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 or 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:
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Official Legislative Recognition of Law School’s 40th Anniversary

A MEMORABLE MOMENT

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

Sen. Brian Taniguchi, a member of the Law School’s third graduating class in 1978, stood to introduce the Dean to his Senate colleagues and also make the official presentation of a certificate of congratulations.

Half an hour later Soifer was introduced in 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 Senate 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 Hawai‘i 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 HAWAII STATE LEGISLATURE ADOPTS THIS CERTIFICATE OF RECOGNITION FOR
the William S. Richardson School of Law 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 Hawaii 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 2,215 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 LLM 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 extends 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.

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 $65. To send in an order go to www.law.hawaii.edu/Celebrate40

The evening celebration of heavy pupus and drinks will include music and performances by alumni and friends: Lyle Hosoda, Nathan Aipa, 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 more!

Aloha attire; flat shoes recommended.
Not Your Ordinary Attorney:
Law School Offers Many Career Pathways

At the Mānoa Innovation Center, Donavan Kealoha ‘07 spends his time launching companies and considers himself both a businessman and an entrepreneur. He has raised investor money and licensed technologies owned by UH, and he is now working to commercialize them.

+ In the Republic of Palau, Delanie Prescott ‘07 is the Assistant Attorney General representing the Republic in criminal and civil matters. She provides legal opinions to all government agencies though she is primarily assigned to represent the Environmental Quality Protection Board, the Foreign Investment Board, and the Financial Institutions Commission.

+ In Washington, D.C. Coti-Lynne Haia ‘07 works for U.S. Sen. Mazie Hirono. Her job includes tracking legislation, understanding international issues, and working closely with other members of the Senator’s Capitol Hill staff.

+ At HMSA in Honolulu, Nam Phan ‘07 is an expert on Obamacare and Medicare, and he has recently been promoted to work with the pharmacy management team. Daily he oversees contracts involving formulary changes and their impact on both patients and costs. He also must decipher pages of complex medical documents involving contemporary insurance regulations.

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 startup 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 startup, 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, ASIO Corp., is a software development/technology consulting company that handles web projects for clients. He’s based at the Mānoa Innovation Center for that, but also is 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 expected great things of them.”

In Palau, Prescott’s law degree was a requirement for the positions she has

“Law is the best liberal arts degree you could ever get. It teaches you to learn and to think critically.”

Nam Phan ’07
held with the government, first as legal counsel to the House of Delegates for the Palau National Congress (Olbiil Era Ke-lulau) 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. It also has given me the opportunity to pass on what I have learned to others. While landing a job is never easy, having legal training has enabled me to see employment in areas where I 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 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 Obamacare for Hawai‘i healthcare 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 my team now. I work with pharmacists and look at all the regulations that come with that. But when I went to the Law School there was no such thing as Obamacare so law is really the best ‘outside-the-box’ training you can get.”

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.”
WILLIAM S. RICHARDSON School of Law has once again been ranked among the Top Tier law schools in the country, according to the new 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 upswing 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 our extraordinary diverse students support one another, have fun together, and actually enjoy law school.”

In addition to ranking the full-time day program, U.S. News ranked the Evening Part Time Program 26th in the country, tied with William Mitchell College of Law in Minnesota, and Cardozo School of Law in New York. According to U.S. News, nationally 14 percent of the total number of law students are enrolled in part time programs.

Hawai‘i Supreme Court Associate JUSTICE SABRINA MCKENNA ‘82, noted that the Law School is a powerful community resource offering access to legal training for both full-time and part time students. McKenna said she puts less stock in rankings than she does in other subjective values.

“I don’t think there could be any better Law School in equipping people for the challenges of the future – the challenges of bringing together people of different cultures and backgrounds to solve the world’s problems. This starts with what no other school can 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 afterward, 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 feeling about 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 noted 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 months Richardson Law School was also highly lauded by PreLaw Magazine which ranked it 6th in the nation for hands-on service learning, and 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 “Division 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 as the “Best Environment for Minority Students.”

