

REQUEST FOR LEGAL SERVICES

Date: August 2, 2016
From: Don S. Guzman, Chair
Committee of the Whole

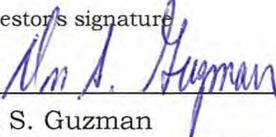
TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Brian Bilberry, Esq.

Subject: LITIGATION MATTERS (SPECIAL COUNSEL AUTHORIZATION: HARRY DONENFELD V. COUNTY OF MAUI, ET AL., CIVIL 16-00381 DKW-KJM) (COW-1(41))

Background Data: Attached are a mark-up and a clean copy of the proposed resolution, incorporating nonsubstantive revisions as shown. Also attached is a printout of the firm name for special counsel, as reflected on the State Department of Commerce and Consumer Affairs website. If appropriate, please approve as to form and legality.

Work Requested: FOR APPROVAL AS TO FORM AND LEGALITY
 OTHER:

Requestor's signature  Don S. Guzman	Contact Person <u>Carla Nakata</u> (Telephone Extensions: <u>7659</u>)
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ROUTINE (WITHIN 15 WORKING DAYS) RUSH (WITHIN 5 WORKING DAYS)
 PRIORITY (WITHIN 10 WORKING DAYS) URGENT (WITHIN 3 WORKING DAYS)

SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): August 4, 2016
REASON: For consideration at August 5, 2016 Committee meeting.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
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TO REQUESTOR: APPROVED DISAPPROVED OTHER (SEE COMMENTS BELOW)
 RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE): _____

DEPARTMENT OF THE CORPORATION COUNSEL

Date _____

By _____

(Rev. 7/03)

cow:ltr:001(41)acc01:cmn

Attachments

Resolution

No. _____

AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL
[KOBAYASHI SUGITA & GODA, LLP](#) IN
HARRY DONENFELD v. COUNTY OF MAUI, ET AL.,
USDC CIVIL No. [16-00381-DKW-KJM](#)

WHEREAS, the Council is authorized to retain or employ special counsel by resolution adopted by a two-thirds vote, pursuant to Section 3-6(6) of the Revised Charter of the County of Maui (1983), as amended; and

WHEREAS, the Council finds that, because of the potential for a conflict of interest, and to the extent consistent with the Hawaii Rules of Professional Conduct, there is a real necessity to retain the law firm of Kobayashi Sugita & Goda, [LLP](#) to represent Alan Arakawa, to the extent he has been identified “in his personal capacity” as a Defendant in Harry Donenfeld v. County of Maui, et al., Civil No. 16-00381 DKW-KJM; and

WHEREAS, based on a preliminary reading of the Complaint [filed](#) in Federal Court as Civil No. 16-00381 DKW-KJM on July 8, 2016, it appears the allegations against the Honorable Mayor Alan Arakawa, as a Defendant named “in his personal capacity,” are questionable; and

WHEREAS, in the opinion of the Department of the Corporation Counsel, Charter Section 8-2.3 and Rule 1.7 of the Hawaii Rules of Professional Conduct may require special counsel to represent Alan Arakawa to the extent he is a Defendant named “in his personal capacity” in this case; and

WHEREAS, to the extent consistent with the Hawaii Rules of Professional Conduct it appears at this time there is a real necessity and it would be in the best interest of the County of Maui to authorize the employment of special counsel to represent Alan Arakawa to the extent he is a Defendant named “in his personal capacity;” and

WHEREAS, special counsel shall take all possible steps to minimize attorneys’ fees and costs; and

WHEREAS, the Department of the Corporation Counsel may provide necessary support services to special counsel and, if consistent with the Hawaii Rules of Professional Conduct, joint legal representation, along with special counsel; now, therefore,

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

1. That the Council hereby authorizes the employment of Kobayashi Sugita & Goda, [LLP](#) to represent Alan Arakawa to the extent he is a Defendant who has been identified “in his personal capacity” in Harry Donenfeld v. County of Maui, et al., Civil No. 16-00381 DKW-KJM; and

2. That total compensation for the employment of ~~all~~ special counsel employed to represent Defendant [Alan Arakawa](#) in this case, pursuant to this resolution, shall not exceed \$75,000; and

3. That partner David M. Louie, Esq. shall direct the legal services as lead counsel for the personally named Defendant at an hourly rate not to exceed \$360.00; and

4. That associate Aaron Mun, Esq. shall provide services at an hourly rate not to exceed \$170.00; and

5. That associate Nicholas R. Monlux, Esq. shall provide services at an hourly rate not to exceed \$210.00; and

6. That paralegal Travis R. Yokoyama shall provide services at an hourly rate not to exceed \$100.00; and

7. That the compensability of costs shall be in general accord with the intent of 28 U.S.C. § 1920; and

8. That the compensable costs shall include: (a) fees for printing and witnesses; (b) fees for copies necessarily obtained for use in the case; (c) fees of the clerk and marshal; (d) fees of the court reporter for necessary transcripts; (e) docket fees; and (f) compensation of court-appointed experts and interpreters; and

