

» 2015 Hawaii Land Use Law Conference

January 15 & 16, 2015 ♦ YWCA ♦ Fuller Hall
1040 Richards Street ♦ Honolulu, HI 96813



Why You Should Attend:

Over 25 distinguished land-use practitioners, scholars, planners, regulators and attorneys from Hawaii as well as the Mainland will discuss timely and relevant issues regarding land use law including such topics as:

- Transit Oriented Development
- Kaka'ako
- GMO Regulation

This conference offers a unique opportunity to learn from leaders in the field regarding the above topics and other very important issues pertaining to government regulation of land use and developments in land use law in Hawaii. **Space is limited! Register early!**



Conference Co-Sponsors:

HSBA Real Property and Financial Services Section

University of Hawaii at Manoa, William S. Richardson School of Law

CREDITS:

14 HI CLE

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as ethics

Program - Thursday, January 15th

9:00 Welcome and Introduction

Prof. David L. Callies, FAICP, ACREL, Program Co-Chair
*Kudo Professor of Law, William S. Richardson School of Law,
University of Hawaii*

Benjamin A. Kudo, PhD, Program Co-Chair
Ashford & Wriston LLP

9:10 Critical Legal Issues in Hawaii

Prof. David L. Callies, FAICP, ACREL, Program Co-Chair
*Kudo Professor of Law, William S. Richardson School of Law,
University of Hawaii*

Benjamin A. Kudo, PhD, Program Co-Chair
Ashford & Wriston LLP

10:00 Keynote Presentation - Stealth Takings: Exactions, Impact Fees and More

Prof. Richard Epstein
Laurence A. Tisch Professor of Law, New York University School of Law

11:00 Break (15 minutes)

11:15 Impact Fees and Exactions after Koontz

David Brittin
Case Lombardi & Pettit

Bruce Voss
Bays Lung Rose & Holma

Moderator: Robert H. Thomas
Damon Key Leong Kupchak Hastert

12:15 Lunch (on your own)

1:15 Designation of Critical Habitat Under the Endangered Species Act (ESA)

Benjamin A. Kudo, PhD
Ashford & Wriston LLP

LeeAnn Crabbe
Vice President, Queen Liliuokalani Trust

Steve Kelly
Vice President, Kapolei Property Development, LLC

Moderator: Naomi Kuwaye
Ashford & Wriston, LLP

2:15 Legislative Update

David Z. Arakawa
Executive Director, Land Use Research Foundation of Hawaii

3:00 Break (15 minutes)

3:15 Local Zoning: Variances and Form-Based Zoning

Barry Sullivan
Sullivan Meheula Lee, LLP

Jamie Peirson
*Planner, Department of Planning and Permitting
City and County of Honolulu*

George Atta
*Director, Department of Planning and Permitting
City and County of Honolulu*

Moderator: Calvert Chipchase, IV
Cades Schutte

4:15 Kaka'ako

Anthony J.H. Ching
Executive Director, Hawaii Community Development Authority

Program - Friday, January 16th

9:00 State Districts/Boundary Amendments: - DLNR & Land Use Permits - Boundary Amendments

Jesse Souki
Imanaka Asato LLLC

Dan Orodenker
Executive Director, Hawaii Land Use Commission

Bryan Yee
Office of the Attorney General of the State of Hawaii

Moderator: Jennifer A. (Benck) Lim
Carlsmith Ball

10:00 Native Hawaiian Rights

David Forman
*Director of Environmental Law Program
William S. Richardson School of Law, University of Hawaii*

10:30 Break (15 minutes)

10:45 Transit Oriented Development (TOD)

Daniel A. Grabauskas
Executive Director/CEO, Honolulu Authority for Rapid Transportation

Harrison Rue
*City and County of Honolulu, Community Development
and Transit Oriented Development Administrator*

Moderator: Christina Ohira
Starn O'Toole Marcus & Fisher

11:45 GMO Regulation, Preemption and Home Rule

Mauna Kea Trask
County Attorney for the County of Kauai

Paul Alston
Alston Hunt Floyd & Ing

Margaret Wille
*Chair, Committee on Agriculture, Water, and Energy Sustainability
Hawaii County Council*

Moderator: Chynna Stone
The Resort Group

12:45 Lunch (on your own)

1:45 Ethical Considerations

Prof. Patricia E. Salkin
Dean and Professor of Law, Touro Law Center; Central Islip, NY

3:00 Break (15 minutes)

3:15 Ethical Considerations (continued)

Prof. Patricia E. Salkin
Dean and Professor of Law, Touro Law Center; Central Islip, NY

5 Easy Ways to Register

1. **ONLINE:** www.HSBA.org (members only)
2. **FAX:** 808-521-7936
3. **EMAIL:** CLE@HSBA.org
4. **PHONE:** 808-537-1868
5. **MAIL:** HSBA CLE Department
1100 Alakea Street, Suite 1000
Honolulu, HI 96813

Speakers

Program Chairs



Prof. David L. Callies, FAICP, ACREL

David L. Callies is Benjamin A. Kudo professor of law at the University of Hawaii's William S. Richardson School of Law where he teaches land use, state and local government and real property, and an external examiner for the Hong Kong City University's Department of Law. Prior to coming to Hawaii he practiced local government and land use law with the firm of Ross & Hardies of Chicago during which time he also taught as an adjunct professor at the University of Wisconsin-Milwaukee's School of Architecture and Urban Planning and served as an Assistant State's Attorney. He is a graduate of DePauw University, the University of Michigan Law School (J.D.) and the University of Nottingham (LL.M.), and a past foreign fellow and present life member of Clare Hall, Cambridge University. He is a 2009 recipient of a University of Hawaii Board of Regents' Excellence in Teaching Award.

