

2017 DISTRICT REPORT FOR THE DISTRICT OF HAWAII

HAWAII U.S. DISTRICT COURT MATTERS

TEACHERS WORKSHOP

From June 8-10, 2017, the Court hosted, along with the Hawaii Judiciary History Center and Hawai'i State Bar Association Civics Education Committee, the 3rd annual Teacher's Workshop. The workshop was entitled "Connecting Law and Social Justice" and offered teachers an immersive experience in law-related education using an inquiry-based model to explore substantive issues of law, social justice, race, and policy related to the Hawai'i Constitution, federalism, and political processes. Melinda Cooperman, J.D., LL.M, Staff Attorney for the Children's Law Center, and Efrain Marimon, M.S.Ed., J.D., LL.M, Instructor of Education for the College of Education at the Pennsylvania State University, facilitated.

VISIT BY U.S. SUPREME COURT JUSTICE RUTH BADER GINSBURG

On February 10, 2017, Justice Ginsburg visited with the judges' law clerks and Court staff. She spoke about her journey to becoming a Supreme Court Justice and the "bumps" encountered along the way.

JUDGE ALAN C. KAY CELEBRATION

On June 29, 2017, the Court celebrates Senior Judge Alan C. Kay's 30 distinguished years on the bench as a U.S. District Court Judge. The keynote speaker will be Mark Recktenwald, Chief Justice of the Supreme Court of the State of Hawai'i.

HAWAII FEDERAL TRIAL ACADEMY

On January 11 through 13, 2017, the Court, in partnership with the Hawai'i FBA Chapter, held a comprehensive, three-day program at the federal courthouse, designed to help newer attorneys develop trial skills and experience in federal court. The program began with an introduction and presentation by Chief Judge J. Michael Seabright, followed by a series of lectures, panel discussions, and live presentations by the federal judiciary and some of the most experienced and dynamic trial lawyers in the district. The program concluded with a half-day mock trial in federal court before a federal judge. Following the mock trial, the twelve trial academy participants were invited to join the judges for lunch.

CIVIL PRO BONO PANEL

In August 2016, the Court adopted rules for a new pro bono panel of attorneys available for appointment in civil cases filed by pro se plaintiffs. The Court typically assigns cases for limited purpose representation, requiring a relatively limited cost and time commitment. The cases provide opportunities for newer attorneys who might otherwise not have experience arguing a motion or trying a civil case in federal court.

Panel members are reimbursed for reasonable costs expended in connection with the representation. The Standing Committee that oversees and implements the panel includes a representative from the FBA Hawai'i Chapter, who acts as a Pro Bono Liaison.

NATURALIZATION CEREMONIES

During 2016, the Court participated in 12 Naturalization Ceremonies. There were approximately 637 new citizens naturalized at a variety of different venues, including the Hawai'i Opera Theater, I'olani School, the Mission Memorial Auditorium, and aboard the U.S.S. Missouri.

CIVICS CONTEST

The Court, as part of the Ninth Circuit Court of Appeals' Civics Contest, conducted a statewide essay and video competition open to all high school students, including homeschooled students, with the theme "Not to be Forgotten: Legal Lessons of the Japanese Internment." The contest began on February 1, 2017, and closed on April 24, 2017. The Court received 63 essays and 6 videos. The essays and videos had to: (1) demonstrate an understanding of the history of the internment and its aftermath; (2) explain what constitutional powers and rights were brought into conflict by the *Hirabayashi*, *Korematsu*, and *Endo* cases; and (3) discuss the important role of the judicial branch, then and now, in resolving constitutional conflicts involving national security and individual rights.

The top three essays and were chosen, and the winning entries are now competing against winning essays and videos from other districts within the Ninth Circuit. Local winners received \$1000 for first place, \$500 for second place and \$250 for third place. The essay winners were:

1st Place: Isabelle Rhee (Punahou)
2nd Place: Elise Kuwaye (Kaimuki Christian School)
3rd Place: Allison Ching (Punahou)

The video winners were:

1st Place: Allie Marshall (Kahuku)
2nd Place: Tamara Sato and Emily Wu (Punahou)
3rd Place: Stephanie Fujita (Punahou)

A Civics Contest Award Ceremony honoring the Hawaii winners and their teachers was held on June 8, 2017.

