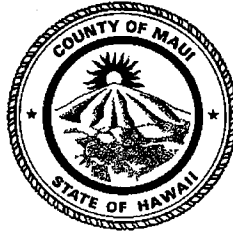


ALAN M. ARAKAWA  
Mayor



PATRICK K. WONG  
Corporation Counsel

EDWARD S. KUSHI  
First Deputy

LYDIA A. TODA  
Risk Management Officer  
Tel. No. (808) 270-7535  
Fax No. (808) 270-1761

DEPARTMENT OF THE CORPORATION COUNSEL  
COUNTY OF MAUI  
200 SOUTH HIGH STREET, 3<sup>RD</sup> FLOOR  
WAILUKU, MAUI, HAWAII 96793  
EMAIL: PRL.Committee@mauicounty.us  
TELEPHONE: (808) 270-7740  
FACSIMILE: (808) 270-7152

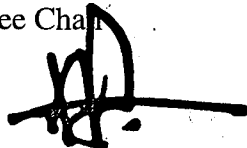
OFFICE OF THE  
COUNTY COUNCIL

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RECEIVED

February 13, 2018

**TO:** Don S. Guzman  
Parks, Recreation, Energy and Legal Affairs Committee Chair

**FROM:** Brian A. Bilberry, Deputy Corporation Counsel 

**SUBJECT:** *Taylor v. County of Maui, et al.*, Civil No. 18-1-0056(1) re Retention of Special Counsel for ALAN ARAKAWA, individually and in his capacity as Maui County Mayor, and COUNTY OF MAUI

At the request of your staff and for your information and reference, our department is transmitting a copy of Cox Fricke LLP's Letter of Interest, dated June 29, 2017.

If you have any question, please call me at x7741.

RECEIVED  
CORPORATION COUNSEL

office 808.585.9441 | email jcox@cfhawaii.com

2017 JUL -3 PM 2: 48

June 29, 2017

Patrick Wong, Esq.  
Corporation Counsel  
County of Maui  
200 High Street  
Wailuku, Hawai'i 96793

Re: Letter of Interest and Statement of Qualifications In  
Providing Legal Services to the County of Maui,  
Department of the Corporation Counsel

Dear Mr. Wong:

We wish to express our interest in providing legal services to the County of Maui, Department of the Corporation Counsel, during the 2017-18 fiscal year, subject to resolution of any conflict of interest issues that might arise with respect to any particular representation. Set forth below is our Statement of Qualifications for your consideration.

1. Firm and Principal Attorney Contact Information:

Joachim Cox & Robert Fricke  
Cox Fricke LLP  
800 Bethel Street, 6<sup>th</sup> Floor  
Honolulu, Hawai'i 96813

Firm Telephone No.: (808) 585-9440  
Mr. Cox's Direct Dial: (808) 585-9441  
Mr. Fricke's Direct Dial: (808) 585-9442

Mr. Cox's Email Address: jcox@cfhawaii.com  
Mr. Fricke's Email Address: rfricke@cfhawaii.com

2. Area of Practice:

Litigation, including Employment, Environmental, Government Procurement Contracts, Intellectual Property, Real Estate and Land Use, Securities, Toxic Tort, RICO, Criminal Law, and Civil Rights.

3. Education and Employment Background:

Please see the resumes attached hereto for Joachim Cox and Robert Fricke. For additional information, please visit our firm's website ([www.cfhawaii.com](http://www.cfhawaii.com)).

4. Number of Years, Principal Attorneys, and Practice Area Summary and Client Sample Listing:

Joachim Cox and Bob Fricke, having been partners in the litigation department at one of Hawai'i's oldest and largest full service law firms for a combined ten years, formed Cox Fricke LLP in 2011 with the mission of providing innovative solutions toward efficiently achieving their clients' goals. Cox Fricke LLP believes that successful litigation results from a combination of experience, diligence and teamwork. With experience as lead counsel in over 75 jury trials, our well-honed courtroom advocacy skills allow us to persuasively prosecute or defend any case to verdict. Moreover, as trial lawyers, we recognize the value provided to our clients by maintaining the broader view, and strategically positioning the matter for successful resolution without the need for continued litigation. In contrast to larger firms, Cox Fricke LLP does not move attorneys in and out of matters. Although our size mandates that we only accept a select few engagements; once retained, our attorneys and staff serve as a cohesive unit fully vested in the achievement of our client's goals. Most importantly, Cox Fricke LLP understands the expense litigation imposes upon its clients. In response, our firm works with its clients to project the expenses associated with each stage of litigation, allowing the client to plan and decide exactly how to proceed.

Our attorneys have successfully represented individuals, local and multinational corporations, and government entities in cases involving a broad spectrum practice areas. A current sample of clients includes: Morgan Stanley, LLC, HMSA, Hawaiian Airlines, Inc., United Airlines, Inc., Home Depot, Inc., American Marine Corporation, Cutter Management Co., Inc., Maui Electric Company and Hawaiian Electric Company.