He is past chair of the Real Property and Financial Services Section of the Hawaii State Bar Association; past chair of the American Bar Association Section of State and Local Government Law and the recipient of its Lifetime Achievement Award in 2006; past chair, section of state and local government law, the American Association of Law Schools; past chair, Academics Forum, and member of Council, Asia Pacific Forum, of the International Bar Association; a member of the American Law Institute (ALI); a Member of the College of Fellows of the American Institute of Certified Planners (FAICP), a member of the American College of Real Estate Lawyers (ACREL) and co-editor of the annual Land Use and Environmental Law Review (with Dan Tarlock). He is also a reporter for APA's Planning and Environmental Law and a board member of the Social Science Association of Honolulu.

Among his twenty books are (with coauthors) Concise Introduction to Property Law (2011); (with coauthors) The Role of Customary Law in Sustainable Development published by Cambridge University Press in 2006 and republished in paperback in 2010; Bargaining for Development: A Handbook on Development Agreements, Annexation Agreements, Land Development Conditions and Vested Rights (with Curtin and Tappendorf) (ELI, 2003); Development by Agreement, (with Tappendorf and Barclay), Taking Land: Compulsory Purchase and Land Use Regulation in the Asia-Pacific (with Kotaka) (U.H. Press, 2002, republished in Japanese, 2007), Property and the Public Interest (with Hylton, Mandelker and Franzese) (Lexis Law Publishing, 3d ed., 2007); Preserving Paradise: Why Regulation Won't Work (Univ. of Hawaii Press, 1994); Regulating Paradise: Land Use Controls In Hawaii (Univ. of Hawaii Press, 1984; 2d edition, 2010), and (with Robert Freilich and Tom Roberts), Cases and Materials on Land Use (Thomson-West, 6th ed., 2011). His book, Land Use Controls in the United States is published in Kyoto (in Japanese) and Shanghai (in Chinese). He has delivered endowed lectures at Cambridge University, Albany Law School and at John Marshall Law School (Chicago), lectured on land issues in Australia, Denmark, China, Denmark, England, Japan and Korea, and a number of Pacific Island nations, and is a regular lecturer at the annual conferences of the American Planning Association and the American Bar Association. One of his most recent (of over 90) articles was written by request for the Asia Pacific Law Journal of Hong Kong City University for a special 2007 edition commemorating the 10th anniversary of Hong Kong's establishment as a special administrative region of the People's Republic of China, entitled Takings, Physical and Regulatory and addressing the recent use of U.S. property law precedents by Hong Kong's highest court.

He is presently writing a book on the public trust doctrine.



Ben Kudo, PhD

Mr. Kudo presently practices in the areas of land use, real estate development, natural resources and administrative law. He frequently appears before State Legislative Committees, County Councils, and State and County Boards and Commissions.

Mr. Kudo is a 1968 graduate of Iolani School and obtained his B.S. in Mechanical Engineering from the University of Washington (1972). He did his graduate work at the University of Hawaii where he obtained a M.B.A. (1975) and Ph.D. (2008) in international management from the Shidler College of Business. Mr. Kudo also obtained a Juris Doctor degree from Georgetown University Law Center in 1978.

In addition to his law practice, Mr. Kudo served as an Adjunct Professor at the William S. Richardson School of Law teaching in the area of real property, land use and water law from 1990 – 2000. In 1994, Mr. Kudo was honored by the establishment of the Benjamin A. Kudo, Chair of Law (designated in the areas of land use, environmental and administrative law) at the William S. Richardson School of Law, University of Hawaii. Mr. Kudo was an instructor with the Master of Human Resources Management program at the Shidler College of Business teaching labor law in 2008 and a lecturer in business law at the University of Hawaii – West Oahu from 2009 – 2012.