9. That the non-compensable costs shall include: (a) telephone calls; (b) facsimile charges; (c) postal charges; (d) messenger charges; (e) fees for computerized legal research; (f) travel, unless justified by extraordinary or compelling circumstances; (g) investigative expenses; and (h) other costs reasonably considered part of a law firm's overhead; and

10. That the expenditures of additional funds or substantial changes to the responsibilities of the parties shall require prior Council approval; and

11. 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

Brian A. Bilberry
Deputy Corporation Counsel, County of Maui

[cow:misc:001\(41\)areso01](#)

Resolution

No. _____

AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL
KOBAYASHI SUGITA & GODA, LLP IN
HARRY DONENFELD v. COUNTY OF MAUI, ET AL.,
USDC CIVIL NO. 16-00381 DKW-KJM

WHEREAS, the Council is authorized to retain or employ special counsel by resolution adopted by a two-thirds vote, pursuant to Section 3-6(6) of the Revised Charter of the County of Maui (1983), as amended; and

WHEREAS, the Council finds that, because of the potential for a conflict of interest, and to the extent consistent with the Hawaii Rules of Professional Conduct, there is a real necessity to retain the law firm of Kobayashi Sugita & Goda, LLP to represent Alan Arakawa, to the extent he has been identified “in his personal capacity” as a Defendant in Harry Donenfeld v. County of Maui, et al., Civil No. 16-00381 DKW-KJM; and

WHEREAS, based on a preliminary reading of the Complaint filed in Federal Court as Civil No. 16-00381 DKW-KJM on July 8, 2016, it appears the allegations against the Honorable Mayor Alan Arakawa, as a Defendant named “in his personal capacity,” are questionable; and

WHEREAS, in the opinion of the Department of the Corporation Counsel, Charter Section 8-2.3 and Rule 1.7 of the Hawaii Rules of Professional Conduct may require special counsel to represent Alan Arakawa to the extent he is a Defendant named “in his personal capacity” in this case; and

WHEREAS, to the extent consistent with the Hawaii Rules of Professional Conduct it appears at this time there is a real necessity and it would be in the best interest of the County of Maui to authorize the employment of special counsel to represent Alan Arakawa to the extent he is a Defendant named “in his personal capacity”; and

WHEREAS, special counsel shall take all possible steps to minimize attorneys’ fees and costs; and

WHEREAS, the Department of the Corporation Counsel may provide necessary support services to special counsel and, if consistent with the Hawaii Rules of Professional Conduct, joint legal representation, along with special counsel; now, therefore,

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

1. That the Council hereby authorizes the employment of Kobayashi Sugita & Goda, LLP to represent Alan Arakawa to the extent he is a Defendant who has been identified “in his personal capacity” in Harry Donenfeld v. County of Maui, et al., Civil No. 16-00381 DKW-KJM; and

2. That total compensation for the employment of special counsel employed to represent Defendant Alan Arakawa in this case, pursuant to this resolution, shall not exceed \$75,000; and

3. That partner David M. Louie, Esq. shall direct the legal services as lead counsel for the personally named Defendant at an hourly rate not to exceed \$360.00; and

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APPROVED AS TO FORM AND LEGALITY

Brian A. Bilberry
Deputy Corporation Counsel, County of Maui

cow:misc:001(41)areso01

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Page 1 of 1

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NAME	RECORD TYPE	FILE NO.	STATUS 
KOBAYASHI, SUGITA & GODA	Entity	18836 G5	Nm. Chg.
KOBAYASHI, SUGITA & GODA	Trade Name	775 K5	Expired
KOBAYASHI SUGITA & GODA, LLP	Entity	775 K5	Active
KOBAYASHI, SUGITA & GODA, LLP	Entity	775 K5	Nm. Chg.
KOBAYASHI, SUGITA & GODA, LLP	Entity	18836 G5	Nm. Chg.
KOBAYASHI SUGITA & GODA, LLP	Entity	18836 G5	Active
KOBAYASHI, SUGITA & GODA, LLP	Pending Filing	11548877 T8	Received
KOBAYASHI SUGITA & GODA, LLP, A LIMITED LIABILITY LAW PARTNERSHIP	Entity	775 K5	Nm. Chg.
KOBAYASHI SUGITA & GODA, LLP, A LIMITED LIABILITY LAW PARTNERSHIP	Entity	18836 G5	Nm. Chg.

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Page 1 of 1

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