5. Description of Staff and Facilities:

Cox Fricke LLP is comprised of two full time paralegals, two senior partners, two junior partners and two of counsel attorneys on staff. Moreover, outfitted with cutting edge litigation tools, Cox Fricke LLP leverages technology in order to deftly serve our clients' needs. In particular, through the use of technology, Cox Fricke LLP utilizes its affiliated consultants to quickly and appropriately adapt depending on the size of the case, and the nature of the opposition.

6. Manner of Billing:  
(Including Range of Hourly Rates and Billing Policies)

Please see the document entitled "Billing Policies" that is enclosed with this letter.

Our hourly billing rates for 2017-18 have the following ranges:

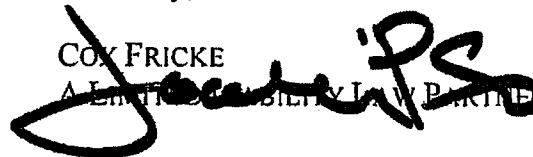
Paralegals:	\$145 - 165
Of Counsel:	\$220 - \$285
Partners:	\$315 - \$325
Senior Partners:	\$325 - \$425

7. Jurisdictions of Practice:

Please see our resumes attached hereto.

If you have any questions, please contact me at (808) 585-9441. I appreciate this opportunity to provide our statement of qualifications to perform work for the County of Maui, Department of the Corporation Counsel.

Sincerely,

  
COX FRICKE  
A LIMITED LIABILITY LAW PARTNERSHIP LLP

Joachim P. Cox

## JOACHIM P. COX

Joachim Cox, recognized by *Chambers & Partners USA*, *Benchmark Litigation*, *Super Lawyers* and *The Best Lawyers in America*, is an experienced litigator and trial lawyer. Mr. Cox focuses his practice on complex commercial and business disputes. Additionally, utilizing his experience as a Defense Counsel in the United States Navy Judge Advocate General's Corps and Special Assistant United States Attorney in the District of Hawai'i, Mr. Cox represents white collar criminal defendants in matters related to alleged violations of state and federal securities, tax, and environmental laws. Examples of his experience include:

- Lead Special Counsel, retained on behalf of the County of Maui, responsible for successfully prosecuting the County's investor claims, resulting in the full and swift repayment of \$32 million by the broker-dealer defendant.
- After winning pre-trial motions, obtained favorable settlements on behalf of thirteen privately-held automobile dealerships in connection with five class action lawsuits alleging violations of Hawai'i's Unfair and Deceptive Trade Practices Act.
- Successfully prosecuted multi-million dollar Federal Tort Claims Act lawsuit brought by the family and estate of a Navy Veteran against the United States based upon negligent treatment received at Tripler Army Medical Center.
- Successfully prosecuted through verdict at trial, claims against a shareholder of a closely held company, resulting in a judgment awarding the firm's clients special damages, punitive damages and attorneys' fees.
- Trial counsel hired by state contractors to prosecute and defend procurement protests collectively valued in excess of \$100 million.
- Trial counsel retained to defend a trustee of a large Hawai'i based land-estate alleged to have been involved with improper self-dealing in the development and sale of a piece of the estate's property (valued in excess of \$35 million). On the eve of trial, following favorable rulings resulting in a finding of no violation on the part of the firm's client, the case settled with full repayment to the trustee of fees and costs incurred in the defense of the allegations.

### Education

University of Colorado,  
J.D. 1997  
United States Naval Academy,  
B.S. 1990

### Practice Areas

Litigation  
Criminal Defense

### Admitted to Practice

Ninth Circuit Court of Appeals  
U.S. District Court of Hawai'i  
State Courts of Hawai'i  
State Courts of California  
State Courts of Colorado

### Professional and Civic Activities

Chairman – Hawai'i Pacific  
University  
Director – Pacific Historic Parks  
Bencher - American Inns of Court  
Aloha Inn  
Hawai'i State Bar Association

### Publications

Co-Author of Hawai'i Chapter for  
Product Liability Desk Reference

### Address

Queen's Court, Suite 600  
800 Bethel Street  
Honolulu, Hawai'i 96813

### Telephone

(808) 585-9441

### E-mail Address

[jcox@cfhawaii.com](mailto:jcox@cfhawaii.com)

### Firm Website Address

[www.cfhawaii.com](http://www.cfhawaii.com)

- Serves as outside general counsel to two organizations: a Hawai'i based conglomerate involved in land ownership and automobile dealerships, and a Hawai'i based education and research institution. Mr. Cox has experience advising entities on a broad array of issues ranging from corporate formation and asset protection, to negotiating the highest valued sale of Hawai'i based wireless spectrum.
- Obtained early dismissal of a case against a national airline alleged to have negligently caused the crash of a taxiing small aircraft.
- Successfully prosecuted a multi-year complex shareholder dispute, through state court, bankruptcy court and arbitration proceedings, that resulted in a settlement, in favor of the firm's client, involving full payment of claims and disgorgement of company's assets to the client.
- Obtained full dismissal of federal felony charges on eve of trial of State law enforcement officer charged with federal firearms offenses.
- On the eve of trial, and after four years of investigation and litigation involving allegations of false statements and Clean Water Act violations, obtained dismissal of all felony federal charges against general manager and vice president of subsidiary of a Fortune 250 company.
- On the eve of trial, after three years of litigation in multiple state and bankruptcy court actions related to claims of professional malpractice, obtained settlement in favor of firm's client resulting in full payment of investors' claims and attorneys' fees and costs involved in the prosecution.