Speakers

Keynote Speaker (Day 1)



Prof. Richard Epstein

Richard A. Epstein is the Laurence A. Tisch Professor of Law, at New York University. He has also been the Peter and Kirstin Senior Fellow at the Hoover Institution, and the James Parker Hall Distinguished Service Professor Emeritus and Senior Lecturer, the University of Chicago. From 1968 to 1972, he taught at the University of Southern California Law, and at the University of Chicago Law School from 1972 to 2010. He received an LL.D., h.c. from the University of Ghent, 2003 and the Bradley Prize in 2011. He has been a member of the American Academy of Arts and Sciences since 1985. He has edited both the *Journal of Legal Studies* (1981-1991) and the *Journal of Law and Economics* (1991-2001). His most recent book is *The Classical Liberal Constitution: The Uncertain Quest for Limited Government* (2014). His other books include *Takings: Private Property and the Power of Eminent Domain* (1985); *Bargaining with the State* (1993); *Simple Rules for a Complex World* (1995); *Principles for a Free Society: Reconciling Individual Liberty and the Common Good* (1998); *Skepticism and Freedom: A Modern Theory of Classical Liberalism* (2003); *Design for Liberty: Private Property, Public Administration and the Rule of Law* (2011). He has taught courses in, administrative law, antitrust, constitutional, contracts, environmental law, land use planning; real property, torts and water law. He has written extensively on a wide range of topics, and is writes a regular column for *Defining Ideas* published by the Hoover Institution, and frequently speaks publicly on a wide range of legal and social topics.

Guest Ethics Speaker (Day 2)



Patricia E. Salkin

Prior to joining the Touro College Jacob D. Fuchsberg Law Center in the summer of 2012, Dean Salkin was the Raymond & Ella Smith Distinguished Professor of Law, as well as Associate Dean and Director of the Government Law Center of Albany Law School. Dean Salkin is co-chair of the NYS Bar Association's Standing Committee on Legal Education and Admission to the Bar and she was a member of the City Bar's Task Force on New Lawyers in a Changing Profession. She is a past chair of the American Association of Law School's State & Local Government Law Section, and is the author of hundreds of books, articles and columns including a recent piece in the *Journal of Legal Education* on incorporating best practices into the teaching of land use law. She served two terms as an appointed member of the National Environmental Justice Advisory Council, a Federal Advisory Committee to the U.S. Environmental Protection Agency.

A nationally recognized scholar on land use law and zoning, Dean Salkin is the author of the popular blog, *Law of the Land* <http://lawoftheland.wordpress.com/>. Her land use publications include: The 4-volume 4th edition of *New York Zoning Law & Practice* (1999-present); the 5-volume 5th edition of *American Law of Zoning* (2008-present); *Bordering on Madness: An American Land Use Tale Companion* (with Popper and Avitale) (2008); *Land Use & Sustainable Development: Cases and Materials*, 8th ed. (Thomson West) (with Nolon) (2012); *Climate Change and Sustainable Development Law in a Nutshell* (Thomson Reuters) (with Nolon) (2010); *Land Use in a Nutshell* (Thomson West) (with Nolon) (2007); *The Greening of Local Governments* (with Hirokawa, eds.) (ABA Press 2012); and the annual *Zoning and Planning Law Handbook*, ed. (Thomson Reuters).

A member of the American Bar Association's House of Delegates, Dean Salkin holds and has held many leadership positions within both the ABA and the New York State Bar Association including: Past Chair of the ABA State and Local Government Section and current member of the Standing Committee on Governmental Affairs (ABA); Past Chair of the NYSBA Municipal Law Section and Founding Member and Past Chair of the NYSBA Committee on Attorneys in Public Service; and she has chaired numerous NYSBA task forces including one focusing on: government ethics, eminent domain, and town and village justice courts.

She has served on the Board of Directors of the New York Planning Federation, and has been active in land use reform efforts including membership on the Land Use Advisory Committee of the NYS Legislative Commission on Rural Resources. She is a reporter for the American Planning Association's *Planning & Environmental Law* and on the Editorial Advisory Board for *The Urban Lawyer* produced by UMKC School of Law for the ABA. Dean Salkin continues to serve as the long-term chair of the American Planning Association's *Amicus Curiae* Committee. She has consulted on land use issues for many national organizations including: the American Planning Association, the American Institute of Certified Planners, the National Academy for Public Administration and the National Governor's Association.

Speakers

Thursday, January 15, 2015

11:15 Impact Fees and Exactions after *Koontz*



David Brittin

David Brittin is an attorney at Case Lombardi & Pettit, he was recently elected as a Director/Shareholder of the firm in January 2015 after joining the firm in April 2007. He specializes in commercial and residential real estate development and transactions. Prior to practicing law, Mr. Brittin was an archaeologist in Belize, Israel, Massachusetts, Northern California and Nevada.



Bruce Voss

Bruce Voss is a partner with Bays Lung Rose & Holma. His practice emphasizes real estate and land use litigation and dispute resolution. He has successfully handled land use entitlement and zoning matters, lease and property development disputes, and environmental, regulatory, flooding, and critical habitat issues for major landowners including the Waikoloa Resort, Aina Lea, and Palamanui projects on the Big Island; the Select Income REIT commercial and industrial properties on Oahu; and numerous smaller developments around the state. Among his significant recent cases: In 2010, Mr. Voss obtained a U.S. District Court judgment declaring that the Hawaii State Legislature violated the Contracts and Equal Protection Clauses of the U.S. Constitution when the Legislature passed a law changing the terms of a large landowner's lease contracts. In 2011, Mr. Voss obtained a state Circuit Court ruling invalidating the State Land Use Commission's attempt to change the 1,000-acre Aina Lea property from urban to agricultural use. That case was recently argued before the Hawaii Supreme Court, and is pending decision.



