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COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

September 6, 2018

Director of Council Services
Maria E. Zielinski

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2018 SEP -6 AM 10: 54

OFFICE OF THE
COUNTY CLERK

The Honorable Mike White
Council Chair
County of Maui
Wailuku, Hawaii 96793

Dear Chair White:

SUBJECT: **SPECIAL COUNSEL AUTHORIZATION: COUNTY OF MAUI REQUEST FOR RETENTION OF SPECIAL COUNSEL KEKER, VAN NEST & PETERS, LLP**
(PRL-1(45))

May I request the attached proposed resolution, entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL KEKER, VAN NEST & PETERS LLP TO REPRESENT THE COUNTY OF MAUI, PRO BONO, IN AN AMICUS BRIEF BEFORE THE UNITED STATES SUPREME COURT IN GEORGE K. YOUNG, JR. V. STATE OF HAWAII, ET AL., UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT NO. 12-17808, D.C. NO. 1:12-CV-00336-HG-BMK," be placed on the next Council meeting agenda.

Sincerely,

A handwritten signature in black ink, appearing to read "Don S. Guzman".

DON S. GUZMAN, Chair
Parks, Recreation, Energy, and Legal
Affairs Committee

prl:ltr:18001(45)ach01;cmn

Attachment

COUNTY COMMUNICATION NO. 18-334

Resolution

No. _____

AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL KEKER, VAN NEST & PETERS LLP TO REPRESENT THE COUNTY OF MAUI, PRO BONO, IN AN AMICUS BRIEF BEFORE THE UNITED STATES SUPREME COURT IN GEORGE K. YOUNG, JR. V. STATE OF HAWAII, ET AL., UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT NO. 12-17808, D.C. NO. 1:12-CV-00336-HG-BMK

WHEREAS, the Council alone is authorized to retain or employ special counsel by resolution adopted by a two-thirds vote; and

WHEREAS, the Council finds that there is a real necessity to retain the firm of Kecker, Van Nest & Peters LLP (the “firm”), as special counsel to represent the County of Maui before the United States Supreme Court in preparing and filing an amicus brief, because of the far-reaching legal impact of the ruling in George K. Young, Jr., v. State of Hawaii, et al. by the United States Court of Appeals for the Ninth Circuit, which involved the County of Hawaii’s enforcement of Section 134-9, Hawaii Revised Statutes, relating to the open carry of firearms; and

WHEREAS, the firm shall prepare an amicus brief on behalf of the County of Maui on a pro bono basis; and

WHEREAS, the firm’s brief may include the State of Hawaii, the City and County of Honolulu, and the County of Kauai, as amici curiae in this matter because of a shared interest in this matter; and

WHEREAS, the firm’s conduct in this matter shall reflect the firm's understanding that the County of Maui is a public entity that has

Resolution No. _____

obligations, concerns, and interests that may extend beyond those of a similarly situated private litigant; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That the Council hereby authorizes the employment of the firm Keker, Van Nest & Peters LLP, as special counsel to the County of Maui before the United States Supreme Court in presenting an amicus brief; and

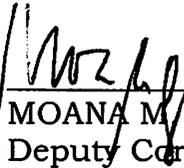
2. That the representation by the firm shall be pro bono, or without compensation, and the firm shall cover all costs of the representation; and

3. That Dan Jackson, Esq., shall perform the bulk of the legal services in this matter; and

4. That Dan Jackson, Esq., shall direct the legal services as lead counsel; and

5. That certified copies of this resolution be transmitted to the Mayor, the Corporation Counsel, and the Director of Finance.

APPROVED AS TO FORM AND LEGALITY:



MOANA M. LUTEY
Deputy Corporation Counsel
County of Maui