

## SUSAN M. ICHINOSE

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### Personal Data

Born Honolulu, HI, March 5, 1944. Educated in Hawaii's public schools. Married; one son.

### PROFESSIONAL LICENSES

1977 Hawaii (State Supreme Court)  
1977 Hawaii (U.S. District Court)  
1978 U.S. Court of Appeals for the Ninth Circuit  
1985 U.S. Supreme Court

### EDUCATION

1974-77 William S. Richardson School of Law, University of Hawaii. J.D. Ad Hoc Law Review Committee, 1976-77.  
1964-67 The George Washington University, Washington, D.C.  
Columbian College, A.B. 1968 American Thought and Civilization. 1964-65 Orr Memorial Scholarship  
1962-64 University of Hawaii (Manoa). Liberal arts major in Selected Studies (Pre-Honors)

### PRESENT POSITION

Law Office of Susan M. Ichinose, AAL  
701 Bishop Street  
Honolulu, Hawaii 96813

Established a solo practice in February 1999 as a commercial litigator, arbitrator, mediator, and consultant concentrating in the following fields of law: alternative dispute resolution, employment, breach of contract, real estate transaction disputes, business torts (including fraud and antitrust), and breach of trust law. Plaintiff and Defense. Listed in 1995-96, 1997-98, 1999-2000, 2001-02, 2003-04 editions of the national publication, *The Best Lawyers in America*, in "Business Litigation" and "Labor and Employment" in Hawaii, as well as in *Honolulu Magazine's* editions of "Hawaii's Best Lawyers"; and in current and previous editions of *Who's Who in American Law*. Rated "AV" by Martindale-Hubbell.

### PREVIOUS POSITIONS

1995-99 SIMONS & ICHINOSE, Honolulu, Hawaii. Concentration in commercial litigation, arbitration, and mediation, with emphasis in plaintiffs' employment litigation. Director.  
1991-95 FOLEY MAEHARA JUDGE NIP & CHANG, Honolulu, Hawaii. Concentration on commercial and real estate litigation and arbitration with emphasis on complex litigation, contract litigation, real estate arbitration, bankruptcy, fraud, racketeering, and employment counseling for employers. Partner and head of Litigation Section.  
1985-91 MILLER AND ICHINOSE, Honolulu, Hawaii. Concentration in commercial and real estate litigation and arbitration with emphasis on complex

- litigation, antitrust, fraud, racketeering, and employment law actions for plaintiff and defense. Managing Partner.
- 1977-84 MUKAI ICHIKI RAFFETTO & MACMILLAN, Honolulu, Hawaii. Concentration in civil litigation with emphasis on commercial and real estate transactions, antitrust, products liability, personal injury, and fraud/racketeering actions, employment law actions for plaintiffs and employment counseling for employers. Partner.
- 1975-77 MUKAI ICHIKI RAFFETTO & MACMILLAN, Honolulu, Hawaii. Summer law clerk and part-time researcher during law school terms.
- 1975 STATE OFFICE OF THE LEGISLATIVE AUDITOR, Honolulu, Hawaii. Summer intern.
- 1972-74 JUDICIARY, STATE OF HAWAII. Statewide Public Information Officer for the Judiciary, 1972-74. Assisted Chief Justice William S. Richardson and the Administrative Director of the Courts in implementing a statewide judicial information program.
- 1969-72 HAWAII INTERNATIONAL SERVICES AGENCY, STATE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT. Communications Specialist/Editor. Assisted agency administrator with implementing a public information program for the agency.
- 1967-68 EPILEPSY FOUNDATION OF AMERICA NATIONAL HEADQUARTERS, Washington, D.C. Writer/Editor. Staff writer of public education and information materials.

#### LAW TEACHING POSITIONS

- 1985-93 Adjunct Professor, William S. Richardson School of Law (University of Hawaii). Conducted semester-long courses on appellate advocacy for First-Year law students in Spring Semester of 1985, '87, '91 and '93.
- 1981-82 Instructor in **Commercial Litigation**, Kapiolani Community College (University of Hawaii) Paralegal Studies Program. Conducted night classes in commercial litigation for paralegals.