Robert Thomas (Moderator)

Robert H. Thomas is a land use and appellate lawyer, and focuses on regulatory takings, eminent domain, water rights, and voting rights cases. He has tried cases and appeals in Hawaii, California, and the federal courts. Robert received his LLM, with honors, from Columbia Law School where he was a Harlan Fiske Stone Scholar, and his JD from the University of Hawaii School of Law where he served as editor of the Law Review. Robert taught law at the University of Santa Clara School of Law, and was an exam grader and screener for the California Committee of Bar Examiners. He currently serves as the Chair of the Eminent Domain Law Committee of the American Bar Association's Section on State & Local Government Law, and is the Secretary of the Section. He is also the co-Planning Chair of ALI-CLE's annual Eminent Domain and Land Valuation Litigation program (now in its 35th year), and the Hawaii member of Owners' Counsel of America, a national network of the most experienced eminent domain and property rights lawyers. Membership in OCA is by invitation only, and is limited to a single attorney from each state. He is listed in Best Lawyers in Eminent Domain and Condemnation Law, and Land Use & Zoning Law, and in Super Lawyers in Appellate Law, Land Use/Zoning, and Government/Cities/Municipalities. His blog on land use, property, and takings law, inversecondemnation.com, is one of the most widely-read blogs on those subjects.

1:15 Designation of Critical Habitat Under the Endangered Species Act (ESA)

Benjamin A. Kudo, PhD

Ashford & Wriston LLP

LeeAnn Crabbe

LeeAnn oversees all development activities on trust land, which are primarily focused on the Big Island. She previously served as chief financial officer.

Before joining the Trust in 2002, LeeAnn spent 15 years with the Kamehameha Schools Bishop Estate in many capacities, her last as Strategic Plan Coordinator and Director of Budget & Planning. She also has worked for Price Waterhouse and is a Certified Public Accountant.

LeeAnn is a trustee and treasurer of the Kawaiaha'o Church. Her other board memberships and affiliations include the Hawaii Leeward Planning Conference, Hawaii Island Economic Development Board, Kailua Village Business Improvement District, Waikiki Improvement Association, Urban Land Institute and Lambda Alpha.

LeeAnn was born and raised on Oahu and is a proud product of Hawaii's public school system. She has a Bachelor's of Science degree from the University of San Francisco. LeeAnn is an accomplished hula dancer, a Sunday School teacher, and has been a foster parent. She and her husband live with their two children and her father in Pearl City.



Speakers



Steve Kelly

Steve Kelly is Vice President of Development for affiliate companies of the James Campbell Company LLC, a Hawai'i-based, diversified real estate investment company with over \$2.5 billion in assets nationwide. He is responsible for a wide variety of real estate development, transactional and managerial activities for the company's Hawai'i assets including in the City of Kapolei, O'ahu's new city at the center of the fastest growing area in the State of Hawai'i. He is also responsible for regularly representing the company in front of governmental, business and public audiences to promote the company and its mission. Prior to becoming Vice President in May 2010, Steve was a manager with the companies and worked to secure several major transactional, entitlement and governmental funding initiatives for the companies including the largest single entitlement effort ever completed on O'ahu for three of the companies' major development assets in 2008. Prior to joining the companies, Steve was an associate and project manager with two leading planning and architectural firms in Hawai'i and California, specializing in large master planned development, strategic planning and value enhancement strategies.

Steve received bachelor's and master's degrees from the University of California at Irvine where he was a Raymond L. Watson Fellowship recipient in Urban and Regional Planning and the program's elected student representative at the graduate level. Steve is also a graduate of the Urban Land Institute's Real Estate Development Certificate Program and is a licensed real estate salesperson in the State of Hawai'i. He is an officer of the board of directors of the Kapolei Chamber of Commerce and the Land Use Research Foundation and a member of Lambda Alpha International, the American Institute of Certified Planners, the Hawai'i Harbors Users Group and the Urban Land Institute's Hawai'i District's Advisory Council.



Naomi Kuwaye (Moderator)

Ms. Kuwaye specializes in environmental and natural resource law, land use, real estate development, telecommunications law, public utilities, and administrative law. Her practice includes environmental litigation and regulatory compliance with federal and state laws and regulations.

Ms. Kuwaye is a member of the American Bar Association, the Hawaii State Bar Association, Washington State Bar Association (inactive status), Oregon State Bar Association, and the Hawaii Women Lawyers Association.

Ms. Kuwaye has served as past chair, vice-chair and program chair for the Natural Resources Section of the Hawaii State Bar Association. She has been an invited speaker on issues involving land use and environmental compliance matters. She has also authored a number of articles on the State of Hawaii's land use process and environmental compliance issues.

