

HAWAII Women LAWYERS

September/October 2005

Upcoming Events

Brown Bag Lunch

Capitol Perspectives: Making and Practicing Law in Hawaii

- Who:** Representative Maile Shimabukuro and Representative Scott Saiki
- What:** A presentation on the practice of being a legislator and lawyer in Hawaii. Learn about the balancing of these two roles and if this is a career path that you might someday choose.
- When:** Tuesday, October 25, 2005 from 12:00 pm to 1:00 pm
- Where:** Carlsmith Ball, ASB Tower, 22nd Fl.
- RSVP:** Attendance is \$7.00, lunch included. To attend, please contact Della Au Belatti at daubelatti@hawaii.rr.com or 393-0594 by Oct. 21, and mail your check, payable to Hawaii Women Lawyers, to her at 1212 Punahou Street, #1601, Hon., HI 96826.

Help Wanted

HWL is always trying to find ways to better serve its members. If you hear of a job opening, either legal or non-legal, on a full or part-time basis; even contract work, please let us know. We would be happy to publish the information in our monthly newsletter or send an email on the topic. For newsletter submissions, contact shellie@ahfi.com. For email submissions, contact sdjou@cades.com.

1L Orientation Lunch at UH Sponsored by HWL



On August 16, 2005 Hawaii Women Lawyers ("HWL") hosted its annual lunch for incoming law students at the William S. Richardson School of Law. In attendance from HWL were Lynn McGivern, Wendy Hanakahi, and law student representative Sarah Bazzi. CJ Richardson, Dean Soifer, Dean Tochiki, Dean Lee and other members of the law school community also joined us.



The new class of 95 law students and 6 LLM students took a break from their busy first day of orientation to enjoy wraps from Lanikila Café and conversation with HWL members. Almost half of the new student body, women and men, took advantage of HWL's 3-month free membership offer for incoming law students.

HWL looks forward to liaising with student members in the coming school year. We encourage member participation in events such as the second annual Mentoring Mixer, the Balancing Work and Family lunch and other student-initiated events.



President's Column

Stacey Kawasaki Djou, HWL President



In the eight years since I graduated from law school, I have seen a number of my friends, classmates and co-workers (mostly women, but some men) who started in private law firms, leave private practice for in-house or government positions, or leave the profession entirely taking non-legal positions or opting to spend time at home. I have often wondered whether those individuals willingly left private practice or whether they would have stayed had balanced work options been available to them.

Recognizing the high economic costs of attrition, my law firm, Cades Schutte, instituted, in my humble opinion, a pretty darn good written part-time policy last year. An informal survey conducted of some of the major Hawaii law firms revealed that while many firms allow part-time work on an ad hoc basis, none of those surveyed had written policies governing balanced work. In addition to being a written policy, Cades' policy is unique in that it provides for proportional benefits, i.e., proportional pay, partnership credit and billable hour requirements, and applies universally to all associates, male and female, without regard to years of service.

By adopting a written part-time policy, Cades rejected many of the common myths of balanced work policies. In a study conducted by American University, Washington College of Law on part-time policies in Washington D.C. law firms, it was noted that many myths surround balanced hours in private practice. One common myth is that balanced hour attorneys are not cost-effective, but that ignores the high cost of attrition. Another myth is that some practice areas, like litigation, are not amenable to a balanced hours schedule. According to the American University study, it was the attitude of an attorney's supervisor, not the practice area that was determinative of whether a reduced hour schedule worked. Other myths debunked by the American University study are that lawyers who worked balanced hours are not committed to the firm, that clients will not accept attorneys who are not available on a full-time basis, and that offering balanced hours will open the floodgates to attorneys wanting to work reduced hours.

According to the American University study, law firms have yet to learn what corporate America already knows – that part-time policies result in less turnover, higher profits, increased morale and higher client satisfaction. Replacing an attorney who leaves costs a firm between \$200,000 and \$500,000, not including the hidden costs of client dissatisfaction due to turnover and damage to the firm's morale and reputation. Given the high costs of failing to provide balanced hours, it would seem only logical that firms should offer workable and effective written part-time policies.