Mr. Cox moved to Hawai'i on orders as a diving and salvage officer with the United States Navy. After two tours with the Special Operations community, Mr. Cox continued his service in Hawai'i upon transferring to the Navy's Judge Advocate General's Corps, eventually retiring from the Navy Reserve. After leaving active duty, Mr. Cox entered private practice with the mission of providing innovative solutions toward achieving clients' goals. In addition to his law practice, Mr. Cox is actively involved in Hawai'i's community as the Chairman of Hawai'i Pacific University, and a Director of Pacific Historic Parks.

## ROBERT K. FRICKE

Robert Fricke co-founded the firm after having previously worked for a number of years as a litigation partner in one of the oldest and largest law firms in the State. Prior to that, Mr. Fricke served in the U.S. Marine Corps as a Judge Advocate, retiring after twenty years of service as a Lieutenant Colonel. Mr. Fricke was a courtroom trial attorney during the first half of his career as a Judge Advocate, and presided over felony and misdemeanor trials as a judge during the last seven years of his Marine service. Mr. Fricke concentrates his practice in the area of civil and criminal litigation with emphasis on courtroom trial practice. Recognized by *Chambers & Partners USA*, Mr. Fricke holds *Martindale-Hubbell's AV Preeminent Rating* and is listed in *Best Lawyers, Super Lawyers, and Benchmark Litigation*. Examples of his experience include:

- Obtained full defense jury verdict in favor of legacy airline and its employee in State personal injury action.
- Obtained full dismissal of federal felony charges against general manager and vice president of subsidiary of Fortune 250 company involving allegations of false statements and Clean Water Act violations.
- Jury verdict in favor of business owner on every claim asserted in State breach of contract and negligence actions against his insurer and broker, resulting in the jury awarding the firm's client special damages, general damages and attorneys' fees.
- Full trial defenses of theme park operator in arbitrations involving claims of negligence and products liability.
- Obtained full defense jury verdict in favor of corporate executive vice president of legacy airline sued in official and individual capacity in employment matter.
- Favorable settlement achieved during the second week of jury trial in the defense of a multinational corporation, with revenue in excess of \$1.5 billion a year, against fraud and breach of warranty claims seeking special damages in excess of \$20 million and punitive damages in excess of \$60 million.
- Obtained full dismissal of federal felony charges on eve of trial of State law enforcement officer charged with federal

### Education

The Judge Advocate General's  
School of the Army, LL.M. 1999  
(with honors)  
Hofstra University School of Law,  
J.D. 1990 (with distinction)  
University of Notre Dame, B.A.  
1983

### Practice Areas

Litigation  
Criminal Defense

### Admitted to Practice

United States Supreme Court  
Ninth Circuit Court of Appeals  
U.S. District Court of Hawai'i  
State Courts of Hawai'i,  
State Courts of New Jersey  
State Courts of New York

### Professional and Civic Activities

Director - Goodwill Contract Services  
Hawaii, Inc.  
Hawai'i State Bar Association  
Master - American Inns of Court  
Aloha Inn  
Arbitrator - Court Annexed Arbitration  
Program

### Address

Queen's Court, Suite 600  
800 Bethel Street  
Honolulu, Hawai'i 96813

### Telephone

(808) 585-9442

### E-mail Address

[rfricke@cfhawaii.com](mailto:rfricke@cfhawaii.com)

### Firm Website Address

[www.cfhawaii.com](http://www.cfhawaii.com)

firearms offenses.

- As substituted counsel retained by the federal government, obtained a favorable reconsideration of a conviction and sentence in an emotionally charged and highly publicized negligent homicide case.
- Obtained favorable settlements in a number of medical malpractice cases for family members of military service members stationed overseas.
- Successful prosecution of procurement protests on behalf of private companies through the state administrative hearings process. Served as lead counsel in the largest bid protest in State history.
- Obtained favorable settlement in defense of trustee in multi-million estate matter involving the sale and purchase of land. The case resulted in a finding of no violation on the part of the trustee, and full repayment to the trustee of fees and costs incurred in the defense of the allegations.

Mr. Fricke was the recipient of the Judge Paul W. Brozman award for excellence in criminal law and the award for distinguished accomplishment for best thesis while pursuing his LL.M degree. While attaining his J.D. degree, Mr. Fricke received the Excellence in Trial Advocacy award from the Nassau and Suffolk County Bar Associations, and was a member of the 1990 Northeast Regional Championship Team for the Fifteenth Annual National Trial Competition sponsored by the National Institute for Trial Advocacy. Co-author of the Hawaii chapter of *Product Liability Desk Reference, a Fifty State Compendium*.