#### PRESENTATIONS (Lectures, Panels, Seminars) (Representative List Only)

- 2002 -Speaker and Panelist, "Hot Topics in Litigation," Hawaii State Bar Association Convention, October 17, 2002, Honolulu, HI
- Speaker, "Anatomy of an Employment Lawsuit from the Plaintiff's Point of View," Hawaii Personnel Law Update 2002, Council on Education in Management, September 13, 2002, Honolulu, HI
- Speaker, "The New Revised Uniform Arbitration Act," City & County of Honolulu Department of Human Resources, July 22, 2002, Honolulu
- Speaker and panelist, "The New Revised Uniform Arbitration Act," Pacific Law Institute, June 20, 2002, Honolulu, HI
- Program coordinator/planner ("Terrorism and Its Impact on the Law"), U.S. District Court Conference (Hawaii), April 25-26, 2002, Honolulu, HI
- 2001 -Panelist and lecturer, The Revised Uniform Arbitration Act, August 23, 2001, The Judiciary's Center for Alternative Dispute Resolution, Honolulu
- Co-Chair, **Labor and Employment Seminar** (The Seminar Group), Co- Chair, May 17-18, Hilton Hawaiian Village; presenter, *Wage and Hour Claims - The*

*Newest Old Area to Worry About*

- 2000 -Panelist and Moderator, *2001: A Court Odyssey from Odysseus' Point of View*, U. S. District Court of Hawaii Conference, May 18, 2001, Halekulani Hotel
- 2000 -*Vicarious Liability*, Federal Sector Training, U. S. EEOC Technical Assistance Program, Honolulu, February 1-2, 2000.
- Trying Sex Discrimination Cases*, National Employment Lawyers Assn (Hawaii Chapter) meeting, March 9, 2000
- Professional Ethics and Zealous Advocacy*, Class presentation in Prof. Randy Roth's Professional Responsibility class, October 13, 2000, Richardson School of Law
- ADR Demonstration (Mediation)*, First Year MLS Program, October 26, 2000, Richardson School of Law
- *Major Amendments to the Federal Rules of Civil Procedure and the Federal Rules of Evidence* (HSBA seminar), November 2, 2000, Hale Koa Hotel, Honolulu, Hawaii
- ADR in Employment Litigation* (HSBA Convention program), speaker and panelist, December 1, 2000, Sheraton Hawaii Hotel, Honolulu, Hawaii
- 1999 -*Sexual Harassment*, Hawaii Food Industry Association, Honolulu International Country Club, April 15, 1999
- 1998 -*Employment Litigation, Personnel Law Update 1998*, Council on Education, Honolulu, April 2, 1998
- Sex Discrimination and Sexual Harassment*, lecture with Susan Hippensteele as co-panelist at Women and the Law class, University of Hawaii
- 1997 -*Old Dogs, New Tricks: Top Trial Lawyers Talk About the Keys to Winning Big Judgments and Avoiding Big Hits*, speaker and panelist, January 31, 1997, HICLE
- Mock Case Review under the Equal Pay Act, Looking Toward the Year 2000*, U. S. Office of Federal Contract Compliance Programs, Honolulu, November 3 and 4, 1997
- 1996 -*Women's Studies Seminar: Sexual Harassment*, Alison Adams Memorial Lecture, April 12, 1996, University of Hawaii
- 1995 -*Demystifying Dispute Resolution, Alternative Dispute Resolution: Achieving Workplace Harmony*, Honolulu-Pacific Federal Executive Board Equal Employment Opportunity Council, Federal Mediation and Conciliation Service, and American Arbitration Association, October 30, 1995
- U.S. EEOC Technical Assistance Program, Honolulu, July 26, 1995
- 1994 -*Effective Appellate Practice in Hawaii*, National Business Institute, Honolulu, June 29, 1994
- 1993 -*How to Use Negotiation, Mediation and Arbitration*, Hawaii Institute for Continuing Legal Education, Honolulu, July 28, 1993
- Litigation Issues -- Forum Selection, Discovery, Experts, Motions, Voir Dire, Trial Strategy, ADR, The Americans with Disabilities Act: Compliance and Litigation*, Hawaii Institute for Continuing Legal Education, Honolulu, May 6, 1993
- 1992 -*What to do with the Difficult Lawyer*, ALL-ABA program under Eighth Circuit Judge Myron Bright