As discussed in the American University study, the most effective balanced hours policies are those that provide for proportionality, meaning that attorneys on part-time schedules receive proportional salaries, bonuses, benefits and advancement. An attorney, for example, that works 80% time receives 80% pay and 80% partnership credit. And, the assignments given to a part-time attorney include interesting and high-profile work comparable to standard hours attorneys. Part-time attorneys should also be promoted to partnership on the same criteria as other attorneys. In addition, the part-time policy must be fairly applied. Many believe that an attorney should be required to demonstrate that he or she is worthy of a part-time schedule. The retention benefits of a reduced hour schedule are not attained if part-time is only available to a few "superstars." Crucial to the success of any balanced hour policy is effective implementation. Clear and consistent support by management and effective monitoring of the program are integral.

We can continue to believe that "they just don't make associates the way they used to." Or, we can accept that there are good attorneys that need or want balanced hours. Having invested significant amounts of time, energy and money in attorneys, it would seem only natural that private firms commit to providing alternative work arrangements.

The 2006 Candidates for the HSBA Board

Candidates were asked how they would support the mission of HWL and here is what some of them had to say:

Vice-President/President-Elect

JEFFERY S. PORTNOY



It is very difficult in only 250 words to explain my commitment to promote and support HWL's mission and goals.

As a member of Cades Schutte's Management Committee for the past several years, I have worked with others to develop what many in the community believe to be one of the most progressive and enlightened policies towards supporting the status, goals, and needs of women lawyers. Our firm has demonstrated its commitment to diversity in our hirings, and we have initiated several programs which permit our attorneys to balance their commitment to their profession with the needs and responsibilities of their personal lives.

If elected, I will work with the Board of Directors and HWL to make sure that our Bar Association remains ever vigilant and attentive to the needs of our women lawyers. This includes not only efforts to improve working conditions, to include flex time, part-time, and appropriate benefits, but also to continue to strive to eliminate sexism in the profession and in our court system. Much has already been accomplished, but much remains to be done.

WILLIAM FENTON SINK

1. ASPIRATIONS FOR THE BAR IN TWO YEARS

- The Return to a Bar of Professionals, Not Driven by Wealth or Money
- Transparency in All We Do and All We Stand For
- Universal Continuing Legal Education
- Universal Malpractice Coverage
- Universal and Legitimate Pro Bono

2. LEGISLATIVE PROPOSALS TO BE PROPOSED BY THE BAR IN 2006

- Elected Appellate Judges
- Elected Attorney General
- Private Causes of Action
- Ban Korean Bars and Strip Clubs

- Enhanced Sentences for Ice Dealers, Pimps, Child Abusers, and Wife Beaters
- Recall
- Initiative
- Strict Liability for Weapons Traffickers
- Increased Funding for Law Libraries
- Estate Tax

3. PHILOSOPHY

- Justice for the Many, Not Law for the Few
- American Puritanism and Patriotism
- Outspoken Lawyers Over Toadies and Sycophants
- Substance Over Form
- Poverty Law Over Collection Law
- Elder Law Over Corporate Swine
- Animal Rights Over Polluters
- Children's Rights Over Deadbeat Dads

4. BACKGROUND AND VALUES

- Married, Andrea Roosevelt Sink; Two Children: Daughter, Sloan, 6; William Fenton II, 4 mos.
- BA, MA History; JD (1974)
- Army Infantry Officer
- Over 200 Jury Trials
- Mainline Protestant
- Progressive and Redistributive Economic Views
- Traditional Social Views
- Belief in Personal, Collective, and Civic Responsibility

Secretary

MARGARET K. MASUNAGA



I am currently HSBA Treasurer, Chair of the Hawaii State Commission on the Status of Women, and a member of the Hawaii County Committee on the Status of Women. I support pay equity for women attorneys in the public sector and private sector. When reviewing candidates for judicial appointments, I support the selection of women to the circuit and district court bench. Currently, I am

part of the Hawaii team involved in the national Teen Dating Violence Prevention Initiative. This initiative, spearheaded by the American Bar Association, Steering Committee on the Unmet Legal Needs of Children (of which I am a member), is to educate and prevent teen dating violence, in an effort to reduce the incidence of date rape. The week of February 6, 2006 has been designated as National Teen Dating Violence Awareness and Prevention Week. I would be honored to serve as 2006 HSBA Secretary. Mahalo nui loa.

