

HAWAII BAR NEWS



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Case of the Month

By Robert S. Toyofuku

TORTS — In *Kole v. Amfac, Inc.*, February 26, 1988, the Supreme Court held that the owner-lessor of a condominium unit has a duty, separate and distinct from any obligation the owner may have as a member of the condominium association, to warn the lessee of a known hazardous condition in a common area of the condominium project.

Defendants leased a unit at the Kaanapali Royal Condominium to Plaintiffs. Plaintiff, who was using the common swimming pool area, was struck by a golf ball hit by a golfer playing on the adjacent course. Plaintiffs sued in federal court and Defendants moved for summary judgment based solely on their claim that they had no duty to warn. Because they did not refute the material allegations of the complaint, the federal court assumed, among other matters, that a dangerous condition existed at the swimming pool area, that Defendants knew of the dangerous condition, and that they failed to warn Plaintiff. The question of whether owners have a duty to warn was certified to the Supreme Court.

Justice Wakatsuki, in the opinion finding the existence of a duty to warn, distinguished Defendants' argument that they were not in control and could not remedy the situation by emphasizing that it was a failure to warn of a known hazardous condition that was at issue.

HWL Fundraiser: 100th Anniversary of Women Lawyers in Hawaii

By Lorraine H. Akiba,
President, HWL

Hawaii Women Lawyers and The Hawaii Women Lawyers Foundation kick off their biography project "Early Women Lawyers of Hawaii" with a fundraiser and centennial celebration to be held at the Richards Street YWCA Courtyard on Friday, May 20, 1988 from 5:00 to 7:00 p.m. Seventeen women attorneys admitted

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to practice between 1888 and 1959 will be featured in the book of biographical essays. The women include: Almeida Hitchcock, Marguerite Ashford, Carrick H. Buck, Rose August, Jean Vaughn Gilbert, Rhoda Lewis, Ruth Loomis, Harriet Bouslog, Sau Ung Loo Chan, Betty Vitousek, Margaret Scott Tekli, Alana Wong, Marybeth Moon Yee Yuen, Patsy T. Mink, Mary Helen Stevens Weaver, Betty Barrett Gillette, and Lily M. Okamoto. The program for the evening will include appearances and speeches by the honorees who are present. Tickets are available through Hawaii Women Lawyers. Call Lorraine Akiba at 521-9200, Cori Lau at 536-6922, or Sherry Broder at 531-1411 for more information and/or tickets.

Natural Resources Section

The Natural Resources Section meets the third Wednesday of every month at noon at the offices of Goodsill Anderson Quinn & Stifel, Conference Room 17A/B. Everyone is welcome to join section members in discussing topics of current interest concerning the environment.

The May program is a recap of the 1988 Legislative Session. Section members will bring us up to date on legislation concerning water rights, geothermal energy, recycling, beach and trail access, and other areas of environmental concern. Bring your lunch and join us on *Wednesday, May 18 at noon.*

Members of the Section are reminded to pay their \$10 dues for 1988 to Douglas W. MacDougal, Ashford & Wriston, P.O. Box 131, Honolulu, Hawaii 96810. Checks should be made payable to "HSBA Natural Resources Section."

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