

# HAWAII BAR NEWS



VOL. 25—No. 8

AUGUST 1988

Case of the Month .....	13
Computers and the Practice of Law .....	7
Criminal Justice Corner .....	14
Disciplinary Counsel's Report .....	22
Domestic Violence Hotline .....	13
Executive Director .....	9
FLAB Softball .....	9
Foster Appointed Associate Dean .....	7
Hawaii Bicentennial Committee .....	17
Hawaii Lawyers Care .....	20
Hawaii Women Lawyers .....	14
HICLE Seminars .....	10
International Law Practice at USCINCPAC ..	6
President's Report .....	3

BULK RATE  
U S POSTAGE  
PAID  
Honolulu, Hawaii  
Permit No. 866

Lorraine H. Akiba  
P.O. Box 939  
Honolulu, HI 96808

OFFICIAL PUBLICATION OF THE HAWAII STATE BAR ASSOCIATION

## Criminal Justice Corner

By Mel Masuda

As of press time, Deputy Attorney General Keith Kaneshiro announced his candidacy for Honolulu Prosecutor. Both his campaign and that of the incumbent (see below) are interested in attorney and non-attorney volunteers.

Following up on his remarks presented at the first Hawaii State Bar Association-Chaminade University Conference on "Choosing and Then Judging the Judges" earlier this year, Honolulu Prosecutor Charles Marsland elaborated on his proposal that State of Hawaii judges be subject to "retention elections" in a June 29 speech before the Downtown Exchange Club.

Marsland asserted that "retention elections" would make State judges "more responsive to the people." In a retention election, judges stand for election approval by the voters after their initial appointment from a list prepared by the State Judicial Selec-

tion Commission and the appointing authority. State Senator Clayton Hee, chair of the Senate Judiciary Committee through this past session of the legislature, had expressed misgivings about any election system during the HSBA co-sponsored Conference.

Issues of criminal justice on the international scene — particularly the legal ramifications of the Aquino government's moves against former Philippines President Ferdinand Marcos, now a Honolulu resident (and an attorney) — were discussed at a recent meeting of newspaper publishers visiting Hawaii for the American Newspaper Publishers Association (ANPA) convention and law professor Mel Masuda, Hawaii's first White House Fellow. The meeting, held at Keo's Thai Cuisine on Kapahulu, was hosted by David Hoge, publisher of the *New York Post*, and Sharon King Hoge, advisor to Massachusetts governor and Democratic presidential nominee Michael Dukakis.

Publishers attending the meeting included Donald Graham, president of the *Washington Post* Publishing Co., and Reg Murphy, publisher of the *Baltimore Sun* and a former hostage in Lebanon in the early

1980s. Masuda also informed the publishers of the need to educate the American public about the functioning of the judiciary "in plain, simple English" and of his "use of the courtrooms as a classroom" in having graduate and undergraduate students learn about the judiciary.

HACDL continues to have its monthly meetings at the First Circuit Court Building downtown (multi-purpose room) on the last Thursday afternoon of each month from 5 to 6 p.m. All attorneys interested in criminal justice matters, particularly from the defense point of view, are urged to attend.

## Hawaii Women Lawyers Biography Project

By Esther Arinaga

Professor Mari Masuda from the William S. Richardson School of Law was recently appointed editor of *Early Women Lawyers of Hawaii*, a volume of biographical essays on 17 women admitted to the Hawaii Bar between 1888-1959. Eighteen writers, including 12 women attorneys, are presently doing research, conducting interviews, and collecting photographs and other memorabilia.

The Project Committee needs photographs of the following women: Rose August, admitted on September 6, 1929; Jean Vaughn Gilbert, admitted on April 8, 1931; and Margaret Scott Tekli, admitted on December 13, 1948. The Committee and writers would also like members of the Hawaii Bar to share their anecdotes and other insights on any of the women being honored. In addition to the three named above, the list includes Almeda Hitchcock, Marguerite Ashford, Carrick Buck, Rhoda Lewis, Ruth Loomis, Harriet Bouslog, Sau Ung Loo Chan, Betty Vitousek, Alana Wong Lau, Marybeth Yuen Maul, Patsy Takemoto Mink, Mary Helen Stevens Pitts, Betty Barrett Gillette, and Lily Miyamoto Okamoto. Please contact Mari Masuda at 948-6553 or Esther Arinaga at 531-4171.

## CLASSIFIED NOTICES

To place a Classified Notice call Leilani at 521-0021.  
4 line minimum, approximately 5 words per line. Payment must accompany order.

