

HAWAII BAR NEWS



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Bar Board Actions.....	9
Criminal Trials in the Military	19
Disciplinary Counsel's Report.....	15
Dispute Resolution Section.....	14
FLAB Softball.....	14
Hawaii Lawyers Care.....	13
Hawaii Legal Auxiliary.....	9
HICLE Seminar.....	10
HWL Takes Action	6
Independent Counsel Law Review.....	26
Japan-Hawaii Lawyers' Association	25
New Member Services	7
Notice to Divorce Manual.....	22
President's Report.....	3
Pre-Statehood Women Lawyers.....	21
Resolutions Passed by HSBA Board.....	3
Young Lawyers Division Project	6
1988 Legislative Update.....	30

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A Letter To My Daughter

By William C. McCorrison
1988 HSBA President

Dear Megan:

It seems like you've changed from a girl into a young woman in the past few months. As you approach your high school years, I now find myself thinking about what goals you will set for your life.

Like most fathers with a profession, I suppose I have a secret wish that you will follow in my footsteps and be a lawyer. I've always suspected that your grandfather wanted me to be a doctor. But whatever profession, occupation, or lifestyle you choose, you are fortunate that more doors are open to you than were open to your mother and women of our generation.

This has not happened by accident. Through the labor and sacrifice of many women and men, the goal of full civil rights and equal economic opportunity for women is within reach. But as is the case in all struggles for equality, there is still discrimination to be eliminated, and there is still the need for constant vigilance to protect and secure the advances already gained.

In this as well as other social movements, some events that transform society are dramatic. But more often than not, change occurs because numerous "small fights" against discrimination cumulatively change peoples' thinking. I am proud of the fact that our Bar Association has undertaken an initiative against sex discrimination. In the context of the whole movement, the initiative is small, but nevertheless it is important.

By resolution of the HSBA Executive Board, the Bar Association determined that it would not patronize any club or social organization that discriminates on the basis of gender. In effect, we have recognized the truth of this finding of New York City, which was recently accepted by the U.S. Supreme Court

in the *New York State Club Ass'n.* case:

"One barrier to the advancement of women and minorities in the business and professional life of the city is the discriminatory practices of certain membership organizations where business deals are often made and personal contacts valuable for business purposes, employment and professional advancement are formed. While such organizations may avowedly be organized for social, cultural, civic or educational purposes, and while many perform valuable services to the community, the commercial nature of some of the activities occurring therein and the prejudicial impact of these activities on business, professional and employment opportunities of minorities and women cannot be ignored."

Lawyers historically have been in the forefront of movements for social change in our country. By the same resolution, we encourage Bar members to continue in this tradition by advocating or by continuing to advocate changes in bylaws and policies of those social organizations or

clubs that discriminate on the basis of gender.

It is my personal hope that lawyers who are members of clubs or social organizations that have discriminatory policies on the basis of gender will lead the effort to change those policies.

To be honest with you, in the past I have never been terribly interested in women's issues. Perhaps the legitimacy of the idea was obscured by the strident posturing of individuals and groups who have advocated equal rights for women. Indeed, I am still deeply troubled by the accommodations being made between the competing principles of the right of a woman to control her body and the right of every human being to life. Having a daughter, however, has focused me upon this simple truth: You should have the same opportunity as your brothers, Mike and David, to choose the occupation and lifestyle that you want to pursue.

After you have read this letter, let's talk about it over an ice cream cone at Bubbies.

Love,
Dad

Resolution Passed By HSBA Executive Board

WHEREAS, it is a fundamental right of all men and women to have an equal right to pursue an occupation or profession;

WHEREAS, it is recognized that one barrier to the advancement of women and minorities in business and professional life is the discriminatory practices of certain membership organizations where business is conducted and personal contacts valuable for business purposes, employment, and professional advancement are formed; and

WHEREAS, lawyers have been

in the forefront of movements for social change to establish equal opportunity for all Americans regardless of race, sex, and national origin.