2:15

Legislative Update

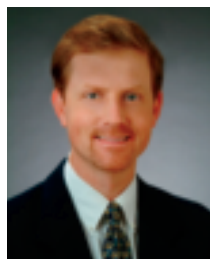


David Arakawa

David Arakawa has served as Executive Director of the Land Use Research Foundation of Hawaii, and as Manager with the Leeward Oahu Transportation Management Association, since 2007. Prior to that, he was a Senior Vice President with Hawaiian Airlines.

3:15

Local Zoning: Variances and Form-Based Zoning



Barry Sullivan

Barry A. Sullivan is a partner at Sullivan Meheula Lee, LLP practicing in real estate, real estate finance, development, business litigation, and public interest matters. He has extensive experience in Waikiki including entitlements, land use, shoreline and regulatory matters. Barry is an honors graduate of Cornell Law School (1992) and has been recognized since 2008 as one of Hawaii's Super Lawyers® in real estate and is listed in Best Lawyers® in both corporate law and commercial litigation.



Jamie Pierson

Mr. Pierson has been employed as a land use planner with the City and County of Honolulu for the past 25 years. He has a Master's Degree in Urban and Regional Planning from the University of Hawaii at Manoa; and, is a past winner of the Oahu Development Council's "Urban Design Contest" (1992). Throughout his career he has specialized in municipal land use regulation. He was the former Chief of the DPP Land Use Approval Branch and currently heads its Land Use Permits Division, which administers the City's Land Use Ordinance (LUO) and coastal zone management (Shoreline Setback and Special Management Area) ordinances.

Speakers

Thursday, January 15, 2015 *(continued)*

3:15

Local Zoning: Variances and Form-Based Zoning

(continued)



George Atta

George Atta is the Director of the Department of Planning & Permitting, City & County of Honolulu. He provides leadership, administration, and management for a department of 300 employees in areas relating to long-range planning; building and construction; traffic and engineering, land use and development, and commercial/residential enforcement.

George Atta is also the principal, partner, and project manager of Group 70, Honolulu, Hawaii. He provides leadership for transit design plans, public facilities, environmental assessment/EIS documents, and various land use permit applications. Coordinated community advisory groups and public meetings, as well as managing project scheduling, budgets and consultant coordination. Areas of specialization included public facilities, historical/cultural landscapes, resource management, land use compatibility, wetlands delineation, environmental inspections and disaster planning and mitigation.



Calvert Chipchase, IV (Moderator)

Calvert G. Chipchase is a partner practicing in the areas of commercial and real property litigation, arbitration and mediation and land use, zoning and entitlements.

Mr. Chipchase is also a Lecturer in Law and frequent guest lecturer at the University of Hawaii, Richardson School of Law. Mr. Chipchase has taught Land Use Management and Control, Real Property and various writing courses.

Before joining Cades Schutte, Mr. Chipchase clerked for the Honorable Richard R. Clifton, United States Court of Appeals for the Ninth Circuit, and the Honorable Alan C. Kay, United States District Court for the District of Hawaii.

4:15

Kaka'ako



Anthony Ching

Anthony J.H. Ching is the Executive Director of the Hawaii Community Development Authority (HCDA). The HCDA is charged with planning and implementing community development programs for areas designated as "Community Development Districts" by the State Legislature. Currently, the HCDA administers zoning rules established for the Kakaako (within the Primary Urban Center of Honolulu) and Kalaeloa (within the lands once occupied by the Barbers Point Naval Air Station) and Heeia districts.

The HCDA is responsible for administering Chapter 206E HRS. In the course of implementing Chapter 206E, the HCDA develops strategic plans aimed at improvement and redevelopment of community development districts; administers comprehensive zoning regulations and design guidelines; provides technical assistance to landowners and developers; develops or causes to be constructed public facility or benefit projects; and sponsors appropriate community outreach and relations programs. Mr. Ching directs a staff of 23 in providing support for the sixteen member volunteer Authority.

Along with six and a half years service as the Executive Officer of the State Land Use Commission and three and a half years of experience as a land use planner with the Office of State Planning, Mr. Ching brings to this position varied program and administrative experience gained while working at the Hawaii Department of Health (DOH) having served previously as their: Deputy Director of Health; environmental ombudsman and small business advocate; Felix Intra Departmental Coordinator; Health Care Reform Project Manager; legislative coordinator; and health planner. In the course of his public service, Mr. Ching has also had the opportunity to serve in progressively responsible positions with the State Departments of Land and Natural Resources and Planning and Economic Development.

Speakers

Friday, January 16, 2015

9:00

State Districts/Boundary Amendments: - DLNR & Land Use Permits - Boundary Amendments



Dan Orodenker

Daniel Orodenker is currently the Executive Director of the Land Use Commission. After graduating from the University of San Diego School of Law he practiced with the firm of Kessner Duca and Maki in Honolulu, focusing on administrative and development law. He has served as Director of the Honolulu Waterfront Program, Acting Executive Director of the Aloha Tower Development Corporation and Assistant to the Director of DBEDT. In 1996 he became the Director of the Hawaii Natural Heritage Program, a part of the Nature Conservancy of Hawaii. Dan has also worked for Swarovski Manufacturing of Austria in the Crystal Architectural Division, assisting in international business development and for the City and County of Honolulu on transit oriented development programs. In 2000 he returned to the Aloha Tower Development Corporation for a short time before opening his own consulting firm specializing in business development and land use entitlements. He has been Executive Officer of the State Land Use Commission since 2012.