Treasurer

CAROL K. MURANAKA

I am a candidate for Treasurer of the HSBA. The question that Hawaii Women Lawyers (HWL) has asked is how I will support HWL in its goals and mission statement. Since I am a woman, it would be self-evident that I am committed to the goals and mission of HWL, and since I have been a member of this organization since its inception more so. As in other aspects of life, actions of an individual count more than an eloquent speech. I listen to the words of my father, "If you are going to do something, do it well." So I have been, since I have passed the bar many years ago, trying to do it well. I am committed to the mission of the HSBA, which embraces the same principles and the mission of the HWL.

I see commitment as more than mere words. It is more than attendance at meetings. It involves reading the materials in order to participate fully and intelligently regarding the items on the agenda. It means volunteering when no one else raises his hand. It means making time when there is none. It means not using the volunteer work to embroider one's resume.

What is interesting this year is that the other women who are running as officers and directors are truly committed to improving the bar as well. We all have volunteered many hours and, in all likelihood, will continue to do so.

JODI L. KIMURA YI



I am a candidate for 2006 Treasurer of the Hawaii State Bar Association, and I ask for your support and vote. I am a partner in the law firm of Ayabe, Chong, Nishimoto, Sia & Nakamura, and practice in the area of civil litigation.

If elected as the HSBA's

Treasurer, I will ensure that we have a fiscally sound Bar Association. I am a former President of the Young Lawyers' Division, and served on the Executive Committee of the HSBA for the past two years. I understand the Bar Association's budgeting issues, and am familiar with its accounting processes and considerations. I am also intimately familiar with the inner workings of the HSBA's goals and objectives and intend to be actively involved when the ABA convention comes to Hawaii in 2006!

In addition to my Bar Association activities, I have been active in the community as a founding member of the Young Business Council, former member of the Young Business Roundtable, and recognized by Pacific Business News as one of their top "Forty under 40."

I graduated from the William S. Richardson School of Law after receiving my Bachelor's degree from the University of Southern California.

Thank you for your consideration of my candidacy. I welcome the opportunity to continue to serve you and all HWL and HSBA members in contributing to the improvement of the legal profession and our community.

Director: Kauai

ALFRED B. CASTILLO, JR.



I have been in touch with my community here on Kauai as well as the legal community for many years. I have been committed to improving our legal system by becoming involved with many judiciary projects. My primary practice now is criminal defense and family law.

I am in court almost every day. I know every staff personnel at the courthouse on a first name basis.

I reviewed the Hawaii Women Lawyers goals and mission statement. It appears to me that my community involvement is clearly in sync with your goals and mission. Action speaks louder than words. I have been engaged in community service projects for a very long time. My efforts have always been committed toward improving the lives of the people in my community – men and women.

I firmly believe that I have gained the respect and trust of the people involved with the legal profession. My strongest assets are my temperament and my ability to work well with others.

SUSAN LYNN MARSHALL

I would support HWL's goals and mission statement if elected to the HSBA Board of Directors. My efforts would be dedicated to fairness and equality for all. I would welcome the opportunity to bring a fresh perspective. The old way of doing things is not always the best. The board has unique opportunities to create committees for new causes and programs, analyze the ways that selections are made, and provide input on important issues. I would look for opportunities to raise issues regarding equality, quality of life, and integrity for the future of the legal profession.

Director: Oahu

NATHAN T.K. AIPA

I whole-heartedly support the improvement of the lives and careers of women in general and in the legal profession in particular, as well as in all aspects of their daily lives. In my legal and administrative career, I have had the opportunity to hire and work with many outstanding women as professional lawyers and as professional assistants and staff. In my former position as general counsel of a major non-profit trust, our professional staff was predominantly women. My recommended successor was also an outstanding woman lawyer. Frankly, in my career I usually have looked at the competency and compassion of the individual rather than gender. My focus on the board of the HSBA will be on pursuing the strength of diversity within the bar. Women, needless to say, are a major fiber within that rubric.

