

REQUEST FOR LEGAL SERVICES

Date: June 6, 2025
From: Nohelani U'u-Hodgins, Chair
Government Relations, Ethics, and Transparency Committee

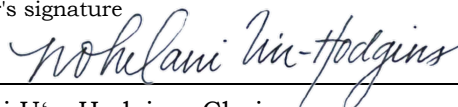
TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Victoria J. Takayesu, Esq.

Subject: RESOLUTION 25-109, EMPLOYMENT OF SPECIAL COUNSEL MARR JONES & WANG, LLLP, IN PRE-LITIGATION NEGOTIATIONS AND LITIGATION REGARDING ALLEGATIONS MADE BY LEO CAIRES, A FORMER COUNTY OF MAUI EMPLOYEE (GREAT-11(12))

Background Data: Please see Resolution 25-109, CD1. Please submit your response to great.committee@mauicounty.us with a reference to GREAT-11(12).

Work Requested: ☒ [X] FOR APPROVAL AS TO FORM AND LEGALITY
☐ [] OTHER:

Requestor's signature  Nohelani U'u-Hodgins, Chair	Contact Person <u>Peter Hanano</u> (Telephone Extension: <u>8007</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)

☒ [X] SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): June 12, 2025, 12 pm
REASON: For posting on June 20, 2025, Council meeting agenda.

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)

Resolution

No. 25-109, CD1

AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL
MARR JONES & WANG, LLLP, IN PRE-LITIGATION NEGOTIATIONS AND
LITIGATION REGARDING ALLEGATIONS MADE BY LEO CAIRES, A
FORMER COUNTY OF MAUI EMPLOYEE

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

WHEREAS, the Council finds that, to avoid the presence or appearance of a conflict of interest, and to the extent consistent with the Hawai'i Rules of Professional Conduct, there is a necessity and it would be in the best interest of the County of Maui to retain the firm of Marr Jones & Wang, LLLP, as special counsel to the County of Maui in pre-litigation negotiations and litigation regarding allegations made by Leo Caires, a former County of Maui employee; and

WHEREAS, special counsel must take all possible steps to minimize the level of attorneys' fees and costs; and

WHEREAS, special counsel's conduct in this matter will reflect the understanding that the County of Maui is a public entity which has 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 it authorizes the employment of Marr Jones & Wang, LLLP, as special counsel to represent the County of Maui in pre-litigation negotiations and litigation regarding allegations made by Leo Caires, a former County of Maui employee;
2. That total compensation for the employment of Marr Jones & Wang, LLLP, as special counsel must not exceed \$350,000;
3. That partner Richard Rand, Esq. will provide the bulk of the legal services in this matter;

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4. That the hourly rate for partners must not exceed \$540;
5. That the hourly rate for associates must not exceed \$345;
6. That the hourly rate for paralegal staff must not exceed \$230;
7. That the compensability of costs must be in general accord with the intent of 28 U.S.C. § 1920;
8. That Marr Jones & Wang, LLP, must prepare and present to the Council following approval of this resolution an initial case assessment and litigation costs assessment to include settlement options;
9. That all invoices presented by Marr Jones & Wang, LLP, to the County of Maui for payment in this matter must identify each task performed, by whom, when, and over what duration of time without any block-billing entries;
10. That compensable costs include: (a) fees for printing and witnesses; (b) fees of the clerk and marshal; (c) fees of the court reporter for necessary transcripts; (d) docket fees; (e) compensation of court-appointed experts and interpreters; and (f) travel-related expenses when pre-approved by the Department of the Corporation Counsel;
11. That non-compensable costs include: (a) telephone calls; (b) facsimile charges; (c) postal charges; (d) messenger charges; (e) fees for computerized legal research; (f) travel-related expenses not pre-approved by the Department of the Corporation Counsel; (g) investigative expenses; and (h) all other costs reasonably considered part of a law firm's overhead;
12. That in instances of travel, both inter-island and out-of-state travel include regular coach economy fare which must be pre-approved by the Department of Corporation Counsel;

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13. That the expenditures of additional funds or substantial changes to the responsibilities of the parties will require Council approval;
14. That the expenditures of additional funds or substantial changes to the Marr Jones & Wang, LLLP's staff assigned to this matter in accordance with this resolution require prior Council approval; and
15. That certified copies of this Resolution be transmitted to the Mayor, Corporation Counsel, Director of Finance, and Marr Jones & Wang, LLLP.

APPROVED AS TO FORM AND LEGALITY:

VICTORIA J. TAKAYESU
Department of the Corporation Counsel
County of Maui

great:misc:011(12)areso01:pah

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "John R. Lee", is written above a horizontal line.

Upon the request of the Mayor.