- 1991 -Lecturer on Professional Ethics in Litigation, Professor Addison Bowman, Richardson School of Law
- 1990 -Lecturer on Employment Litigation, Professor Ronald Brown, Richardson School of Law
- 1989 -Basic Issues in Employment Law in Hawaii, National Business Institute conference, Honolulu  
-Hawaii Labor and Employment Law, National Business Institute conference, Honolulu, February 28, 1989

The above list is admittedly incomplete, insofar as I only began keeping track of my speaking engagements since 2000. I have also been a lecturer or panelist on numerous other occasions, primarily in employment discrimination and in particular on Sexual Harassment, for Bar groups, Hawaii Employment Lawyers Association, Richardson School of Law, Chamber of Commerce of Hawaii, Hawaii Women Lawyers, Hawaii Lawyers Care, American Arbitration Association, the Chinese Women's Association, and the University of Hawaii.

### LEGAL PUBLICATIONS

- Hawaii's Supreme Court Recognizes Tort of Retaliatory Discharge of At-Will Employee, Hawaii Bar Journal, Vol. XVII, No. 2, 1982.
- Civil Rights Laws in Employment: They're Broader Than You Think, Basic Issues in Employment Law in Hawaii, February 1989 (National Business Institute).
- Avoiding Lawsuits for Employment Discrimination, Hawaii Labor and Employment Law, November 1989 (National Business Institute).
- Effective Appellate Practice in Hawaii, co-author with G. Richard Morry and Steven S. Michaels, June 1994 (National Business Institute).
- Harassment Redux: Sexual Harassment Litigation from the Plaintiff's Perspective, Hawaii Bar Journal, May 1996, at 11.
- Editor in Chief, *Our Rights Our Lives: Women and Employment*, Hawaii Women Lawyers publication 3<sup>rd</sup> edition, 1996
- Editor in Chief, and Author of articles "Your Rights as an Employee" and "A Survey of Federal and State Discrimination Laws", *Our Rights Our Lives: Women and Employment*, Hawaii Women Lawyers publication 4th edition, February 2001
- The New World of Arbitration* (co-author), Hawaii Bar Journal, November 2002

### PROFESSIONAL ACTIVITIES/ DISTINCTIONS

- 2003 Delegate to U. S. District Court Conference, April 10-11, 2003
- 2002 Delegate to Bench-Bar Conference (Federal Civil), November 2002
- 2002-04 Elected by Ninth Circuit Lawyer Representatives to be At-Large Lawyer Representative to the Conference Executive Committee for the Ninth Circuit Court of Appeals (2002-2004)
- 2002 Lawyer Representative, 9<sup>th</sup> Circuit Judicial Conference in San Diego, July 15-18, 2002
- 2002 Delegate and Program coordinator, U. S. District Court (Hawaii) Conference, April 25-26, 2002, Honolulu, Hawaii

- 2002- Chair, SubCommittee on Employment Law Instructions, Supreme Court  
Committee on Standard Civil Jury Instructions (**Continuing**)
- 2002 Member, Nominating Committee, Hawaii State Bar Association
- 2002 Co-Chair, Legislative Committee of Hawaii Women Lawyers
- 2001 Delegate to Bench-Bar Conference (State Civil), HSBA Annual Convention
- 2000- Named as Bencher to American Inns of Court, Aloha (Hawaii) Inn  
(**Continuing**)
- 2000- Appointed member of Local Rules Committee, U.S. District Court of Hawaii
- 2000- Appointed member of Hawai`i Supreme Court's Civil Pattern Jury  
Instructions Committee (**Continuing**)
- 2000-01 Director, HAWAII STATE BAR ASSOCIATION. Elected to the Board of  
Directors for a two-year term.
- 2000 Appointed member of U. S. District Court Merit Selection Panel for  
Magistrate Judge of Kwajalein
- 2000 Award: Woman Lawyer of the Year, HAWAII WOMEN LAWYERS.
- 1999-02 Lawyer Representative, NINTH CIRCUIT JUDICIAL CONFERENCE.  
Appointed to a three-year term as a Lawyer Representative to the 9<sup>th</sup> Circuit  
Judicial Conference from the District of Hawaii by Chief Judge David Ezra.
- 1999 Delegate to Bench-Bar Conference (Federal Civil), HSBA Annual Convention
- 1995-2004 Listed, BEST LAWYERS IN AMERICA. Listed as one of the "Best Lawyers in  
Hawaii" under "Business Litigation" and "Labor and Employment" for the  
1995-96, 1997-98, 1999-00, 2001-02, 2003-04 editions.
- 1997-99 HAWAII WOMEN LAWYERS. President, 1997-98; Vice President, 1996-97;  
Director, 1982-83, 1998-99. Chair, Legislative Committee, 1998-00;  
member, Legislative Committee, 2000-.
- 1996 Alison Adams Memorial Lecturer; selection by trustees of the Alison Adams  
Foundation to give the annual lecture on gender equity issues at the  
University of Hawaii
- 1993-99 Delegate, U. S. DISTRICT COURT (HAWAII) JUDICIAL CONFERENCE.  
Appointed Delegate to the Conference by Chief Judge Alan Kay.
- 1974 Award: America's Outstanding Young Woman of the Year (Hawaii)  
(consortium of national organizations, including YWCA)