ROXANN CHUN BULMAN



As a HSBA Board member, I plan on continuing what I started as the HSBA Young Lawyer Division President this past year - to strive to increase attorney participation in community service based projects and improve how the public views the legal profession, as a whole. The more that we, as lawyers, give back to the community in the form of volunteering in our schools and free legal clinics, the faster we can dispel the negative stereotypes surrounding the legal profession. As public perception of the legal profession improves, lawyers become more accessible to the public and their careers improve. I also want to continue to advocate for young lawyers, to ensure that they have a voice in the leadership of the HSBA.

My goals benefit all lawyers, including women lawyers. However, as a woman lawyer, with values similar to those advocated by the Hawaii Women Lawyers (HWL), I will support the HWL mission to improve the lives and careers of women in the legal profession, enhance the status of women and promote equal opportunities when deciding the issues that come before me as a Board member.

SUZANNE T. TERADA

As a former Board Member of the Hawai'i Women Lawyers (HWL), I support the organization and support HWL's goals and mission statement:

"HWL is a non-profit organization of men and women, founded in 1976, committed to improving the lives and careers of women in all aspects of the legal profession, influencing the future of the legal profession, and enhancing the status of women and promoting equal opportunities for all people."

The Hawaii State Bar Association (HSBA) is also a non-profit organization of men and women committed to improving and influencing the future of the legal profession. HSBA is committed to enhancing the status of both men and women in the legal profession and promoting equal opportunities for all people.

Good Luck To All Candidates

Nomination Form for the 2006 Margaret Brent Women Lawyers of Achievement Awards Luncheon

It is time to submit your nomination for an outstanding woman lawyer who has achieved professional excellence in her field and has paved the way to success for other women lawyers. The ABA Commission on Women in the Profession is currently accepting nominations for the Sixteenth Annual Margaret Brent Women Lawyers of Achievement Award. Next year's luncheon will take place on Sunday, August 6, 2006 in Honolulu, Hawaii.

The deadline for all submissions is on or before Monday, December 5, 2005.

If you have further questions, please contact Julia Gillespie at 312/988-5668 or via email at gillespj@staff.abanet.org.

Judge Kobayashi and Judge Marks Offer Tips On Improving Your Skills in the Courtroom

by Wendy F. Hanakahi

On August 30, 2005, Magistrate Judge Leslie Kobayashi and Judge Victoria Marks provided new and experienced lawyers with an opportunity to hear a judge's perspective on effective advocacy. The conference room at Carlsmith Ball was nearly filled to capacity, with attendees listening closely to the insightful presentation of these two distinguished speakers.

Two common themes permeated the judges' discussion. First, be prepared, be prepared, be prepared! The judges offered these words of advice on preparation:

- Have authority in your motions.
- A motion for summary judgment is essentially a paper trial. When submitting declarations and affidavits authenticating exhibits, consider who is the appropriate person for authentication of your exhibits. Remember that a lawyer cannot testify at his or her client's trial.
- Have a checklist. Know the elements of your claim and what witnesses and evidence will satisfy each element. Consider starting with jury instructions first and working backwards.
- Know the rules. The rules are a lawyer's tools.
- Know your judges. Learn their preferences and pet peeves. Take the time to sit in on one of his or her hearings to familiarize yourself with how the judge conducts his or her courtroom.
- Tell a story. Have a story to share about your case.
- Get the perspective of a nonlawyer. If you are going to present your case to a fact-finder, it needs to make sense.

Second, make it easy for the judge to rule in your favor.

- Be simple. Tell the judge the theme of your case. In one sentence, what does your case boil down to?
- Be clear. Your motion should be easy to understand. The judge cannot grant your motion if he or she does not understand it.
- Write the motion like you want the order to appear.
- Make it easy for the judge to evaluate your supporting evidence by attaching the relevant pages and highlighting the cited testimony. A judge is not going to read an entire deposition transcript that is attached as an exhibit.
- Protect the judge on appeal. Judges want to make good decisions. Create a record that will protect the judge's ruling on appeal.