DISTRICT DINNER AND CONFERENCE

The District of Hawai'i's 2017 District Conference was held at the Halekulani Hotel in Waikiki, beginning with a dinner the evening of April 27, 2017. The dinner was attended by approximately 100 guests, including Dean of the William S. Richardson School of Law Aviam Soifer. Speaker Paul Brewbaker—Director of the Hawai'i Economic Association and former Chief Economist of the Bank of Hawai'i—entertained the guests with an overview of Hawaii's economic forecast and a look at potential economic impacts of a "Black Swan" event.

The District Conference opened the next day with welcoming remarks by Chief Judge J. Michael Seabright. Chief Judge Seabright, Judge Richard Clifton of the U.S. Court of Appeals for the 9th Circuit, and Chief U.S. Bankruptcy Judge Ronald Faris reported on the current status of and recent developments in the respective courts.

The remarks by the judges were followed by two engaging panel discussions concerning "*Infectious Disease and the Law*". The first panel, moderated by District representative Blaine Rogers of the law firm Alston Hunt Floyd & Ing, was entitled "The Science of Infectious Diseases: Vectors, Microbes & Quarantines". The panel focused on recent and emerging threats in Hawai'i and the continental United States, the intersection of public health and law enforcement, and Hawaii's emergency response capacity.

The second panel, entitled "Hawaii's Ground Zero Plan: Law & Policy", was moderated by District representative Clare Connors of the law firm Davis Levin Livingston and provided an in-depth discussion of legal issues related to quarantine and first response in the event of an infectious disease outbreak.

The conference panelists included:

- *Dr. J. Todd Weber*, the Associate Director for Epidemiological Science in the Division of Healthcare Quality Promotion (DHQP) in the National Center for Emerging and Zoonotic Infectious Diseases at the Centers for Disease Control and Prevention. Dr. Weber was CDC's incident manager for the response to a massive outbreak of fungal infections associated with contaminated methylprednisolone injections and participated in the domestic response to the Ebola epidemic.

- *Dr. Tammy Lundstrum*, the Corporate Chief Medical Officer at Premier Health, a four hospital health system in Dayton, Ohio. Dr. Lundstrom has served as an Associate Professor in Infectious Diseases at Wayne State University School of Medicine and an adjunct professor at Wayne State University School of Law, where she taught Healthcare Organization and Finance. Dr. Lundstrom serves on multiple state and national committees relating to Infection Control and Quality.
- *Dr. Elizabeth Char*, the former director of the Emergency Services Division of the City & County of Honolulu and former district medical director of the State of Hawai'i. Dr. Char currently focuses on EMS and first responder systems of care, providing medical preparation and training for the Department of Homeland Security and first responder care systems.
- *Dr. Sarah Park*, the Hawai'i State Epidemiologist and Chief of the Disease Outbreak Control Division for the Hawai'i Department of Health. Dr. Park serves on the National Advisory Committee on Children and Disasters, which advises the US Health & Human Services (HHS) Secretary and Assistant Secretary for Preparedness and Response (ASPR) on issues related to children and disasters, specifically regarding the nation's preparedness and capacity to respond.
- *State of Hawai'i Circuit Court Judge Virginia L. Crandall*, appointed to the First Circuit Court (Oah'u) in 1991. Judge Crandall's calendar assignments have included civil trials, criminal (felony) trials, and civil administrative judge.
- *Blair Goto, Esq.*, Deputy Attorney General in the Health and Human Services Division of the Hawai'i Attorney General's office.
- *Michele Nakata*, Branch Chief of the Hawai'i Department of Health, Disease Investigation Branch, which conducts statewide infectious disease surveillance and outbreak response.