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**UH LAW SCHOOL GRADUATES CAN SLEEP EASY KNOWING THEIR DEGREES ARE HIGHLY VALUED**

*Star-Advertiser Guest Editorial by Avi Soifer, Dean and Professor, William S. Richardson School of Law, University of Hawai‘i*

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 Kalani’s excellent story, “Law Less Alluring As Field of Study” 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 admission standards to keep enrollment up. This sets us apart from most law schools in the United States and it means that prospective employers will know our graduates have been rigorously selected and highly trained.

+ We are the most diverse law school in the country. This is important not just in Hawai‘i, where we treasure our diversity, but across the nation as the United States and the rest of the world becomes increasingly multi-cultural and multi-racial. No matter where our students end up, they will have cultural fluency and can become ambassadors for diversity, without ever forgetting 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 is renowned not only for scholarship but also for their teaching skill. We are small enough that these great teachers can give one-on-one attention to our students as they continue to exemplify and teach practical skills. Students who choose Richardson need not fear for their career prospects.

+ Our students support one another wonderfully. This helps to explain why our graduates face a considerably better job market than do most law graduates. Those making hiring decisions tend to know that Richardson graduates understand the cultures and aloha spirit of Hawai‘i and will bring that sensitivity to their work.

+ Yes, law school can be expensive. Even here. But our tuition rates are considerably lower than most other law schools and we are increasing scholarship funding and waiving application fees for many more people.

+ We have increased opportunities for those who are considering going to law school by establishing a flexible rolling admissions process and by offering the Evening Part Time program for those whose work and family 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 allies, we are deeply committed to affording 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 Hawai‘i and beyond our shores, but also to be the leaders in any other settings wherever our graduates choose to live.

(This guest 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

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.

“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.”

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 crowd of more than 150 students, 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
“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.”

ANTONIN SCALIA

CHRIS LEONG ‘11

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 January 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 Avi Soifer 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 “I like all my colleagues and they depend on it.”

He also defended the constitutional approach. “A bionic 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 looking forward to the Court’s future deliberations 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 Supreme 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 authority to pass judgment on NSA actions. “I don’t know why you’d 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 an answer.”

He also defended the constitutional identity of eminent domain. “The constitution envisions 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 foot fault 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 internment redress under the 1988 Civil Liberties Act – recognition of egregious civil liberties violations and the resulting human harms, a presidential apology for the racial incarceration of Japanese Americans, $1.4 billion in symbolic payments, and creation of a fund for public education.

On a human level, redress was cathartic for many—a measure of dignity restored.

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

And [that is] especially important today, post-9/11.

What are the historical and present-day underpinnings—the national security-civil liberties tensions and redress for civil and human rights transgressions? Here’s the back-story.

**KOREMATSU v. U.S. 1983.** For 40 years Fred Korematsu was a man with a criminal record. His crime? Standing up and refusing to abide by the United States’ World War II military orders ultimately requiring the internment of 120,000 persons of Japanese ancestry, mostly American citizens.

Amid confusion and fear and during a time of tremendous, long-building anti-Asian sentiment, President Roosevelt issued popularly received Executive Order 9066 (backed by Congress) that authorized the commanding military general to impose a curfew and detention to address the danger of West Coast espionage and sabotage. Only Japanese Americans were targeted. Fred Korematsu, a welder living in the Bay Area, was among the few who resisted. The Japanese American community turned against him—worried about mainstream public backlash. He was prosecuted and lost in the San Francisco Federal District Court and in the Ninth Circuit Court of Appeals. Korematsu said, in his straightforward way, “It’s wrong to imprison us because of race. We did nothing wrong.”

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

But what was the foundation of the government’s claim of “military necessity”? The “facts” were recited in the Final 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 while many second and third generation Japanese born on U.S. soil, possessed of American citizenship have become Americanized, the racial strains are undiluted.

In accepting the government’s claim of necessity, however, the Supreme Court ignored DeWitt’s broad racist sentiments and focused on the apparently factual portions of his Final Report on the internment.

Researchers came upon dust-covered boxes of World War II government documents. Untouched for 35 years.