Jesse Souki

Mr. Souki has been guiding public and private sector project proponents through local, state, and federal land use entitlement processes in Hawaii for over two decades. His focus is developing holistic legal strategies that reduce legal risk by considering the complete project development cycle through feasibility and due diligence, planning, environmental review, government procurement, entitlements, permitting, and construction.

His clients' projects have included transit-oriented development, highways and rail transit, landfill siting, commercial-residential mixed use, resort development, industrial parks, renewable energy, public facilities, beach nourishment, coastal development, parks and trails, and other land use related projects throughout the state.

Mr. Souki recently served as the director of the Office of Planning and then as the first deputy of the Department of Land and Natural Resources for the State of Hawaii. These agencies are responsible for managing, administering, and exercising control over public lands, water resources, ocean waters, navigable streams, coastal areas, minerals, and all interests therein. Lands under the regulatory and management jurisdiction of these agencies include approximately 1.3 million acres of lands, beaches, and coastal waters and approximately 750 miles of coastline. Regulatory matters under the auspices of these agencies include special management area permits, matters before the state Land Use Commission, and matters before the Board of Land and Natural Resources.

Before joining the state, Mr. Souki practiced law in the areas of land use and environmental law. He was a deputy corporation counsel for the County of Maui and the City and County of Honolulu, and a senior associate with a boutique land use law firm in Honolulu. Mr. Souki started his policy and government affairs work in the Hawaii State Legislature and then in Congress for former U.S. Senator Daniel K. Akaka. Mr. Souki is currently Of Counsel with Imanaka Asato.

Mr. Souki earned his B.A. (economics) and M.A. (political science, alternative futures program) from the University of Hawaii at Manoa. He earned his J.D. from the Seattle University School of Law.

Mr. Souki is licensed to practice law in the State of Hawaii and the District of Columbia.

Bryan Yee

Bryan Yee has been a Deputy Attorney General with the Department of the Attorney General since 1990, and has been representing the Office of Planning before the Land Use Commission since 2006. In addition to the Office of Planning, his clients have included CSEA, DCCA, DHHL, DHS, DOH, and PSD.

Jennifer A. (Benck) Lim (Moderator)

Jennifer A. (Benck) Lim is a partner in Carlsmith Ball's Honolulu office and is a member of its Real Estate, Land Use & Hospitality Practice Group. She concentrates her practice on real property and environmental law with an emphasis in the areas of land use planning and real property development. Ms. Lim's practice focuses on representing developers and major land owners in all phases of project development, including land use entitlements, environmental review, permitting, zoning, and administrative proceedings and litigation related to these areas. She also assists clients with the development of subdivisions and the registration of subdivisions at the federal, state, and local levels. She represents individuals and development entities in the purchase and sale of real property, and performs due diligence on complex real estate purchases, including preclosing review of title issues, zoning and permit compliance, and proposed use reviews.

In 2011, she was listed in Chambers USA: America's Leading Lawyers for Business for Real Estate and was listed in 2012 and 2013 for Real Estate: Zoning/Land Use. She was recently selected for inclusion in The Best Lawyers in America, 2014 and 2015, for Land Use & Zoning Law.

Ms. Lim received her J.D. degree from the University of Hawai'i, William S. Richardson School of Law, an M. Ed. from the University of Hawai'i, and a B.A. from U.S. International University



Speakers

Friday, January 16, 2015 *(continued)*

10:00 Native Hawaiian Rights



David Forman

David M. Forman is a full-time faculty member at the William S. Richardson School of Law, where he serves as Director of the Environmental Law Program and Associate Faculty Specialist for the Ka Huli Ao Center for Excellence in Native Hawaiian Law. He clerked for Hawai'i Supreme Court Associate Justice Robert G. Klein for nearly three years, from 1994 to 1996. In 1998, the Hawai'i State Legislature appointed Forman to the PASH Study Group (on traditional and customary Native Hawaiian rights), and the Kaho'olawe Island Reserve Commission appointed him to its Ocean Management Advisory Group. His work experiences also includes the Native Hawaiian Legal Corporation, the Environmental and Cultural Resources Practice Group with the law firm Alston Hunt Floyd & Ing, as well as the Hawai'i Civil Rights Commission.

10:45 Transit Oriented Development (TOD)



Daniel Grabauskas

Daniel Grabauskas has more than 20 years as a senior public sector manager. Grabauskas was named executive director and CEO of the Honolulu Authority for Rapid Transportation on April 9, 2012. He heads the agency responsible for the construction, operation and maintenance of the \$5.2 billion rail project.

Grabauskas previously served as general manager of the Massachusetts Bay Transportation Authority (MBTA). The oldest and fifth largest multi-modal transportation agency in the United States, the MBTA consists of subway, commuter rail, bus and boat operations throughout the Commonwealth of Massachusetts and Rhode Island.