#### COURT APPOINTMENTS

- 2002- Appointed by Chief Justice Moon to Committee to Formulate Strategies for  
Implementing the Conference of Chief Justices' National Action Plan of  
Lawyer Conduct and Professionalism (**Continuing**)
- 2001-current Appointed by Chief Justice Ronald Moon to Supreme Court Advisory  
Commission on Disciplinary Matters
- 2001-02 Appointed by Chief Judge David Ezra as Lawyer Representative, U. S. District  
Court (Hawaii) Panel for Review of Criminal Justice Act Panel Fees and Costs
- 2000-01 Court-Appointed Mediator, Judge Chang, CV 97-3394 (First Circuit)
- 2000-01 Court-Appointed Mediator, Judge Chang, CV 99-0-02544 (First Circuit)
- 2000-01 Appointed by Judge David Ezra to Local Rules Committee for revision of  
Local Rules
- 2000 Appointed by Judge David Ezra to U. S. Magistrate Merit Selection Panel for  
District of Kwajalein

2000-current Appointed by Chief Justice Ronald Moon to Committee on Standard Civil Jury Instructions (**Continuing**)

1999-02 Appointed by Chief Judge David Ezra as Lawyer Representative to Ninth Circuit Judicial Conference from District of Hawaii

1990's Appointed by Chief Judge Alan Kay as delegate to several annual U. S. District Court (Hawaii) Judicial Conferences

1994 Appointed by Judge Virginia Lea Crandall as Guardian Ad Litem in *In re Maka Kekina* to oversee litigation of claims and property interests of mentally ill person

199\_ Appointed by Supreme Court to first Civil Pattern Jury Instruction Committee

#### PROFESSIONAL ORGANIZATIONS

Current AMERICAN INNS OF COURT, *Aloha Chapter*. Bencher.

Current AMERICAN ARBITRATION ASSOCIATION. Panelist on the National Panel of Arbitrators since 1982. Present panelist on State Commercial Arbitrators, Commercial Mediators, Employment Arbitrators, and Employment Mediators Panels.

Current AMERICAN BAR ASSOCIATION. Member since 1977.

Current FEDERAL BAR ASSOCIATION. Member of Hawaii Chapter since inception.

Current HAWAII STATE BAR ASSOCIATION. Member since 1977. Elected Director, 2000-01. Chair of Professional Responsibility Committee, 1998-99; Member of Attorney-Client Coordination Committee, 1977-78. Member of Nominations Committee, 2002.

Current MEDIATION CENTER OF THE PACIFIC. Member and Volunteer Mediator.

#### COMMUNITY ACTIVITIES/AWARDS

2002-current Member, Board of Directors, YWCA of Hawaii

2001-current Co-Chair, Hawaii Women Lawyers Legislative Committee

2001 Co-Chair, Hawaii Women Lawyers Legislative Committee

2000 Award: Hawaii Women Lawyers Woman Lawyer of the Year

1997-01 Member and Hawaii Women Lawyers Legislative Chair, Women's Legislative Coalition

1993-97 HAWAII LIBRARY FOUNDATION. Founding Trustee and member of the Board of Trustees.