The District Conference panel was followed by a buffet lunch that offered attendees the opportunity to continue informal discussions with the panelists, federal judges and other lawyer representatives.

FEDERAL BAR ASSOCIATION HAWAII CHAPTER ACTIVITIES

2016 ANNUAL MEETING

At the annual meeting of members of the FBA Hawai'i Chapter, the slate of Executive Board candidates was voted on and passed unanimously. The Chapter's officers are:

- President Wayne Parsons
- President-Elect Michael Purpura
- Vice President Claire Wong Black
- Treasurer Susan Tius
- Secretary Sue Beitia
- National Delegate Kenji Price
- Younger Lawyer Chair Michael Albanese
- Committee Chair Howard McPherson
- Immediate Past President Sherry Broder

Hawai'i Chapter members include attorneys in private practice, government agencies and military branches, as well as members of the judiciary and law professors from the University of Hawai'i, William S. Richardson School of Law. The Hawai'i Chapter is committed to serving the needs of federal practitioners throughout the State of Hawai'i, offering opportunities to learn, to foster collegiality, and to network.

2016 FBA HAWAI'I CHAPTER ANNUAL CONFERENCE

The Eighth Annual FBA Hawai'i Conference was held on December 9, 2016, at the Royal Hawaiian Hotel in Honolulu. The morning program included a Supreme Court Review by the Honorable Richard R. Clifton (Ninth Circuit Court of Appeals), the Honorable Jeffrey S. Sutton (Sixth Circuit Court of Appeals), and Erwin Chemerinsky, then Dean of U.C. Irvine School of Law.

During lunch, the Honorable Paul M. Warner (District of Utah) and Mark K. Vincent, Esq. (2015 FBA National President) offered remarks on Public Service and the FBA. The first afternoon session provided an update on the 2015 Amendments to the Federal Rules of Civil Procedure with the Honorable Michael J. Newman (Southern District of Ohio and FBA National President), the Honorable Gustavo A. Gelpi, Jr. (District of Puerto Rico) and Matthew C. Moschella, Esq. The second afternoon session focused on Pluralism, Democracy and the Rule of Law, with a panel that included the Honorable John R. Tunheim (Chief Judge, District of Minnesota), the Honorable Caren L. Fox (Deputy Chief Judge, Maori Land Court, New Zealand), Andrew Pinto, Esq. and Georgia K. McMillen, Esq. The event was followed by a hosted reception.

CAPITOL HILL DAY

On April 20, 2017, over 60 FBA leaders, including representatives from the Hawai'i Chapter, educated Washington lawmakers and Congressional staff about the federal court system and its needs. Working off a common agenda of FBA policy priorities, the FBA leaders participated in over 200 meetings with House and Senate offices across the Hill, focusing on four priorities: (1) adequate funding for the federal courts to fulfill their constitutional and statutory responsibilities, both for the remainder of the current 2017 fiscal year and the upcoming 2018 fiscal year; (2) prompt action in filling historic levels of judicial vacancies on the federal district and appeals court bench; (3) urgent action in authorizing, before May 25, 2017, the conversion of 14 temporary bankruptcy judgeships to permanent status and the establishment of 4 permanent

bankruptcy judgeships; (4) establish additional Article III and bankruptcy judgeships, as recommended by the Judicial Conference.

LUNCHTIME BROWN BAGS

The Hawai'i Chapter, with the help and support of the judges of the District of Hawai'i, has presented federal court practitioners with learning opportunities through informal lunchtime meetings. Sessions have included: a Conversation with the New Chief Judge J. Michael Seabright (January 2016); Significant Recent Opinions in the District of Hawai'i (February 2016); Pet Peeves in Motions Practice: A Chambers Perspective (July 2016); Appellate Practice Tips (October 2016).

Aloha,

Hawai'i Lawyer Representatives

Clare Connors
Colin Miwa
Blaine Rogers
Gail Cosgrove
Andrew Lautenbach