



Raising the Bar of Continuing Education

ACCREDITATION

Hawai`i CLE:

3.25 MCPE (Ethics) and 6.5
VCLE (General) Credits

WA and CA CLE:

10.0 General and 3.0 Ethics
CLE Credits

Oregon CLE:

11.0 General and 3.0 Ethics
CLE Credits

Hawai`i RE:

6.0 Hours - Pending

APA:

13.5 CM Credits

Contractors & Engineers:

May Qualify

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

5th Hawai`i Land Use Law

JANUARY 13-14, 2011

ALA MOANA HOTEL

HONOLULU, HI

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.

Conference Co-Sponsors:

Real Property and
Financial Services Section

Hawaii State Bar Association

UNIVERSITY of HAWAII at MĀNOA

WILLIAM S. RICHARDSON

SCHOOL OF LAW

**ETHICS PORTION AVAILABLE
SEPARATELY
FOR 3.25 HI MCPE CREDITS ~ \$195!**

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WAYS TO
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- ⑤ **MAIL:** PO Box 523, Vashon, WA 98070

**CONFERENCE
SCHEDULE
INSIDE** ➤



5th Hawai`i Land Use Law - Honolulu, HI

Thursday, January 13, 2011

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 Hawaii

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 Hawaii

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 Hawaii

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, Deputy 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

Kali Watson, President/CEO
Hawaiian Community Development

- 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 Hawaii

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



Raising the Bar of Continuing Education

The Seminar Group ~ FACULTY

5^h Hawai`i Land Use Law

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 Goodwill 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 R. "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, Deputy 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.

Register Today!

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Registration: Please mail or email your registration as soon as possible since enrollment is limited. You may also register with a credit card via phone, fax or online. Walk-in registrations will be accepted subject to space availability. Please call THE SEMINAR GROUP at (206) 463-4400 or (toll free) (800) 574-4852, or fax to (866) 435-3444, or email: registrar@TheSeminarGroup.net

Tuition: The tuition fee includes attendance at all sessions, coffee breaks, and all course materials. Full Tuition: \$795 per person; Special Government rate: \$695 per person; Real Estate Professionals: \$695 per person; Land Use Planners: \$695 per person; Contractors and Engineers: \$695 per person; New Associate/Paralegal rate: \$560 per person; Student rate: \$497 per person; Etics only: \$195. Make checks payable to: THE SEMINAR GROUP.

Save When Two or More Register: Save \$50 each off of the **Full Tuition fee only** when two or more register from the same organization at the same time. *Multiple discounts do not apply.*

Course Accreditation: This course is approved by the Hawai`i State Bar for 3.25 MCPE (ethics) and 6.25 VCLE (general) credits, by the Washington State Bar and the State Bar of California for 10.0 general and 3.0 ethics CLE credits, by the Oregon State Bar for 11.0 general CLE credits and 3.0 ethics credits, and by the American Planning Association for 13.5 CM credits. Approval is pending with the Hawai`i Real Estate Commission for 6.0 hours. Contractors and engineers may qualify for continuing education hours through the American Institute of

Constructors or the Construction Management Association of America. For information or accreditation in other states, please call THE SEMINAR GROUP at (206) 463-4400 or (800) 574-4852.

Substitution/Cancellation: You may substitute another person at any time. We will refund tuition, **less a \$50 cancellation charge**, if we receive your cancellation by **Friday, Jan 7, 2011**. No refunds will be given after this date. For more information regarding administrative policies such as complaint and refund, please contact our office at (206) 463-4400.

Course Materials: Each participant will receive a set of course materials, prepared by the speakers especially for this conference, which will be invaluable as a future reference. The course materials alone are available for \$179 which includes shipping and handling.

Homestudy Package: Our complete Homestudy Course, consisting of a full DVD or Audio CD and the Course Materials, is available for \$805. Approval is pending for this package with the Hawai`i State Bar for 3.0 MCPE (Ethics) and 6.5 VCLE (General) self-study credits and may qualify for self-study credit in other states. Approved by the Washington State Bar for 9.75 general and 3.0 ethics.

Seminar Location: The seminar will be held at the Ala Moana Hotel, 410 Atkinson Drive, (808) 955-4811. A courtesy block of sleeping rooms has been set aside at a group rate. To reserve, please call (808) 955-4811 by Dec. 13, 2011. Mention THE SEMINAR GROUP.



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5th Hawai`i Land Use Law

Jan. 13 & 14, 2011 • Ala Moana Hotel • Honolulu, HI

YES! Please register the following:

Name: _____

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I cannot attend. Please send me: Course Materials Only
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<input type="checkbox"/> Contractors & Engineers	\$695	Exp. Date: _____
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<input type="checkbox"/> Student	\$497	
<input type="checkbox"/> Ethics Only	\$195	
<input type="checkbox"/> Course Materials	\$179	
<input type="checkbox"/> Homestudy	\$805	

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Jan. 13 & 14, 2011 ~ Honolulu, HI
Ala Moana Hotel

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OR CLE: 11.0 GENERAL & 3.0 ETHICS CLE CREDITS
HI RE: 6.0 HOURS ~ pending
APA: 13.5 CM HOURS
CONTRACTORS & ENGINEERS: May Qualify

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