Karen Korematsu, daughter of the late Fred T. Korematsu, joined Gov. Neil Abercrombie last year for the signing of legislation creating Constitution Day in Hawai‘i. Karen Korematsu was one of many lobbying for recognition of the struggle and work of her father and others to ensure Americans are not discriminated against based on race.
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 uncontroversially 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 necessity? 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 unsworn, 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 “falling into the ugly abyss of racism.” And Justice Jackson also issued his now famous “loaded weapon” warning about the decision’s ominous precedential effect, relevant today, of the Court’s decision:

The Court for all time has validated the principle of racial discrimination ... and of transplanting American citizens. The principle lies about like a loaded weapon ready for the hand of any authority that can bring forward 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 also was the man who tried and failed. Not only for himself, but for all Japanese Americans. Every constitutional law book attested to that. Korematsu did not talk about his case even to his family. Until 1981. Something extraordinary happened. Researchers came upon dust-covered boxes of World War II government documents. Untouched for 35 years. Hidden treasures.

Those documents once made public showed that government decision makers 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 Justice Department lawyers had launched a huge internal fight to stop their own Department’s fabrications and “suppression of evidence” (but they lost). What were these shocking uncovered WWII government 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 there was ample time for individual loyalty determinations but that hearings would be useless because Japanese Americans were inherently disloyal. Yikes! After a huge battle, high government 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 assessments by all the American intelligence services investigating potential Japanese American disloyalty. Those intelligence assessments directly refuted the most 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-
In 2013, the legislature designated January 30th for this commemoration. This day is Fred Korematsu’s birthday. By Governor Abercrombie’s executive order, after lobbying by Waialua 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.”
institutions must be vigilant in protecting constitutional guarantees. It stands as a caution that in times of distress the shield of...national security not be used to protect governmental actions from close scrutiny and accountability. It stands as a caution that in times of international hostility...our institutions, legislative, executive and judicial, must be prepared...to protect all citizens from the petty fears and prejudices that are so easily aroused.

**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 abdicates 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, Fred Korematsu 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 sentiments were all Fred’s. He reminded the Court that in 1944 the government was never put to the test -- a test it could not legitimately have passed. The government needs wide 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.”

**Law Student**

**Kaki Vessels ’16**

**Turns Her Service In Afghanistan Into a Focus in Law Studies**

HERE WAS NEVER A MOMENT during her military service in Afghanistan when Katherine ‘Kaki’ Vessels ’16, would ignore the children. They were her early warning system, her hedge against the Taliban, these young friends who sold the candy handed out by the soldiers for food or other small goods, and in turn warned the soldiers when danger was near.

“A lot of the kids didn’t have shoes,” remembers Vessels, a first-year student at Richardson Law School. “A lot would take whatever we gave them and sell it and that’s how they’d get a little money. The kids would tell us ‘You should go back in because Taliban’s here.’”

The children who came to the truck yard often were treated to candy from the troops’ care packages and also helped alert them when Taliban were near.
 Though Vessels is now deeply immersed in her law studies – drawn especially to intellectual property law and hoping 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 tracking, and all the arrangements for it.”

She also 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 there. The drivers 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 an IED, an Improvised Explosive Device, but no one was hurt. The convoy responded quickly. “All units have a set way to respond to one truck being hit or shot at.”

And in a strange, round-about way, that is why she’s in Hawai‘i. Vessels spent the year before her Afghanistan deployment training in the islands as a truck platoon leader. “All we would do is train,” she remembered. Training aside, she fell in love with Hawai‘i and planned to return.

Long before she went overseas, Vessels planned on going to medical school after military service. But she lost interest in the make-do field medicine she practiced in Afghanistan and became far more intrigued by the complex contracts she processed for the multitude of supplies and equipment flooding her base.

“I loved all the logistics we had to deal with. I loved managing contracts, telling full colonels they weren’t allowed to do this or that. My husband said ‘Why are you going to Medical School? You should go to Law School.’”

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 Ko‘olina 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 Hawai‘i.”

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.”