Grabauskas also served as Secretary of Transportation for the state of Massachusetts, with oversight of a \$1.4-billion annual administrative budget and an annual capital budget of more than \$1.8 billion. In the cabinet-level role, Grabauskas had oversight of MBTA, highways and municipal airports.

Grabauskas is a graduate of the College of the Holy Cross and received his MBA from Cornell University.



Harrison Rue

Harrison Rue is the Community Building and TOD Administrator for the City and County of Honolulu. He has over 30 years experience in smart growth and sustainability, TOD, transportation planning and policy, transit and TDM, climate change, community development, affordable housing, green building and green infrastructure, and public participation and communications. He is currently leading creation, adoption, and implementation of Neighborhood TOD Plans around 19 station areas for Honolulu's 20 mile, \$5.2 billion rail line. Rue led development of several guidebooks for FHWA's livability initiative; developed tools, training, and technical assistance for EPA's smart growth program and the HUD sustainable communities program, and helped develop health and transportation evaluation tools for US DOT, HUD, and CDC.



Tina Wakayama Ohira (Moderator)

Ms. Ohira concentrates her practice in the areas of real estate and commercial transactions, and has received Martindale-Hubbell's highest possible "AV" rating for her legal skill and integrity. Ms. Ohira is a member of the American Bar Association and the Hawaii State Bar Association, and is licensed to practice in the Hawaii state courts and the United States District Court for the District of Hawaii.

At the William S. Richardson Law School, Ms. Ohira graduated among the top students in her class. While in law school Ms. Ohira was a Casenote Editor and the Resource Manager of the University of Hawaii Law Review. She received the CALI Excellence for the Future Award in Property I (2005), Internet Law & Policy (2005), State & Local Government (2006) and Secured Transactions (2006). Ms. Ohira also published an article with Professor David L. Callies, Public Use/Public Purpose After Kelo v. City of New London: What's Happened Since, in the Institute of Planning, Zoning, and Eminent Domain in 2007.

Ms. Ohira was born and raised in Honolulu, where she attended and graduated from Punahou School. While attending the University of Southern California, Ms. Ohira appeared on the university's television news station, Annenberg TV News, as a weather girl and sports reporter.

Speakers

11:45

GMO Regulation, Preemption and Home Rule

Mauna Kea Trask

Mauna Kea Trask graduated from the William S. Richardson School of law in 2004. After law school he began his career clerking for First Circuit Court Judge Richard K. Perkins and then for Fifth Circuit Court Judge Kathleen N.A. Watanabe. After being exposed to both the civil and criminal courts he began working for the State of Hawaii at the Honolulu Public Defender's Office. After working at the Public Defender's office for two years he moved back to his home island of Kaua'i to work at the County of Kaua'i Prosecutor's Office, where he made First Deputy. After working in criminal law for almost four years he decided to expand his practice and he joined the County of Kaua'i Office of the County Attorney. After working at the Office of the County Attorney for approximately five years he was recently appointed County Attorney of the County of Kauai by Mayor Bernard P. Carvalho Jr. While at the County Attorney's Office Mauna Kea has been involved in many landmark and controversial topics. He is credited with integrating Native Hawaiian cultural protocol and systems into state and federal historic and cultural preservation legal processes which have resulted in shorter and more culturally fulfilling and accessible regulatory review procedures. He was also instrumental in creating the County of Kaua'i's stewardship program which has allowed the County to partner with appropriate native Hawaiian organizations to properly preserve our shared cultural history. He has also been instrumental in starting the County of Kaua'i's civil litigation division. . Recognized by Hawai'i Business Magazine in 2012 as one of the 20 people to watch for the next 20 years, Mauna Kea recently became well known for his in depth legal opinion about the County of Kaua'i's controversial Bill 2491 which sought to regulate pesticides and genetically engineered products at the County level. After the Mayor released his legal opinion, in order to explain the legal concerns the Mayor had that underlined his controversial veto of the Bill, Mauna Kea's opinion became a hot topic in the legal community and was central in the discussion of agriculture, preemption and questions of home rule in the state. As the youngest lawyer in the well-known Trask family, Mauna Kea is seen as having a bright future and possessing the necessary legal acumen and work ethic to continue to work with others to address Hawai'i's needs for the future.

Paul Alston

Paul Alston has built a more than 40-year career representing clients from around the world in a wide range of complex disputes in Hawai'i. His primary practice areas include commercial litigation, antitrust/unfair competition law, civil rights, class actions, and appellate law. He has been named Hawai'i Lawyer of the Year by Best Lawyers in America® four times: in 2014 and 2009 for Bet-the-Company Litigation; in 2013 for Appellate Practice; and in 2012 for Real Estate Litigation. In Chambers USA America's Leading Lawyers for Business, a client describes Alston as "three steps ahead of everyone else." Alston is President of Alston Hunt Floyd & Ing, founded in 1991, which has grown to become the fourth largest law firm in Hawai'i.

