and all of us, and she joins a long line of distinguished Law School faculty who have received the University’s highest teaching award,” said Law Dean Avi Soifer.

“We are so pleased that the university community is recognizing and celebrating Kapua’s extraordinary skill, creativity, effectiveness, and dedication to her students,” Soifer said, terming Sproat “a brilliant and masterful teacher.”

Sproat’s areas of expertise and scholarship include Native Hawaiian law, Indigenous Rights, and natural resource protection and management. She plays a major role in the Law School’s Ka Huli Ao Center for Excellence in Native Hawaiian Law as well as in its Environmental Law Program.

Richardson’s Environmental Law Program Director David M. Forman called Sproat “a critical partner in the success of our Environmental Law Program.

“Her classes are exceedingly popular with students,” said Forman, “because she combines theory and practice with a deep knowledge of place, in a way that few can match.”

Sproat was born and raised in Kalihiwai on Kaua‘i’s north shore and is a member of the Akana and Sproat families of Kaua‘i and Kohala on Hawai‘i Island. She completed her Bachelor’s Degree at Mills College in 1995, and her JD at Richardson three years later.

While at Mills, Sproat was one of 30 students selected internationally to participate in a nine-country study abroad program focusing on environmental issues with an emphasis on indigenous people.

Before joining Richardson Law School in 2007, Sproat spent nine years as an attorney in the Hawai‘i office of Earthjustice, a national public interest environmental litigation firm. Working to preserve natural resources, she developed a special interest in water law and worked on groundbreaking litigation on the islands of O‘ahu, Hawai‘i and Maui to return diverted stream flows to public trust and other community uses, including traditional Hawaiian agriculture and aquaculture. She handled litigation involving the Endangered Species Act, Clean Water Act, and State Water Code.

Sproat has written numerous academic articles on water rights and natural resource management, and she is the recipient of a number of awards, including being named as an outstanding young leader by Hawaii Business Magazine.

She is married to Kahikukala Hoe and they are new parents of a baby boy.
LAW STUDENT
Janna Wehilani ‘Wehi’ Ahu, whose family comes from the tiny fishing village of Miloli’i on Hawai’i Island, spent the summer interning in the nation’s capital, as the 2014 Patsy T. Mink Legislative Fellow from the William S. Richardson School of Law.

Ahu received a $5,000 stipend from the Law School to help fund her expenses and worked in the Senate office of U.S. Sen. Mazie Hirono for 10 weeks.

Ahu is heading into her second year at Richardson Law School, and she was inspired to study law because of problems faced by the small village of 400 people who struggle to maintain their traditional culture around subsistence fishing and hunting.

“I want to focus on fisheries management, and I came to law school to learn how to keep our fisheries healthy,” said Ahu. She is particularly hopeful about trying to get funding to help protect the fishery of tiny opelu that haunt the waters off Miloli’i.

Ahu first learned to speak Hawaiian from her grandmother, a native speaker, and continued her studies at Kamehameha and UH. Her childhood was spent both in Hilo and with family in Miloli’i.

This is the 12th anniversary of the landmark fellowship launched by UH law students in 2002 — the year of Mink’s death — to honor her legacy and to provide an extraordinary educational experience for a law student. The Mink Fellowship has helped chart the careers of past recipients and it provides an opportunity to participate in leadership at the national level. Awardees are encouraged to research areas in which they are particularly interested.

One of Representative Mink’s crowning achievements in her 24 years in the U.S. House of Representatives was passage of Title IX, a portion of the Education Amendments of 1972 that provided women equal access to opportunities in education. Mink was a force for gender and racial equality, partly fueled by discrimination she suffered as a young professional woman. “I can’t change the past,” she often said, “but I can certainly help somebody else in the future so they don’t have to go through what I did.”
A Year of Celebrations for 40th Anniversary

Began with Hope and Happiness

YEAR HAS passed since the Law School launched its 40th anniversary celebrations with chants, smiles, applause, and even some laughs, in a formal Convocation and Rededication Ceremony that reflected on the past but also looked toward a remarkable future.

As faculty, staff, students and graduates gathered in Orvis Auditorium last September, special guests included a dozen members of the inaugural class who had taken their places four decades ago in makeshift quarters in the UH Quarry to begin what one of their members called “a social experiment.”

Allen Hoe ’76, from that first class, equated the establishment of the University of Hawai‘i Law School to images from the Kumulipo – the ancient ‘oli of creation – that speaks of a coming from darkness into light and enlightenment.

Many of those who supported creation of a Law School, said Hoe, were veterans of Hawai‘i’s famed 442nd Regimental Combat Team who were “inspired to create a legacy of public service.”

“Diversity defined us,” Hoe recalled. “We came from every walk of life – there were veterans, hippies, SDS radicals … and one-third were women. All we wanted was a chance to learn the law at home, with our families.”

Law Dean Avi Soifer, at the time beginning his 11th year at Richardson, and now launching his 12th, noted that the dream of the Law School has always culminated in three key points:

“CJ Richardson’s vision of offering opportunity to all of Hawai‘i’s people.

“The school’s celebration of diversity by bringing together students and faculty, reflecting races and cultures from around the globe.

“And its commitment to producing leaders, both for Hawai‘i and the world.”

“We trust we will continue to do this,” said Soifer. “We have a bright future ahead. We have built a remarkable institution – more than an institution, in fact, an ‘ohana - that is incredibly important throughout the world.”

Prof. Mari J. Matsuda ’80 reflected on the extraordinary impact of the school’s first class, noting that it had immediately “taken Hawai‘i by storm,” as members played a pivotal role in rewriting the state constitution through participation in the 1978 Constitutional Convention, clerked for judges, and worked in the State Legislature, among other accomplishments.

As a member of the fifth graduating class, Matsuda remembers looking at that stellar record and thinking “it’s going to be ok.” At the time, she noted, the Law School was still unaccredited, still struggling for its existence, and it was “scary” for students to apply.

Not anymore.

“I tell each entering class that I can predict that some of you will be judges, legislators, or sit on boards of major corporations … or be litigators. And that is just the least of what our graduates will do. They will continue in so many ways to contribute to the public good – and to make a better Hawai‘i.”

Those predictions, said Matsuda, came true simply based on the arc of what the first class accomplished.

“As a faculty member and alumna, I get to say ‘Wow, look what our students are doing.’”

In wrapping up the year’s opening convocation, William K. Richardson, son of the Law School’s namesake, spoke about how his father and Gov. John A. Burns, who appointed his dad to the Supreme Court, spoke of pushing toward their “personal goals” of creating both a law and a medical school for the state.

“It was a very risky endeavor,” Richardson noted, also pointing out that it was the opportunity to provide Hawai‘i’s citizens with new alternatives, and the state with new mandates, to build a more just and equal society.

“Dad wasn’t a complainer,” added Richardson, “but he talked to us kids about how society was unfair. He grew up in a very different Hawai‘i when many people felt helpless to change their community.”

Looking around the auditorium at the faces of dozens of Richardson graduates who today occupy positions of prominence in government, the Judiciary, academia, and in the private and business sector, Richardson nodded with satisfaction.

“It’s good to see you today,” he said. ♦