### FOR SALE

**USED LAW BOOKS**  
Savings to 50%. All National Publications. Buy & Sell.  
Special! Pacific 2d - \$5,300.00  
**PROFESSIONAL BOOKS SERVICE**  
Suite 105, 9016 Wilshire Blvd.  
Beverly Hills, CA  
Telephone 213-256-0833

### SERVICES

Laser Printer Toner Cartridge  
Canon PC Copier  
Typewriter & Computer Printer Ribbon  
**REFILLING SERVICE**  
Discount Computer Supply Warehouse  
536-0033

### IMMIGRATION LAW

• Visas • Naturalization  
• Deportation • Legalization  
**DAMON KEY CHAR & BOCKEN**  
531-8031 (Clinton Ching, Gerhard Frohlich)

### Document Examination

Handwriting, printing, anonymous letters, etc.  
Courtroom experience.  
Evelyn Shepard (808) 595-4025

### SERVICES

#### Deposition Reporter

ON KAUAI  
Cheryl Stremski, CSR NP  
P.O. Box 1984, Lihue, Kauai HI 96766  
FAST DELIVERY 822-3900 REASONABLE RATES

### AUTOMOTIVE

1981 BMW 320i  
Like new inside & out. A/C, Alpine stereo, new Michelin tires. \$11,000/best offer. Call Annette 537-3327 after 10 AM.

### OFFICES

Tired of driving in traffic?  
Work close to home at the  
Koko Marina Shopping Center.  
Lee Carter (R) 531-9941  
Hawaii Management Corporation

Experience a piece of downtown Honolulu at reasonable rates, free-rent pkgs., tenant improvements and parking. Call today for your ideal office space. 531-9941  
**HAWAII MANAGEMENT CORP.**

## Case of the Month

These summaries were written by Robert Toyofuku, Esq., publisher and editor of the Hawaii Appellate Court Reporter.

**JUDGMENT — Res Judicata:** In *Hall v. State of Hawaii*, No. 11992, May 26, 1988, ICA Associate Judge Heen wrote that a final federal judgment is *res judicata* as to all state claims that could have been raised in the federal court under pendent jurisdiction. The Court held that such a judgment is a bar to a new action in any court between the same parties or their privies concerning the same subject matter and precludes the litigation of the issues that were actually litigated in the first action and of all claims and defenses that might have been properly litigated in the first action but were not.

Plaintiff was denied admission to

the Richardson Law School and filed this action alleging that he was unconstitutionally and unlawfully deprived of his right to engage in the practice of law. The complaint also alleged that Defendants were illegally manipulating the admission procedures and discriminating against him on racial grounds.

Plaintiff had previously filed a suit in federal court on similar grounds, and defendants in that suit were awarded a summary judgment. After the Ninth Circuit Court of Appeals affirmed the summary judgment, a motion was filed in this case and summary judgment granted for Defendants.

The Court found that the fundamental claim was the same in both actions and that the doctrine of *res judicata* was applicable. Judgment affirmed.

## Domestic Violence Hotline

By Hisae Ishii-Chang

In 1987 the Honolulu Police Department made 715 arrests involving domestic violence and spouse abuse. This figure, however, does not represent the many incidents of physical violence to women by their spouses that are unreported.

Women trapped in situations of spouse abuse often have many unanswered questions. In particular, they want to know how the law will protect them and their children. The Domestic Violence Hotline project was established by Hawaii Women Lawyers ("HWL") to provide such women with answers to these questions, information concerning their legal rights and options, and referrals to other service agencies who can assist them. On Mondays and Wednesdays from 10:30 a.m. to 1:30 p.m., anyone who has such questions may call 531-3771 and speak to an attorney.

The Domestic Violence Hotline is a

project of HWL, The Hawaii Women Lawyers Foundation, and Hawaii Lawyers Care. The seeds of the project began several years ago when HWL members Leslie Hayashi, Joyce Neeley, and Charlene Norris recognized the need to provide legal assistance to women who were victims of spouse abuse. With generous grants from the Hawaii State Bar Association's IOLTA Fund, the Atherton Foundation, and The Hawaii Women Lawyers Foundation, the Domestic Violence Hotline began its operations in June of this year.

There is still need for volunteer attorneys to help staff the hotline so that the hours of operation can be increased. Training videotapes are available at the offices of Hawaii Lawyers Care for volunteers. The project provides attorneys with a good opportunity to serve the community while keeping current on the law in this area. Interested persons can call Leslie Hayashi at 521-3149.

## WE UNDERSTAND THE NEEDS OF THE LEGAL PROFESSION

Full range of title  
and escrow services

Special Reports

Litigation Guarantees

Nationwide network  
of offices



**First American Title  
Company of Hawaii, Inc.**

A WHOLLY-OWNED SUBSIDIARY OF  
FIRST AMERICAN TITLE INSURANCE COMPANY

Branch Offices Throughout The Islands  
For All Your Escrow & Title Needs

**(808) 524-4050**

## MEDICAL MALPRACTICE Evaluation - Testimony

Our group covers sixty-eight speciality areas. All physician specialists are board-certified medical school faculty members or are of medical school faculty caliber.

Specialist's curriculum vitae and complete fee schedule, based on an hourly rate, provided upon initial inquiry.

Experience in over 2,500 criminal, dental malpractice, hospital malpractice, medical malpractice, nursing malpractice, pharmaceutical malpractice, personal injury and product liability cases for plaintiff and defendant. Local attorney references.

**Dr. Steven E. Lerner  
& Associates**

San Francisco (415) 861-8787  
Washington, D.C. (202) 628-8697  
Honolulu (808) 947-8400