Eminent Domain & Condemnation in Hawaii

Why You Should Attend:

Public infrastructure projects and real estate development projects in urban Honolulu raise a host of legal issues tied to eminent domain, burial law, urban planning, and valuation. Honolulu’s rail project raises unique challenges from contractor licensing, transit oriented development, property valuation and relocation benefits. An ethics section will provide an update on ethics rules in Hawaii.

Join our Program Chair, Mark M. Murakami of Damon Key Leong Kupchak Hastert, along with the outstanding faculty he has assembled. These topics will be covered:

- Honolulu Rail Litigation Update – EIS and Acquisitions
- Contractor Licensing Update
- Planning Update – Development near the Right of Way
- The Evolving Process of Eminent Domain
- Uniform Relocation Act Benefits
- Rail Development and Property Valuation
- Ethics in Eminent Domain: Obligations of Condemnor’s and Condemnee’s Counsel

Who Should Attend:

- Attorneys, Judges & Legal Staff
- Government Officials
- Appraisers
- Valuation Experts
- Developers
- Real Estate Professionals
- Right-of-Way Professionals
- Planners
- Consultants
- Anyone Involved in Land Valuation and Condemnation
9:00 Introduction and Overview
Mark M. Murakami, Program Chair
Damon Key Leong Kapchak Hastert

9:10 Honolulu Rail Litigation Update – EIS and Acquisitions
Environmental Litigation, Condemnations
Paul J. Schwind, (retired)
Attorney at Law
Robert H. Thomas
Damon Key Leong Kapchak Hastert

10:00 Contractor Licensing Update
Recent Developments in Construction Contracts, Hawaii Licensure for General and Specialty Contractors; Construction Insurance Coverage Law
Anna H. Ōshiro
Damon Key Leong Kapchak Hastert

10:30 Break

10:45 Planning Update – Development near the Right of Way
Transit Oriented Development; “Smart Growth”
George I. Atta, FAICP, LEED AP, Dir.
Department of Planning and Permitting, State of Hawaii
Jesse K. Souki, Dir.
Office of Planning, State of Hawaii

11:45 Lunch (on your own)

12:45 The Evolving Process of Eminent Domain
Condemnation Update; Recent Court Decisions of Interest
Robert H. Thomas
Damon Key Leong Kapchak Hastert

1:30 Uniform Relocation Act Benefits
Overview of the Uniform Relocation Act; Procedural and Substantive Differences between Hawaii Revised Statutes Chapter 101 and the Uniform Act; Enforcement of the Rights Provided by the Uniform Act
Martyn Daniel, Principal
Martyn Daniel LLC, Bothell, WA
Mark M. Murakami
Damon Key Leong Kapchak Hastert

2:15 Break

2:30 Rail Development and Property Valuation
Appraisal Methodology for Full and Partial Takings; Applicable Standards of Appraisal Practice; Real Estate Market Trends
Edward W. Becker, President
Medusky & Co., Inc.
Michael Hamasu, Dir., Consulting/Research Colliers International

3:30 Ethics in Eminent Domain: Obligations of Condemnor’s and Condemnee’s Counsel
Who’s the Client? The Good Faith Offer; Obligations of Government Lawyers; Handling Experts Ethically
James A. Kawachika
O’Connor Playdon & Guben LLP

4:30 Adjourn

UPCOMING SEMINAR SCHEDULE:
19th Annual Washington Construction Law
September 13 & 14, 2012 ~ Seattle, WA

GMOs: Agricultural Law & Biotechnology
July 26, 2013 ~ Seattle, WA

3rd annual Multi-Family Real Estate Development
September 27, 2013 ~ Seattle, WA

Easements in Washington
October 11, 2013 ~ Seattle, WA

12th annual Washington CLE Bootcamp
December 3 & 4, 2013 ~ Seattle, WA

Hawaii Agriculture
January 8-9, 2014 ~ Honolulu, HI

2nd annual Financing, Developing and Permitting Renewable Energy Projects in Hawaii
January 10, 2014 ~ Honolulu, HI
Mark M. Murakami, Program Chair, a Director with Damon Key Leong Kupchak Hastert, practices in the firm’s Dispute Resolution and Real Estate and Construction practice groups. He focuses on complex commercial disputes, land use negotiation and litigation, environmental and general civil litigation.

Edward W. Becker is the President of Medusky & Co. Inc., a real estate appraisal firm in Honolulu dealing with appraisal auditing analysis and liquidation services.

Martyn Daniel, Principal of Martyn Daniel LLC in Bothell, Washington since 1998, provides consulting services on right-of-way and eminent domain projects, specializing in business relocation services for agencies in charge of acquisition and relocation as well as for business owners being displaced by a public agency.

Michael Hamasu, Director of Consulting and Research with Colliers International in the firm’s Honolulu office, brings over 25 years of marketing and research experience. He has directed research efforts at commercial brokerages with a focus on providing information to assist in strategic decision making for real estate investors and brokerage clientele.

James A. Kawachika is a senior partner with O’Connor Playdon & Guben LLP, where his practice includes advising lawyers and law firms on legal ethics and representing lawyers before the Disciplinary Board of the Hawaii Supreme Court. He also serves as an expert witness in legal ethics and professional responsibility.

Anna H. Oshiro, a Director with Damon Key Leong Kupchak Hastert, has represented construction organizations, developers, owners, contractors, subcontractors, suppliers and design professionals in reviewing and drafting construction contracts, as well as in all forums of dispute resolution.

Paul J. Schwind previously served as Director of Research and Legal Affairs for the Land Use Research Foundation of Hawaii; as a staff attorney in the Senate Majority Office of the Hawaii State Legislature; and practiced civil litigation law at Badger Arakaki Worsham LLC and community association and condominium law at Ekimoto & Morris LLC.

Jesse K. Souki, Director of the State of Hawaii Office of Planning, practices in the areas of environmental law, government & administrative law, land use law, municipal law, real estate law and transportation law. He previously served as Deputy Corporation Counsel, City and County of Honolulu.

Robert H. Thomas, a Director with Damon Key Leong Kupchak Hastert, focuses on issues involving appeals, regulatory takings, eminent domain, water rights, land use, shoreline issues, navigational servitudes and voting rights. He is also the Managing Attorney for the Pacific Legal Foundation Hawaii Center.

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