Nowadays, as she winds up her first year at Richardson, Vessels says she’s so grateful for deciding to go to law school.

“It’s shown me a new way to evaluate big picture problems and predict the outcomes of possible solutions,” she says. “As a person who would like to be a leader of change in the world, it’s important to me to continue to learn so that the same problems I would like to fix are not recreated by stagnant ways of thinking. It’s also given me a great venue to develop my problem-solving skills. My classmates and professors have been very patient and understanding as I’ve experimented with new ways of thinking and leading at a higher level, and I’m so grateful.”
From left, first row: Vessels briefing the Battalion Commander and the Brigade Support Operations Officer on contractual and physical expansions to accommodate troop increase in their region. The 'HI Hat' picture shows that Aloha Spirit is everywhere, no matter the language. From left, second row: Vessels’ unit in Afghanistan with the Asia Security Group that helped assist with security in the truck yard and consisted of all local hires. From left, third row: Katherine ‘Kaki’ Vessels wrangling trucks in the truck yard outside the base in Afghanistan. The ‘Water buffalo’ supplied drinking water for the people in that area. While the U.S. has been in Afghanistan, the average life-span of citizens of Afghanistan has increased nearly a decade because of the medical knowledge we helped disseminate through the country.
T WAS TORONTO IN THE EARLY 1990S and Andrea Freeman was writing a play about her grandmother’s harrowing escape from the Nazis in pre-war Austria. It was still years before 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 her sixth - Hawaiian - to immerse herself more deeply in her new island home.

As one of the newcomers to the faculty and the mother of four-year-old twins, Freeman has quickly made herself an integral part of the Law School. She says she was drawn to Hawai’i because of Richardson’s rare ability to offer deep community connections. She already has her sights on research concerning food disparities in Hawai’i, and their relationship to social inequalities.

“Food and social justice and sovereignty – those are some of the most important issues in Hawai’i. 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.”

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 trans-gendered 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. The law degree won out when she was accepted to the University of California Berkeley School of Law – the only place she applied.

Before joining the Richardson faculty last summer, Freeman taught in the law schools at the University of San Francisco, Santa Clara University, and California Western.
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

UH LAW ASSOCIATE DEAN Denise Antolini was recently named the 2013 John Kelly Lifetime Achievement Award winner by the O’ahu Chapter of the Surfrider Foundation, an international grassroots organization dedicated to protecting the world’s oceans, waves and beaches. There are 80 chapters worldwide and more than 50,000 members.

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-Waimea.

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.

Law Dean Avi Soifer had accolades for what he called “Antolini’s profound impact at the Law School and within Hawai’i, as well as nationally and it is no coincidence that the Law School’s Envi-
Environmental Law Program has attracted national recognition and, most importantly, brings us terrific students and has created a devoted network of alumni and friends.”

Soifer added, “We all benefit from the fact that Dean Antolini is marvelously strategic and wise, but it may be that it is our environment benefits most of all from her many accomplishments, some recognized and some entirely unsung.”

At the University, Antolini has been recognized for her many and varied outstanding academic contributions and her strengths as a teacher. In 2006 she was awarded the UH Board of Regents’ Excellence in Teaching Medal and that same year the Law School’s Environmental Law Program received the national award for Distinguished Achievement in Environmental Law and Policy from the American Bar Association’s Standing Committee on Environmental Law and Section of Environment, Energy, and Resources.

Along with retired Law Prof. Casey Leigh, Antolini is credited with inspiring dozens of law students to pursue their interest in protecting Hawai‘i’s fragile environment. The Environmental Law Program is celebrating its 25th year and has awarded nearly 200 certificates to graduates who specialize in environmental law and are leaders in Hawai‘i’s environmental law community. Throughout the community, Antolini’s current and former students are playing critically important roles in ensuring that the state will continue to benefit from clean beaches, sustainable energy policies, and open space in the future.

In 2002 Hawai‘i Women Lawyers named her the recipient of its Distinguished Community Service Award. She is also past national chair of the Environmental Law Section of the Association of American Law Schools.

