

HSBA Family Connections:

Highlighting & profiling family ties within the Hawaii State Bar Association

This month's interview features **Professor Randall Roth** and his son **John Roth**, an attorney with the Law Offices of Robert W. Hastings and former HSBA Young Lawyers Division President.



Randall Roth is a Carlsmith Ball Faculty Scholar at the William S. Richardson School of Law where he teaches professional responsibility, trusts and estates, and federal taxation. He has been a visiting professor at the University of Chicago and University of Wisconsin; presented at a dozen other law schools, including Harvard, NYU, Columbia, Duke, UCLA, and UC-Berkeley; and received the University of Hawai`i's highest awards for classroom teaching and community service. Roth is a former president of the Hawai`i State Bar Association, Hawai`i Justice Foundation, and Hawai`i Institute for Continuing Legal Education, and he recently served as associate reporter for the Reinstatement of the Law (Third) Trusts project of the American Law Institute.

Roth edited and contributed to the two-volume series, *Price of Paradise*, and hosted a related call-in show on Hawaii Public Radio in the 1990s. In 2006 he co-authored the book *Broken Trust: Greed, Mismanagement, & Political Manipulation at America's Largest Charitable Trust* with Judge Samuel P. King. More recently, he served as a script consultant for the movie *The Descendants*, which won the Academy Award in 2012 for best screenplay.

What are some of the valuable lessons you've learned throughout your career so far?

Randall: It's important to know what you believe in; beliefs can change over time; and nothing worthwhile comes easy.

What are your thoughts as you look back at the so-called Bishop Estate controversy of the late 1990s?

Randall: When trust professors and trust practitioners from the mainland ask me to explain how a high-profile charity could be abused so badly and for so long, and then when the abuse finally stops the wrongdoers are not held accountable in a meaningful way, I repeat the adage about power tending to corrupt and absolute power corrupting absolutely. Mrs. Bishop's estate – now known as Kamehameha Schools – is in much better hands now, and I think highly of the justices who have been added to the State Supreme Court since then, but it concerns me that the concentration of power in Hawaii today is comparable to what it was like in the years leading up to the Bishop Estate

controversy. Governor Cayetano spoke eloquently about this during his unsuccessful run for Mayor last year.

What first interested you in the practice of law?

Randall: I entered the Society of Jesus (a.k.a. the Jesuits) after college, having a few months earlier gotten what I perceived to be a "calling." My Jesuit superiors and I eventually agreed, however, that my calling had been a wrong number. I thought about doing a number of different things, but eventually I decided that a legal education would enable me both to provide for a family someday and to have a positive impact in my community.

What advice do you have for recent law school graduates?

Randall: Law school graduates who define success in financial terms may be best off living and practicing law elsewhere. Those who are other-oriented and whose purpose in life is more spiritual can be very successful in Hawai`i, or anywhere else. So my advice to each new graduate is to begin with a personal definition of success, and to be as honest with himself or herself as possible when deciding what gives purpose to life.



John G. Roth is an attorney with the Law Offices of Robert W. Hastings II in Waimea on the Big Island. Before that, he was associated with Case Lombardi & Pettit where he concentrated on real estate law, estate planning, and taxation. John is the immediate past president of the Young Lawyers Division of the HSBA and of the Rotary Club of North Hawai`i. He is currently serving on the boards of the Parker School and North Hawai`i Hospice.

John, following in his father's footsteps, taught Estate Planning as an adjunct professor at the Richardson School of Law last spring semester, and taught Business Law at the University of Hawai`i - Hilo. He also is a frequent speaker at seminars for lawyers and other professionals in the areas of estate planning and probate administration, and co-authored the Hawai`i law section of an American College of Trust and Estate Counsel publication, "Comparison of Domestic Asset Protection Trust Statutes."

John, a 1999 Punahou graduate, received a B.S. from the University of Kansas (phi beta kappa) in 2003, and J.D. and M.B.A. degrees from the University of Hawai`i in 2007.



Growing up as a "townie" in Honolulu, how did you end up on the Big Island and do you think you will stay for good?

John: The Big Island was never on my radar. Before interviewing with Bill Hastings in 2008, the last time I had been to the Big Island was with my 4th grade Kahala Elementary School class. But by the time I saw Bill's ad in the Bar Journal, I knew that I wanted to focus on estate planning and I really liked the idea of living in a small town like Waimea. Fortunately, Bill and I hit it off immediately and I could tell that he would be a terrific mentor. Looking back, it worked out even better than I had hoped. I couldn't be happier.



Part of that relates to my recent marriage (civil union) to my husband, David McCollough, who has strong roots in Waimea. He and I love going to the grocery store and knowing at least half the people there. Small town living has always appealed to me. While in College, I spent a lot of time with my Grandpa in a small farming town in western Kansas. I think my dad gets a kick out of the way I've managed to replicate Grandpa Roth's lifestyle.

What differences do you see, if any, in Neighbor Island practice compared to practicing on Oahu?

John: At the Richardson School of Law, we were constantly reminded that lawyers in Hawaii live and practice in a small world and a lawyer's reputation is his most important asset. That goes double for the Big Island, which in some ways could be called the "Small Island." Here in the 3rd Circuit, you quickly get to know fellow lawyers, judges, and court administrators. There is a strong sense of shared values, and the judges are very supportive, for example by organizing great opportunities for CLE. In addition to the law community, it is relatively easy to get involved in boards of nonprofits and all kinds of other efforts to improve life on the Big Island. I was starting to do that on Oahu, but the opportunities are even greater in a small town (island) environment.

What have you learned through your experiences with the Young Lawyers Division?

John: As YLD President, I had the opportunity to sit as a board member of the HSBA. I enjoyed getting to know and working with other board members, and especially with

Carol Muranaka, who was the sitting HSBA President. She was a terrific mentor for me. I also got a huge amount of help from Pat and the rest of the HSBA staff. They do their jobs so well and at least act as though they enjoy working with lawyers like me who start off with very little knowledge of how the bar association actually works. A major part of the YLD is to staff programs that provide legal information and other assistance to underserved segments of the community, such as veterans. That, too, was invaluable. In short, working with the YLD and HSBA helped me gain a much better appreciation for what it means to be an attorney in Hawaii.

What advice do you have for recent law school graduates?

John: Find a mentor, find ways to mentor others, and strive to work with people you admire.