1982-87 FRIENDS OF THE LIBRARY OF HAWAII. Trustee.

1982-84 GOVERNOR'S ADVISORY COMMISSION ON LIBRARIES. Member.

1974 Award: Hawaii Recipient, America's Outstanding Young Woman of the Year Award

## REPRESENTATIVE CASES

### Major Commercial/Complex Litigation

- *Air Hawaii , through its trustee in bankruptcy, v. Anthony, et al.* (D.C. Hawaii). Racketeering, securities fraud, legal malpractice, breach of fiduciary duty.
- *Allson Classic Hotel vs. Abundance Assets, Ltd., Sukamto Corporation, et al.* (First Circuit). Fraud, breach of contract.
- *Calculators Hawaii v. Brandt, Inc.* (D.C. Hawaii). Antitrust action (refusal to deal).
- *Discovery Airways v. Sanwa National Bank* (D.C. Hawaii). Fraud.
- *Investors Equity Life Ins. Co. v. Ernst & Young* (First Circuit). Defense of claims alleging professional negligence in accounting, fraud.
- *In re Eric A. Knudsen Trust* (First Circuit). Breach of fiduciary duty.
- *Island Tobacco Co. v. R.J. Reynolds Tobacco Co.* (D.C. Hawaii and Hawaii State cases). Antitrust action (attempted monopolization and predatory pricing).
- *Life of the Land, Inc. v. City Council and First United Methodist Church* (1st Cir., Hawaii). Zoning restrictions and appeals.
- *Nakagawa v. Philatelic Leasing, Fiengenbaum, et al.* (D.C. Hawaii). Securities fraud.
- *Pacific Loan, Inc. and Thrift Guaranty Corporation v. Bernhardt, et al.* (Hawaii State, D. C. Hawaii, and Alaska cases). Breach of contract, commercial fraud, securities fraud.
- *Queen Emma Foundation v. Poseiden Properties Limited Partnership and Costco Wholesale Corporation* (1<sup>st</sup> Cir., Hawaii). Zoning and lease dispute.
- *Schmidt v. Philatelic Leasing, Fiengenbaum, et al.* (D.C. Hawaii). Securities fraud.
- *Tosei Shoji Co., Ltd. v. Stewart Title & Guaranty, Island Title Corp., et al.* (D.C. Hawaii). Professional negligence of title insurance company and guarantor.
- *United States of America vs. ORS, Inc. and Waste Management* (D.C. Hawaii and 9<sup>th</sup> Circuit Court). Criminal antitrust (price fixing).
- *V-Lex Corporation and Fatta v. Karoly, and Karoly v. Dial-A-Ride dba Handi-Van*, Civil 85-0244 (D.C. Hawaii). Breach of contract, intracorporate dispute, commercial fraud and racketeering.

### Other Representative Commercial and Real Estate Cases

- *American International Drive-Away v. Nissan Motor Corporation*, (D.C. Hawaii). Interstate Commerce Commission regulatory case.
- *Amfac Financial v. Shin, Domain Corporation.* (1st Cir., Hawaii). Revocation of building permit, unlawful taking.
- *Bank of Hawaii v. A.Z. Fine Aiea, Inc.* (1st Cir., Hawaii). Foreclosure and defense on misrepresentation claim.
- *General Hawaiian Development Corporation, by its Trustee Richard M. Kennedy v. Ralph S. Aoki* (D.C. Hawaii). Breach of fiduciary duty, negligence, conversion.
- *Hawaii Housing Authority v. Keystone Investment* (Bk., D.C. Hawaii). Complaint to lift stay; foreclosure.
- *In re Honolulu Construction & Draying Co., Ltd. (Petition of Aloha Tower Development Corporation adv. Trustees of the Irwin Family Charitable Foundation, Olds, Bogart, Scenic Hawaii, Life of the Land, et al.)*(Land Court, Hawaii). Action to expunge deed

- restrictions on Irwin Memorial Park at the Aloha Tower Complex.
- *Kashiwa v. Zoning Board of Appeals and The Bayer Estate* (Supreme Court of Hawaii). Appeal of circuit court reversal and remand of a conditional use permit.
- *Loughridge v. The Loughridge Corporation, et al.* (3d Cir., Hawaii). Partnership dispute.
- *Medical Center v. IDS* (3d Cir., Hawaii). Development of medical center, unlicensed mortgage broker, misrepresentation.
- *Uniden v. Marshall Communications* (D.C. Hawaii). Trademark infringement.

