Why You Should Attend:

The Hawai`i system of land use is complex and private land use is highly regulated. Attorneys and legal staff, planners, government officials, land owners and developers need to understand the complex federal, state and local requirements and procedures.

An expert faculty of land use practitioners, planners and regulators will explain the latest issues in land use law as it affects all Hawaiians. This program will give you the tools you need to fully participate in the Hawai`i land use system.

Who Should Attend:

- Attorneys & Legal Staff
- Government Officials
- Planners
- Land Owners
- Developers
- Real Estate Professionals
- Appraisers
- Contractors
- Engineers
- Environmentalists
- Anyone Concerned with the Present and Future Use of Hawai`i’s Land

Conference Co-Sponsors:

Real Property and Financial Services Section
Hawaii State Bar Association

UNIVERSITY of HAWAI`I at MĀNOA
WILLIAM S. RICHARDSON
SCHOOL OF LAW
9:00 Welcome and Introduction - Day One
Prof. David Callies, FAICP, ACREL, Kudo Professor of Law
Program Co-Chair
William S. Richardson School of Law,
University of Hawai`i
Benjamin A. Kudo, PhD, Program Co-Chair
Imanaka Kudo & Fujimoto LLC

9:10 Critical Legal Issues in Hawai`i
Land Use in Hawai`i Continues to be the Most Regulated of all the 50 States. In order to Bring Order and Sense to the Use and Development of that Most Precious of Island Commodities – Land – the Regulation of Land Use has Become an Enormously Complex Process, Often Equally Frustrating to the Public and Private Sectors Alike.

Prof. David Callies, FAICP, ACREL, Kudo Professor of Law
William S. Richardson School of Law,
University of Hawai`i
Benjamin A. Kudo, PhD
Imanaka Kudo & Fujimoto LLC

9:45 Environmental Impact Assessments and Hawai`i Land Use Law
David Arakawa, Exec. Dir.
Land Use Research Foundation of Hawai`i

10:45 Break

11:00 Coastal Issues
Shoreline Boundary; Takings; U.S. Supreme Court Beach Nourishment Case

Robert H. Thomas
Damon Key Leong Kupchak Hastert

12:00 Lunch (on your own)

1:00 Keynote Presentation – Taking a Critical Look at 30 Years of the Supreme Court’s Taking Jurisprudence
Gideon Kanner
Manatt Phelps & Phillips LLP, Los Angeles, CA

1:45 Land Use Commission: Emerging Agricultural Land Issues
Important Agricultural Land Legislation; Agricultural Use Easements (Restrictions); Other Agricultural Land Protection Conditions of Approval; Other Statutory Approaches to Agricultural Land Protection

Orlando R. “Dan” Davidson, Exec. Ofcr.
Land Use Commission, State of Hawai`i

2:45 Break

3:00 Permitting for Clean Energy Development
Joshua B. Y. Strickler, Facilitator,
Renewable Energy Programs
Hawaii Department of Business,
Economic Development and Tourism

3:45 Hawai`i Land Use Law: An Environmental Law Case
Ala Loop Case

Lisa A. Bail
Goodsill Anderson Quinn & Stifel

4:30 Water Issues
Instream Flows, Private Rights, Maui Water Cases
Robert H. Thomas
Damon Key Leong Kupchak Hastert

5:15 Questions and Answers
Members of the Faculty

5:30 Reception – Sponsored by:
Damon Key Leong Kupchak Hastert

Friday, January 14, 2011

9:00 Welcome and Introduction - Day Two
Program Co-Chairs

9:10 Transit and Hawai`i Land Use
David K. Tanoue, Director
Department of Planning and Permitting,
City and County of Honolulu

10:15 Break

10:30 Hawai`i Burial Laws
Brescia Case on Kauai; Relevant State Burial Laws under Chapter 6E of the Hawai`i Revised Statutes; Federal Burial Laws under the Native American Graves Protection and Repatriation Act; Recent Case Law in the Area of Burial Laws

Dawn Naomi S. Chang, Principal
Ku`iwalu

11:30 Other Native Hawaiian Rights
- DHHL Powers and Exemptions under Land Use Laws as they Pertain to State Trust Lands Under the Jurisdiction of the Department of Hawaiian Home Lands, including Issues Concerning Zoning and Regulatory Exemptions Arising under the Hawaiian Homes Commission Act
- Traditional and Customary Rights