NOW, THEREFORE, BE IT RESOLVED:

1. That the Hawaii State Bar Association, or any of its authorized entities, shall not use any private club for any professional, business, or social function where there is a reasonable doubt that the actual club membership of

(Continued on page 7)

HWL Takes Action in Response to Private Clubs' Discriminatory Policies

By Ellen Godbey Carson,
HWL Director

This spring Hawaii Women Lawyers formed an Ad Hoc Committee to help eliminate sex discrimination that bars women from full membership rights in private clubs in Hawaii, including Waialae Country Club, Oahu Country Club, and Mid-Pacific Country Club. The discriminatory membership criteria at these clubs range from outright exclusion of women as members, to restricted rights and benefits for women members, and "Single Lady" distinctions not imposed on "Single Gentlemen."

In June 1988, the United States Supreme Court ruled that the "private club" status of an organization does not exempt a club from compliance with state anti-discrimination laws. *New York State Club Association, Inc. v. City of New York* (June 20, 1988), 1988 U.S. Law Week, p. 60403. The Court relied on legislative findings showing unfair barriers to the advancement of women and minorities in business and professional life due to discriminatory practices of certain membership organizations where business deals are often made and personal contacts valuable for business purposes, employment, and professional advancement are formed. The Supreme Court's recent opinion provides an impetus for immediate action in favor of eliminating any remaining vestiges of discrimination against women at these private clubs.

The Hawaii anti-discrimination laws also include prohibitions of sex discrimination in recreational and entertainment facilities whose goods, services, facilities, advantages, or accommodations are extended to the public. See H.R.S. ¶ 489-2. Private organizations come within this statute when they make retail sales of goods and services and offer meals and entertainment facilities for the public.

Membership in private discriminatory clubs is becoming a legal and political liability. Increasingly, business, professional, and social or-

ganizations are refusing to participate in activities at, or pay membership dues to, establishments that discriminate against women. The Hawaii State Bar Association has recently followed the lead of the American Bar Association in prohibiting Bar activities at clubs that discriminate against women.

These clubs' current discrimination projects a negative public image that sexual discrimination is an acceptable organizational activity, and further, that women are not worthy of being recognized for their professional abilities and community leadership. The fact that members of the Bar and Judiciary are frequently members in these clubs adds to a mistaken public image that discrimination is legally condoned in Hawaii.

We hope all bar members who are members of clubs that do not presently accord full membership rights to women will use their voice to assure that these practices are promptly remedied. It would indeed be a proud future for these clubs to seek out both talented women and men in Hawaii for their members.

YLD Project:

Getting Out the Vote

By Marvin S.C. Dang,
ABA/YLD Election Law
Committee Chair, &
Bert Ayabe, HSBA/YLD
"Get Out the Vote"
Chair

Voting is an essential part of our democracy.

However, our state's statistics show that in the 1986 election 60% of eligible voters here were registered to vote. And 82% of registered voters actually voted.

The Young Lawyers Divisions of both the American Bar Association and the Hawaii State Bar Association are leading the effort to get out the vote — to increase voter reg-

HAWAII BAR NEWS

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Notices and articles should be mailed to Hawaii Bar News, c/o HSBA, Suite 950, Pacific Tower, 1001 Bishop St., Honolulu, HI 96813, on or before the 25th of each month — four and a half weeks before publication. All submissions must be typewritten or word-processed, using proper upper and lower case, and double-spaced on 8½x11 paper, with standard margins. Nothing over two such pages accepted. The Bar News reserves the right to edit or not publish submitted material. Law firm affiliations are generally not mentioned, except in the three-dot and Hawaii Lawyers Care columns.

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Criminal Justice in the Military

(Continued from page 19)

bifurcated trial procedure. If an accused is found guilty during the merits of the case, a separate sentencing hearing is held. The military rules of evidence are relaxed during the sentencing portion of the trial, and the accused is given wide latitude to introduce matters relevant to quantum of sentence. The punishment awardable is limited both jurisdictionally and by specific offense. For example, a Special Court-martial may never award a sentence to confinement in excess of six months, and no court-martial may award more than one year's confinement for petit larceny of military property.

The above is by no means a comprehensive discussion of criminal justice in the military. It should be reassuring for civilian practitioners who contemplate representing clients before military courts to know that they aren't dealing with a completely foreign system. Military lawyers have frequently transitioned to practice before civilian criminal courts. With careful preparation, the reverse can also be accomplished. Assistance of the accused's detailed military counsel is also available to a civilian counsel.