#### Representative Products Liability Litigation

- *Adams v. Aloha Airlines and Boeing* (1st Cir., Hawaii). Airplane design defect and negligence.
- *Beerman v. Toro Manufacturing* (1st Cir., Hawaii). Lawnmower design defect.
- *Kane v. Bechtel, Inc. v. Hawaiian Independent Refinery, Inc. and Hamanaka Chain Manufacturing Co., Ltd.* (D.C. Hawaii). Buoy design defect, wrongful death.
- *Mendoza v. American Tobacco Co.* (1st Cir., Hawaii). Products liability, wrongful death.
- *Sugai v. Kaiser Hospital, et al.* (1st Cir., Hawaii). Medical malpractice and x-ray design defect.

#### Representative Employment Law Litigation

- *Austen v. State of Hawaii* (USDC, Hawaii). Sex discrimination and retaliation under Title VII resulting in wrongful termination.
- *Black v. Association of Apartment Owners of the Uraku Tower* (1<sup>st</sup> Circuit; and U.S.D.C. Hawaii). Defamation, assault and battery, harassment of an employee; and retaliation in violation of the Federal Fair Housing Act.
- *Cadd, et al. v. Footlocker* (1<sup>st</sup> Cir. Hawaii). Sexual harassment.
- *Chehrehgosha v. American Airlines* (1st Cir., Hawaii). Wrongful termination.
- *GST Telecommunications, Inc. v. Martin* (USDC, Western Washington). Defense of employer's preemptive lawsuit against employee for declaratory relief.
- *Hernandez v. Lani Bird, Inc. dba Scenic Air Tours of Hawaii* (1st Cir., Hawaii). Defense of Wrongful termination claim.
- *Hodge v. University of Hawaii* (1<sup>st</sup> Cir., Hawaii). Pregnancy discrimination.
- *Kim v. NCR, et al.* (1<sup>st</sup> Cir. Hawaii). National origin and race discrimination.
- *Martin v. GST Telecommunications, et al.* (USDC and 1<sup>st</sup> Cir., Hawaii). Wrongful termination of a contract employee.
- *Marzan, et al., v. Burns Security* (USDC and 1<sup>st</sup> Cir., Hawaii). Sexual harassment, sex assault, hostile environment cases
- *Newhouse v. Robert's Ilima Tours* (USDC Hawaii). Fair Labor Standards Act litigation.
- *Parnar v. Americana Hotels* (1st Cir., Hawaii). Retaliatory termination.
- *Premaratne v. University of Hawaii; and EEOC (and Premaratne) v. Queen's Medical Center* (USDC Hawaii). Retaliation in violation of Title VII.
- *Rodriguez v. Wendy's International, Inc.* (USDC Hawaii). Age and disability

discrimination, breach of implied contract.

#### Representative Construction and Condominium Litigation

- *AOAO International Colony Club v. Factor* (2d Cir., Hawaii). Condominium and title dispute (defense of individual owner).
- *Association of Apartment Owners of Kahala Regency v. Kurihara Painting Co.* (1st Cir., Hawaii). Construction dispute (on behalf of Plaintiff).
- *Association of Apartment Owners of Discovery Bay v. Brewer Chemical Corp.* (1st Cir., Hawaii). Construction dispute (defense of supplier).
- *Hulten v. Wallace, et al.* (Arbitration). Construction dispute (defense of contractor).

#### Representative Personal Injury Litigation

- *Adams v. Aloha Airlines and Boeing* (1st Cir. Hawaii). Airplane design defect and negligence.
- *Beerman v. Toro Manufacturing, et al.* (1<sup>st</sup> Cir. Hawaii). Negligent operation of lawnmower, products liability
- *Black v. AOA of uraku Tower Hawai`i, et al.* (1<sup>st</sup> Cir. Hawaii). Defamation, intentional infliction of emotional distress, assault and battery
- *Kataoka, et al. vs. Xerox Corporation, Uyesugi, et al.* (1<sup>st</sup> Cir. Hawaii). Intentional torts, breach of contract against Xerox for Uyesugi killings
- *Parlier v. AOA Fairway View Plaza* (1<sup>st</sup> Cir. Hawaii). Negligent supervision and employment, assault and battery.
- *Sugai v. Kaiser Hospital, et al.* (1<sup>st</sup> Cir. Hawaii). Medical malpractice.