In addition to offering tips for the attorneys in their practice, Judge Marks and Magistrate Judge Kobayashi encouraged attendees to observe and learn from good lawyers. They provided insightful commentary on Honolulu attorneys that they have found impressive. Returning to the first theme, they noted that the best trial lawyers are prepared. Also, the best trial lawyers want to win; even if they are losing, they will make the best possible arguments for their client.

Both Judge Marks and Magistrate Judge Kobayashi inspired the attendees to consider these suggestions in their practice. Be prepared, and make it easy for the judge to rule in your favor.

Chop Suey Generis



Congratulations to HWL Board member **Emi L. M. Kaimulua** and her husband Kam on the birth of their daughter, Kamakanoeli'ili'i Kaimulua (7 lbs 7 oz), on Sunday, August 21, 2005, at 11:17 p.m.

Shellie K. Park-Hoapili has recently joined the law firm of Alston Hunt Floyd & Ing as an Associate. She was previously a law clerk for the Honorable Paula A. Nakayama, Associate Justice of the Hawaii Supreme Court.

If you have an announcement, please contact Shellie Park-Hoapili at shellie@ahfi.com.

Save The Date

"I Believe I Can Fly 2005"

What: Ka Hale Ho'ala Hou No Na Wahine Fundraiser
When: Friday, October 14, 2005
Where: Hilton Hawaiian Village, Tapa Ballroom
For more information, please contact Zale T. Okazaki at 537-6119 or zale000333@hotmail.com.

"Putting on the Ritz at the Monster Masquerade"

What: HWLF's 15th Annual Fundraiser
When: Saturday, October 22, 2005
Where: Hilton Hawaiian Village, Tapa Ballroom
For more information, please contact Barbie Rosario at (808) 845-4994

YWCA's Downtown Decadence

When: Thursday, October 27, 2005
Cost: \$50.00 w/ 2 drink tickets. Martinis, wine, mini manicures, mini facials, mini massages, white elephant sale, silent auction.
For more information, please contact Zale T. Okazaki at 537-6119 or zale000333@hotmail.com.

HSBA Fundraiser

When: Friday, November 4, 2005
Where: Hilton Hawaiian Village
For more information, please contact Zale T. Okazaki at 537-6119 or zale000333@hotmail.com.

Hawai'i Women Lawyers

P.O. Box 2072

Honolulu, Hawai'i 96805

PRE-SORTED STANDARD
U.S. POSTAGE PAID
HONOLULU, HI
PERMIT NO. 172

SAVE THE DATE! Wednesday, November 16, 2005 at 12:30 - 1:30 pm at YWCA CAFE LANIAKEA, 1040 Richard St. Join us for an artful array of absolutely aromatic and awesome tea sandwiches. Gain inspiration to clean out your wardrobe closets by helping others dress others for success in the workplace, and learn how to optimize the benefits of charitable contributions! Giving can be fun, educational, efficient and some but not all contributions tax deductible!!!

Make a Charitable Contribution to benefit YWCA Dress for Success (& let's have a Tea!!)

Welcome by Isla Morley, Program Coordinator of YWCA Dress for Success, and brief introduction to YWCA Dress for Success program that has grown in two years from assisting 170 women to 600 women a year!! Growing up in South Africa during the apartheid era, Isla was drawn to YWCA's mission to eliminate racism and empower women.

Special guest speaker on charitable activities: **Katharine P. Lloyd, General Counsel and VP of Charitable Planning of Hawai'i Community Foundation.** Get the most current updates on what the IRS allows for deductions and generally how to keep audit-proof records for charitable deductions when donating property, cash contributions, or giving made through trusts and estates. Kate has extensive experience in both private business and nonprofit organizations. She was formerly an officer and Division Manager of First Hawaiian Bank's Trust and Investments Division, and prior to that a Partner at Ashford & Wriston. She is an accomplished author and speaker on Nonprofit governance and Exempt organizations.

Advance Registration Deadline is November 1; Seating may be Limited

Contact HWL Directors: Ruth K. Oh, Esq. (Kobayashi, Sugita & Goda 539-8700; email: rko@ksglaw.com) or Zale Okazaki, Esq. (Ayabe Chong Nishimoto Sia & Nakamura 537-6119; email: zale000333@hotmail.com)