Pre-Statehood Women Lawyers Information Being Sought

A group of authors seeks the public's help in providing memorabilia, photographs, and anecdotes about early women lawyers of Hawaii. Letters and court documents as well as ordinary stories are welcome by the writers preparing a book of biographies of these pre-Statehood women lawyers:

Almeda Hitchcock Moore
Marguerite Ashford
Carrick Buck
Rose August
Jean Vaughn Gilbert
Rhoda Lewis
Ruth Loomis
Harriet Bouslog
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(Continued on page 25)

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Japan-Hawaii Lawyers' Association

By Kenneth A. Martyn,
Secretary of JHLA

Mayor Frank Fasi will be one of the featured speakers at the Japan-Hawaii Lawyers' Association convention to be held in Osaka, Japan, Nov. 15-17, 1988. Mayor Fasi will speak on current political developments in real estate in Hawaii by foreign nationals.

There will also be technical legal presentations by prominent attorneys concerning the various proposed laws to restrict real estate investments in Hawaii by foreign nationals. Those proposed laws will be viewed from both a Japanese and U.S. perspective. Anyone interested in the various proposals to restrict foreign real estate investment in Hawaii should not miss this unique opportunity.

The convention, which is being co-sponsored by the Japan-Hawaii Lawyers' Association and the Japanese

Chamber of Commerce, will also feature presentations on a number of other legal topics of interest to attorneys who represent or wish to represent Japanese clients.

The presentations will include speeches on business investments, taxation, tort liability, labor law, immigration law, and differences in business dispute resolution in Hawaii and Japan. All presentations made in English will be translated into Japanese, and vice versa. Translators will also be available at the convention social functions.

The convention registration fee will be \$295, and a travel package (which includes roundtrip airfare from Honolulu, ground transportation, and first-class hotel accommodations at the Royal Hotel in Osaka during the convention) will be available for an additional \$800. For those people who wish to remain in Japan after the conclusion of the convention, various travel package extensions are available.

Registration forms and further information on the convention can be obtained by calling the President of the Japan-Hawaii Lawyers' Association, David Shibata, at 521-0400.

New Member Services

(Continued from page 7)

Group Discount Purchase Program Xerox FAX Machines

Xerox is offering the HSBA a group purchasing arrangement whereby all members may purchase their facsimile equipment at a significant discount. Xerox has a family of products from which to choose, including some that use regular, plain copier paper. Models and prices are listed below.

(Prices shown are 20-23% off commercial list price.)

If you are interested in purchasing a Xerox facsimile machine, or if you have any questions and would like more information or a demonstration, please call:

Mr. Cary Goldner
Communications
Marketing Executive
Xerox Corporation
in Honolulu, at
(808) 521-9536

Product	Commercial Price	H.S.B.A. Price
Telecopier 7007	\$1,995	\$1,536
Telecopier 7011	2,595	1,998
Telecopier 7017	3,395	2,614
Telecopier 7017SF	3,795	2,922
Telecopier 7020	4,395	3,516
Telecopier 7021	4,795	3,836
Faxmaster 7021	5,295	4,236

(Please identify yourself as an HSBA member)

Pre-Statehood Women Lawyers

(Continued from page 21)

Patsy Takemoto Mink
Mary Helen Stevens Pitts
Betty Barrett Gillette
Lily Miyamoto Okamoto

Anyone who knew the less-famous women on this list is particularly urged to contact the editor, Mari Matsuda, at the William S. Richardson School of Law, 2515 Dole St., Honolulu, Hawaii 96822, (808) 948-6553, or call project coordinator Esther Arinaga at (808) 531-4171.



Susan Duchek

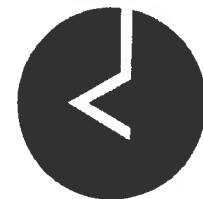
Susan Duchek is the staff attorney at Corniel & Associates and works primarily in the area of white collar crime investigation. Her experience with complex federal court litigation and the U.S. Postal Service General Counsel's Office in Washington, D.C. serves as an excellent foundation for the sophisticated and complicated problems involved with the investigation of white collar crime.

"By working with the attorneys, I can get a better understanding of what kind of information they're looking for ... I can interview an individual from an attorney's standpoint, and I can evaluate a person's credibility and demeanor to determine how he or she might appear as a witness...." Duchek explains.

In addition, Duchek assists both clients and attorneys in determining what types of information to watch for, and what evidence will be most useful in court.

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