David M. Forman,
Asst. Faculty Spec., Environmental Law, Prog., Health Policy & Ka Huli Ao Centers
William S. Richardson School of Law, University of Hawai`i

12:30 Lunch (on your own)

1:30 Ethical Considerations
The Rules of Professional Conduct and Land Use Lawyers; The Government Attorney-Client Privilege; Ethics Jeopardy – Land Use Ethics and the Courts

Patricia E. Salkin, Assoc. Dean; Dir., Govt. Law Ctr.
Albany Law School; Albany, NY

3:00 Break

3:15 Ethical Considerations (continued)
Patricia E. Salkin, Assoc. Dean, Dir., Govt. Law Ctr.
Albany Law School; Albany, NY

4:45 Questions and Answers
Members of the Faculty
Prof. David A. Callies, FAICP, ACREL, Kudo Professor of Law, Program Co-Chair, of the William S. Richardson School of Law, University of Hawaii, came to the School in 1978, following a decade of adjunct teaching and private practice where he counseled local, state, and national government agencies in land use management and control, transportation policy, and intergovernmental relations.

Benjamin A. Kudo, PhD, Program Co-Chair, a founding principal of Imanaka Kudo & Fujimoto, leads the firm’s Land Use, Administrative and Environmental Law section. He also heads up the Pacific-Asia business practice for the firm. He was previously an adjunct professor of law at the William S. Richardson School of Law, University of Hawaii.

Gideon Kanner, Keynote Speaker, is Of Counsel with Manatt Phelps & Phillips LLP. An experienced appellate attorney and eminent domain expert, he has been a practicing appellate lawyer in eminent domain and inverse condemnation for 40 years. He has appeared as counsel for parties and amici curiae in a number of cases in the U.S. Supreme Court.

David Arakawa, Executive Director of the Land Use Research Foundation of Hawaii, previously served as general counsel for Hawaiian Airlines. Prior to that, he was corporation counsel for the City and County of Honolulu for eight years.

Lisa A. Bail, a partner with Goodsell Anderson Quinn & Stifel, concentrates her practice in environmental law, land use and commercial litigation. Her experience includes trials, administrative hearings and appellate work in areas of environmental law, personal injury, contracts, and products liability.

Dawn Naomi S. Chang is a principal with Ku‘iwalu, a small native Hawaiian woman-owned small business that specializes in culturally sensitive issues, including working with developers and native Hawaiian families on native Hawaiian burial issues.

Orlando “Dan” Davidson is Executive Director of the Land Use Commission, State of Hawai‘i. He was previously Executive Director of the Hawaii Housing Finance and Development Corporation and has also served as Executive Director of the Land Use Research Foundation.

David M. Forman joined the William S. Richardson School of Law, University of Hawaii, in 2010 as Assistant Faculty Specialist for the Environmental Law Program, Health Law Policy Center and Ka Huli Ao Center for Excellence in Native Hawaiian Law.

Patricia E. Salkin is the Associate Dean, Professor of Law and Director of the Governmental Law Center of Albany Law School; Albany, NY. She teaches courses in Land Use Law, Housing Law and Policy, New York State Admin Law, Current Legal Issues in Government, and Government Ethics.

Joshua B. Y. Strickler is the Facilitator of Renewable Energy Programs with the Hawaii Department of Business, Economic Development and Tourism. He works with agencies at the Federal, State, and County level on the permitting and approval of renewable energy projects in the State of Hawai‘i.

David K. Tanoue, Director of the Department of Planning and Permitting, City and County of Honolulu, was previously a senior deputy attorney with the Department of Corporation Counsel.

Robert H. Thomas, a Director with Damon Key Leong Kupchak Hastert, focuses on issues involving appeals, regulatory takings, eminent domain, water rights, land use (zoning and planning), shoreline issues, navigational servitudes, and voting rights.

Kali Watson is President and Chief Executive Officer for Hawaiian Community Development. During his tenure as Director of the Department of Hawaiian Home Lands, he was responsible for coordinating the development of over 3,100 residential lots on Hawaiian Home Lands.
YES! Please register the following:

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