Margaret Wille

Margaret Wille is a Council member for the County of Hawaii District 9 (North and South Kohala); Chair of Council's Committee on Agriculture, Water, Energy Sustainability. This is her second term as District 9 Council member. She is the author of the County of Hawaii's 2013 Ordinance 12-121 regulating the cultivation of genetically engineered crops and plants.

Margaret graduated from Antioch School of Law in 1979 and interned with Judge Spotswood W. Robinson III, U.S. Circuit Court of Appeals for the District of Columbia. She has a Masters Degree in Education and an Undergraduate Degree from Bennington College in Social Science/Anthropology. She was previously admitted to practice law in Washington D.C. and the State of Maine. She has been practice law as a Sole Practitioner in Hawaii since July of 2006.

Margaret first came to Hawaii in 1971 to assist her brothers who had purchased the Aloha Theater and adjoining health food store in Kealahou. Her mother lived in Puako for many years. Margaret has been a full time resident in Hawaii since 2002. She is an active member of many non-profit organizations including the Rotary Club of North Hawaii, the West Hawaii Chamber of Commerce, the League of Women Voters, the American Association of University Women, the League of Women Voters, the Outdoor Circle, and the Waimea Community Association.

Chynna Stone (Moderator)

Chynna Stone is with The Resort Group, a leading developer of domestic and international mixed use resort communities. The Resort Group seeks to develop resorts that deliver world-class experiences with a powerful sense of place. Local projects include the Ko Olina Resort in Honolulu, Hawaii, the Princeville at Hanalei in Kauai. Ms. Stone concentrates her practice on real estate transactions and acquisitions. She is a member of the American Bar Association and the Hawaii State Bar Association.

1:45

Ethical Considerations

Prof. Patricia E. Salkin

Dean and Professor of Law, *Touro Law Center, Central Islip, NY*

See full bio under *Guest Ethics Speaker*.

REGISTRATION FORM

REGISTRATION

HSBA Member Registration:

HSBA members may register online at hsba.org OR by using any of the below described methods for non-member registration.

Non-HSBA Member Registration:

- By mail: please submit this form with payment to

HSBA
CLE Department
1100 Alakea St. Suite 1000
Honolulu, HI 96813

- By fax: please submit this form to 808-521-7936;
Attn: CLE Department

- By email: please scan and email this form to CLE@hsba.org.

Confirmation of your enrollment will be sent to you via email. **Seating is limited, so please register early.** Walk-in registration will be permitted on the first day of the conference only **subject to space availability.** Please arrive by 8:30 AM for walk-in registration.

COST

The cost for this conference is as follows:

- HSBA Real Property and Financial Services Section ("RPFSS") Members - \$200
- Government Attorneys - \$200
- Other HSBA Attorneys - \$300
- Other Professionals - \$300

The registration fee includes registration for all sessions, continental breakfast, coffee breaks, and all course materials. Attendees must register and pay for both days of the conference. University of Hawaii Law Students may contact us at CLE@hsba.org to register.

QUESTIONS / SPECIAL ACCOMMODATIONS / ADA

Please contact Jasmine Graffis, HSBA CLE Assistant at 808-792-7336 or by email to jgraffis@hsba.org for special accommodations if necessary.



Please print

Full Name _____ Firm/Company _____

Address _____ Phone _____

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COURSE ACCREDITATION

Attendance of **ALL sessions** of this two day conference has been approved for 14 HI CLE credit hours (4 of which are approved for ethics) by the HSBA. *Partial credit for partial attendance will be given at the discretion of the HSBA in accordance with the regulations of the Hawaii State Board of Continuing Legal Education.* Registrants who wish to apply credit hours to other jurisdictions' CLE or other continuing education requirements should inquire with such jurisdiction or licensing body directly. The HSBA does not guarantee that credit hours earned at this conference will be transferable.

CANCELLATION

Refunds will be given less a **\$15 cancellation charge** if we receive your cancellation **by January 10, 2015**. No refunds will be given after January 10, 2015 or if you fail to attend the course.

DISCLAIMER

The representations made at this Hawaii Land Use Law Conference and content/materials are those of the presenters and do not represent the position of the HSBA. Legal opinions, analyses, and materials provided by the presenters are not reviewed by the HSBA.

OTHER IMPORTANT INFORMATION

- **PARKING:** Validation is not provided, however convenient and affordable parking is available at Ali'i Place or other municipal parking garages in the downtown area.
- **LAPTOPS:** Wireless connection is available at the venue. However, outlets are limited so please bring your laptop fully charged.
- **MATERIALS:** In an effort to go green, all handouts and/or course materials will be provided in electronic format only on a USB flash drive. Accordingly, **please bring your laptop for access to these materials during the seminar.**
- **LUNCH:** A continental breakfast, coffee, and afternoon snack is included, however **lunch will not be provided.** There are many eateries located around the YWCA for your convenience.

COST	PRICE
<input type="checkbox"/> HSBA Real Property and Financial Services Section ("RPFSS") Members	\$200
<input type="checkbox"/> Government Attorneys	\$200
<input type="checkbox"/> Other HSBA Attorneys	\$300
<input type="checkbox"/> Other Professionals	\$300

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