This is the ninth year the O‘ahu Chapter has named a John Kelly Lifetime Achievement Award winner in honor of the environmental activist credited with saving 140 surf sites on O‘ahu. Kelly, who passed away in 2007, was the first recipient in 2003.

AW SCHOOL PROF. MARI J. MATSDA 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.

“A 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, on accent 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 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 State Legislature had passed and Gov. Abercrombie, who was present, had signed the same-sex marriage law earlier that week.

The JACL is the oldest and largest Asian American civil rights organization. “We believe that justice is the act of doing,” noted Ebesugawa, “and our distinguished service awardees inspire us to continue to work towards a more just and fair community for everyone.”

In addition to Matsuda, the JACL 2013 Awards recognized the work of Hawai‘i Supreme Court Associate Justice Simeon 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” 1L 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 heightened 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-
ardson’s statistics stayed the same.”

During the final week of the downtown visits students heard Sarah M. Love ’06, an associate at the firm of Bays Lung Rose & Holma, recommend keeping an open mind during their law studies rather than narrowing their focus. She also said that the firm she joined soon after completing her degree offered enormous opportunities to grow as a young lawyer.

“The firm takes the position, ‘We’ll give you as much work as you can handle,’” she said. “They have the philosophy that you’re investing in the firm and we’re investing in you.

“It allowed me 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 different issues.”

Love said it was important for her to try out multiple legal areas, such as transactional law and litigation. “Those are the things you have to feel out for yourself. 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 lawyer 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 from Richardson, 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 the grades, the background, and compatibility – someone I feel would 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.” That provides him an additional topic of conversation to better know a potential employee, he said.

At the same time, partner Craig Wagnild noted that prospective applicants need to be assessing the people at the firm to see if they feel as if they will be able to work well together.

“What’s way more important than another thousand dollars [in pay] is the people 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 others.” Hunter said it was important to her to see that overall view-

After reading 30 cover letters... I like it when someone stands out.
gave him the opportunity to tour many of the major firms where he’d never been and to hear about the kinds of young attorneys they want to hire.

“They’re looking for students who most importantly meet their criteria and would be a good ‘fit’ for the firm,” he said. Zane said he liked the range of options that the big firms provide a young attorney 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 employment and a road 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 nature of summer clerk employment and what credentials and qualities firms would like to see in students.

“With that knowledge,” Chee added, “I approach my legal studies differently and give a higher priority to legal writing and research.

“Hawaii has a very unique legal culture,” he continued. “While our classes are important, I appreciated the opportunity to see what the actual practice of law is like.”

The visits were organized by Dale W. Lee, Richardson’s Director of Professional Development and Student Enrichment and Externship Programs, and led by both Lee and Ronette M. Kawakami ’85, Associate Dean for Student Services.

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 preparing to take the Law School Admissions Test (LSAT).

The Ka Huli Ao LSAT Preparation Program provides application counseling and LSAT instruction for prospective applicants to Richardson. 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 annually.

Since 2005, Ka Huli Ao Center for Excellence in Native Hawaiian Law at the William S. Richardson School of Law has offered LSAT preparatory courses for students applying to Richardson, with preference given to students interested in focusing on Native Hawaiian and Pacific indigenous legal issues.

The Ka Huli Ao LSAT Preparation Program has helped dozens of applicants prepare for the LSAT and secure admission to Richardson. Anna Fernandez ’11, now Director of Government Relations for Hawaii Public Policy Advocates, said of the program, “The framework 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 performance was successfully reflected on my actual LSAT score.”

Ha’aeo Kaho’ohalahala ’11, who is working as a prosecutor said, “The class provided a very supportive atmosphere and classmates often shared LSAT tips and other helpful information with each other. The LSAT prep course provided me with preparation and guidance I could not have received anywhere else.”

The LSAT Preparation Program is administered by Derek Kauanoe, the Student and Community Outreach Coordinator for Ka Huli Ao Center for Excellence in Native Hawaiian Law. Kauanoe also provides application counseling for students in the program.

Liam Skilling, Director of Academic Success and the Evening Part Time Program, is the LSAT instructor for the program. Skilling has nearly 20 years teaching and test preparation experience.