#### Representative Bankruptcy Litigation

- *In re Airwest International, Inc., dba Air Hawaii* (D.C. Hawaii). Attorney for Trustee of Debtor.
- *In re General Hawaiian Development Corp.* (D.C. Hawaii). Attorney for Trustee of Debtor.
- *In re Agretech* (D.C. Hawaii). Attorney for Rainbow Properties.
- *In re Innovative Media, Inc.* (D.C. Hawaii). Attorney for Corbridge, Inc.

#### Representative Professional Negligence Litigation

- *Enos v. HIG and Davis, Reid & Richards* (1st Cir., Hawaii). Legal malpractice and bad faith insurance settlement.
- *Liu, et al. v. Fanning* (1<sup>st</sup> Cir., Hawaii). Architect negligence.
- *Grauly v. Ernst & Young* (1<sup>st</sup> Cir., Hawaii). Accountant negligence.
- *Lai (Trustee of Airwest International) v. Anthony, et al.* (D.C. Hawaii) Legal malpractice, fraud, racketeering.
- *Sugai v. Kaiser Hospital, et al.* (1st Cir., Hawaii). Medical malpractice and x-ray design defect.

## Expert Opinions

- Expert consultant for Trustee in Bankruptcy Sandra Loomis, *In re Cutter-Fujita*, USDC Hawaii
- Confidential investigations of sexual harassment claims for clients of Foley Maehara Judge Nip & Chang, 1991-95
- Confidential investigations of discrimination claims for individual companies and organizations, 1999-present
- Expert opinion in legal malpractice action in re damages assessment of a sex discrimination/retaliation claim. For Jan Futa of Greeley & Futa.
- Consultant for ACLU on racial harassment case at Iao Intermediate School

## Arbitrations and Mediations

1. Court Appointed mediator in
  - Sharon Black v. City and County of Honolulu, et al.*, Civ. No. 97-3394 (1<sup>st</sup> Cir.)
  - HSI Electric, Inc. v. Kornya*, Civ. No. 99-2544-07 GWBC (1<sup>st</sup> Cir.)
2. Court Appointed Arbitrator in *James E. Hollman, Guardian ad Litem for Vo Minh Tan, and Thai Thi Thuy Dung, Claimants, vs. Naoko Imeong, Junior Larry Hillbroom, David Moncrieff, Jellian Cuartero, Milagros Feliciano, and Mercedita Feliciano*, Arbitration Pursuant to Order in Civil No. 99-0026, U. S. District Court of the Northern Mariana Islands, Civil Action No. 95-626(A).
3. Confidential Private Arbitrations and Mediations Conducted. References on request.
4. Recent CAAP Arbitrations
  - Biller v. Kala Kai Marina, et al.*, (1st Cir.)
  - Gabriel v. Geffen*, Civ. No. 99-2009-05 (1<sup>st</sup> Cir.)
  - Perryman v. Woods and The Auto Salon, Inc.*, Civ. No. 00-1-0592 (1<sup>st</sup> Cir.)
  - Ramirez v. Farias*, Civ. No. 97-4344-10 (1<sup>st</sup> Cir.)
  - Tse v. Vinh The Do*, Civ. No. 97-4452-10 (1<sup>st</sup> Cir.)
  - Villegas v. Rodrigues*, Civ. No. 02-1-1415-06 (1<sup>st</sup> Cir.)
5. Affiliations
  - American Arbitration Association:** Member, National Commercial Panel; National Employment Panel; Hawaii State Advisory Committee, 1983-present
  - NASDR**, member of panel of arbitrators
  - Mediation Center of the Pacific**, 1999-present
  - Dispute Prevention & Resolution**, 2002-present

## Reported Cases

AUSTEN v. HAWAII, Civil No. 84-00414SPK, UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII, 759 F. Supp. 612; 1991 U.S. Dist. LEXIS 3646; 55 Fair Empl. Prac. Cas. (BNA) 685; 56 Empl. Prac. Dec. (CCH) P40,760, March 8, 1991, Decided, March 8, 1991, Filed, As Corrected, April 19, 1991.

