

**COUNCIL OF THE COUNTY OF MAUI**

# **GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE**

June 27, 2025

**Committee  
Report No. \_\_\_\_\_**

Honorable Chair and Members  
of the County Council  
County of Maui  
Wailuku, Maui, Hawaii

Chair and Members:

Your Government Relations, Ethics, and Transparency Committee, having met on June 2, 2025, makes reference to Resolution 25-109, entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL MARR JONES & WANG, LLLP, IN PRE-LITIGATION NEGOTIATIONS REGARDING ALLEGATIONS MADE BY LEO CAIRES, A FORMER COUNTY OF MAUI EMPLOYEE."

Resolution 25-109's purpose is to authorize the retention of Marr Jones & Wang, LLLP, as special counsel to represent the County of Maui in pre-litigation negotiations regarding allegations made by Leo Caires, a former County of Maui employee, for a total compensation not to exceed \$350,000.

By correspondence dated April 29, 2025, the Department of the Corporation Counsel requested consideration of Resolution 25-109.

Your Committee notes that the Council alone is authorized to retain or employ special counsel by resolution adopted by two-thirds vote in accordance with Section 3-6(6) of the Revised Charter of the County of Maui (1983), as amended.

The Corporation Counsel provided a brief summary of the matter in open session.

The Corporation Counsel requested an executive meeting to discuss confidential information related to the matter and to explain the nature of the conflict of interest requiring the necessity for special counsel appointment.

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**Committee  
Report No. \_\_\_\_\_**

Your Committee voted to convene an executive meeting, closed to the public, to consult with legal counsel under Section 92-5(a)(4), Hawai'i Revised Statutes, and to deliberate upon a matter that requires the consideration of confidential information under Section 92-5(a)(8), Hawai'i Revised Statutes.

Following the executive meeting, your Committee reconvened in open session.

Your Committee agreed to amend the resolution to include representation of the County in potential litigation as part of the special counsel's work, as recommended by the Corporation Counsel.

Based on the information received in the executive meeting and the recommendation of the Corporation Counsel, your Committee voted 8-0 to recommend adoption of Resolution 25-109, CD1. Committee Chair U'u-Hodgins, Vice-Chair Paltin, and members Cook, Johnson, Lee, Rawlins-Fernandez, Sinenci, and Sugimura voted "aye." Committee member Kama was excused.

Your Committee is in receipt of Resolution 25-109, CD1, entitled, "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," approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's recommended revisions and nonsubstantive revisions.

Your Government Relations, Ethics, and Transparency Committee RECOMMENDS that Resolution 25-109, CD1, attached, entitled "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," be ADOPTED.

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**Committee  
Report No.** \_\_\_\_\_

This report is submitted in accordance with Rule 3 of the Rules of the Council.

  
\_\_\_\_\_  
NOHELANI U'U-HODGINS, Chair

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# 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;

## **Resolution No. 25-109, CD1**

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;

**Resolution No. 25-109, CD1**

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:




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

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INTRODUCED BY:

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

Upon the request of the Mayor.