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 administrations of the LSAT. In addition, information sessions and diagnostic tests will be offered from January to June. Potential applicants can learn about the LSAT, receive feedback on their diagnostic tests, and receive guidance on developing an individualized plan to prepare for the LSAT.

For more information about the program, contact us at lawlsat@hawaii.edu. The next diagnostic test will be administered on Saturday, April 26.
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.”

We’re in the midst of a revolution. And lawyers and litigators have been part of it.

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 Baehr 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 lawyers in the civil rights movement. And the movements model themselves on the African-American civil rights movement.”

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.

“Immigration 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 all the same. Although there have been efforts to study the development of Korean immigration to the United States, still many gaps are left unfilled.”

“From the Korean point of view,” Baik continued, “we always think of the Korean diaspora as one uniform movement, but that is not really the correct approach. So we want to take a 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 organizing committee also included Assistant Professor Seunghye Hong from the Myron B. Thompson School of Social Work at UH and UH Foundation Trustee Duk Hee Lee Murabayashi.

The conference included four goals for the forum:

- Creation of a deeper understanding of Korean immigration and the legal issues that immigration presents.
- Creation of greater comparative understanding of the Korean diaspora and its impact on Koreans as well as their host countries.
- An attempt to fill in the gaps in law and policy between the U.S., Korea, and other nations.
- Testing the implications of Korean immigration on multiculturalism, both in the United States and in Korea.

Background:
The first steamship carrying 102 Korean immigrants arrived at Honolulu Harbor on Jan. 13, 1903. According to the U.S. Census Bureau, there were 1,463,474 Koreans residing in the U.S. as of March, 2010.

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FEBRUARY CONFERENCE
Draws International Scholars

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The conference included: The Academy of Korean Studies, Republic of Korea; Center for Korean Studies, UHM; William S. Richardson School of Law, UHM; Myron B. Thompson School of Social Work, UHM; Korean American Foundation Hawaii; Asia Institute, Osaka University of Economics and Law, Japan; and the Department of Social Welfare, Ewha Womans University, Republic of Korea.

The conference was set four goals for the forum:

- Creation of a deeper understanding of Korean immigration and the legal issues that immigration presents.
- Creation of a greater comparative understanding of the Korean diaspora and its impact on Koreans as well as their host countries.
- An attempt to fill in the gaps in law and policy between the U.S., Korea, and other nations.
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UH Law Student Julie Sparks Named Hawai‘i’s 2014 Mother of the Year

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.

“My philosophy is ‘You can’t be their friend all the time. Sometimes doing what’s best for them is a lot harder than making them happy at the moment.’”

Sparks was 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 precipices and potholes as families wrestle with contemporary culture that is pushing young people to grow up fast.

A divorcee and single mom who remarried five years ago, Sparks breaks a good many of the stereotypical Mommy molds. Along with a full-time load of law school courses, she’s a full-time realtor, and she also spends one day a week on a Law School externship with Sen. Sam Slom’s Minority Research Office at the State Legislature.

In addition, she worked with Carlsmith Faculty Scholar Professor Randy Roth and Associate Faculty Specialist Kenneth Lawson, the associate director of the Hawai‘i Innocence Project, to develop a supplement to a legal textbook on Pro-
fessional Responsibility. She also helped Lawson put together a syllabus for a new law class on how to set up your own law firm.

Julie and her family also sponsor five children through Compassion International. Her teenage daughter met two of them last summer during a mission trip with their church to the Philippines. Additionally, Sparks has done pro bono work at the Family Court for a program that works with child welfare.

“I have every hour of my day mapped out so I can get everything done,” says Sparks.

Yet at the forefront of importance for her are her 19-year-old son and 15-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. It’s a hard lesson to learn as a mother...”

“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 so 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. One 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,” she said. “But the most important job you can do is to make sure you’re raising good people because it affects everyone for the future.”
Prelaw Magazine features UH Law School in Two Stories

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

THE UNIVERSITY OF HAWA’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.”