UNITED STATES v. ORS, INC., CR. NO. 91-01500 DAE, UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII, 825 F. Supp. 255; 1992 U.S. Dist. LEXIS 21526, October 6, 1992, Decided, October 6, 1992, Filed

NEWHOUSE v. ROBERT'S ILIMA TOURS, INC., Nos. 81-4569, 81-4580, UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT, 708 F.2d 436; 1983 U.S. App. LEXIS 26820; 98 Lab. Cas. (CCH) P34,400; 26 Wage & Hour Cas. (BNA) 352; 1983 Fed. Carr. Cas. (CCH) P83,092, October 19, 1982, Argued and Submitted, June 13, 1983, Decided

NEWHOUSE v. ROBERT'S ILIMA TOURS, INC., Civ. No. 75-0271, UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII, 523 F. Supp. 320; 1981 U.S. Dist. LEXIS 14852; 93 Lab. Cas. (CCH) P34,141; 25 Wage & Hour Cas. (BNA) 238, September 25, 1981

PARNAR v. AMERICANA HOTELS, INC., No. 8159, Supreme Court of Hawaii, 65 Haw. 370; 652 P.2d 625; 1982 Haw. LEXIS 230; 115 L.R.R.M. 4817; 1989-1 Trade Cas. (CCH) P68,459, October 28, 1982

HARPER v. FREEMAN, No. 7851, Intermediate Court of Appeals of Hawaii, 3 Haw. App. 1; 639 P.2d 1113; 1982 Haw. App. LEXIS 103, January 28, 1982

ISLAND TOBACCO CO. v. R. J. REYNOLDS INDUS., Civ. No. 78-0088, UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII, 513 F. Supp. 726; 1981 U.S. Dist. LEXIS 11813; 1981-1 Trade Cas. (CCH) P63,988, April 21, 1981, As Amended August 25, 1981.

UNITED STATES v. ORS, INC., No. 92-10659, UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT, 997 F.2d 628; 1993 U.S. App. LEXIS 15892; 1993-1 Trade Cas. (CCH) P70,287; 93 Cal. Daily Op. Service 4981; 93 Daily Journal DAR 8401, February 3, 1993 \*, Submitted, San Francisco, California \* The panel finds this case appropriate for submission without argument pursuant to Fed. R. App. P. 34(a) and 9th Cir. R. 34-4., June 30, 1993

LIFE OF THE LAND, INC. v. CITY COUNCIL OF HONOLULU, No. 7240, Supreme Court of Hawaii, 61 Haw. 390; 606 P.2d 866; 1980 Haw.

LEXIS 122, January 11, 1980

IN RE AIRWEST INTL., No. 86-00145 Chapter 11, United States  
Bankruptcy Court for the District of Hawaii, 70 B.R. 914; 1987  
Bankr. LEXIS 361; 3 U.C.C. Rep. Serv. 2d (Callaghan) 1936, March 10,  
1987, Decided, March 10, 1987

ISLAND TOBACCO CO. v. R.J. REYNOLDS TOBACCO CO., No. 6685,  
Supreme Court of Hawaii, 63 Haw. 289; 627 P.2d 260; 1981 Haw.  
LEXIS 108; 1981-1 Trade Cas. (CCH) P64,121, April 20, 1981

IN RE HAWAII BEER ANTITRUST LITIG., Master File No. 77-0294A., United  
States District Court for the District of Hawaii., 1978 U.S. Dist. LEXIS  
15905; 1978-2 Trade Cas. (CCH) P62,211, August 22, 1978

RINGGOLD CORP. v. WORRALL, No. 87-2045, UNITED STATES COURT  
OF APPEALS FOR THE NINTH CIRCUIT, 880 F.2d 1138; 1989 U.S. App.  
LEXIS 10860; 14 Fed. R. Serv. 3d (Callaghan) 984, April 6, 1989,  
Argued and Submitted, July 27, 1989