

This month's interview features the daughter and son of retired attorney, Paul Devens (Devens, Nakano, Saito, Lee, Wong & Ching), who served as Corporation Counsel and later as Managing Director of the City & County of Honolulu. His daughter, Paula Devens, is a Per Diem Judge for the District Court, First Circuit. His son, Vlad Devens (Law Offices of Vladimir P. Devens LLC), is a private practitioner and the Chief General Counsel for the State of Hawaii Organization of Police Officers (SHOPO).



Paula Devens, a graduate of University of California, Hastings College of the Law, shares with us her thoughts on how she first started practicing law with her family and life as a per diem judge vs. private practice.

Did your father, Paul Devens, inspire you to become an attorney?

"Inspired" is not the right word. I'd say my father "expected" me (and my siblings) to pursue law as a profession and to follow in his footsteps as a trial attorney. My father truly loves the law. Growing up, we were regaled with Dad's dinner tales of clients, cases, and trials --- some injustice he was righting (as a private practitioner) or how he was striving to make city government work for the people, making beaches accessible to all, making bus service a basic city function (in his capacity as Honolulu's Corporation Counsel). All this, I suspect, was indoctrination.

I had other dreams. I fantasized pursuing the life of a ballet dancer --- to the sheer dismay of my mother, a Juilliard graduate, concert pianist, who had lived the vagaries of a performing artist. She assessed my talent. Reality hit. I, the ever-obedient daughter, went to law school.

Only after becoming a lawyer and beginning my practice with my father, can I say my dad "inspired" me. We also had loads of fun. Dad is a great trial attorney. He came of age professionally, at a time when mediation and arbitration were not the norm. Trial lawyers then, tried many cases to judgment. Dad is fond of saying, "I had all the trial experience I could eat."

My brother, Vlad, and I are fortunate to have been mentored by our father. We witnessed him practice his art. While his trial skills always seemed innate and intuitive, Dad taught us there is no substitute for preparation and hard work. Know your case: the facts and the law. Listen well and be compassionate; but maintain objectivity. Be zealous in your representation; but be a straight shooter. Don't fear taking calculated and educated risks. See the big picture; not every detail is relevant. Don't invite error; but don't fret every perceived mistake. The law is dynamic; be flexible.

For all my father taught me about hard work, preparation and working within our adversarial system, above all, he taught me what it means to be a professional. Your word is your bond, your handshake is as good as a written agreement. That inspired me.

How has the practice of law changed since you were admitted to the Hawaii State Bar?

1. The biggest and most visible changes have been the technological advances: cell phones, email, e-filing, on-line legal research, internet connectivity, to name a few. These changes have greatly accelerated the efficiency, pace and mobility of the law practice. Lawyers must be able to multi-task. Clients expect instant responses, and sometimes, unreasonably expect 24-7 access to their lawyers. Notwithstanding, the human brain still works at the pace it always has; considered thought and reasoned responses still take time.
2. There are more specialized areas of law and the general practice of law is a thing of the past.
3. There are fewer opportunities for attorneys to learn trial skills.

Even as society has become more litigious, fewer civil cases than ever go to trial, or to verdict, much less to judgment. That fewer cases proceed to trial is, in part, a tribute to the success of arbitration and mediation programs. Clients' expectations, too, have changed and few law firms and clients are willing to pay for the training of young trial lawyers. While young civil litigators may spend years in a discovery practice, unless they spend some time in criminal law, particularly at the Offices of the Prosecuting Attorney or Public Defender, they have few opportunities to learn trial skills.

As an aside, because there are so few civil jury trials, civil trial attorneys are denied some of the enjoyable, unexpected opportunities that can arise with a jury. The most unique experience I've had as a trial attorney occurred in my first trial in 1982 (a trial I second-chaired with my father) a multiple defendant, product liability trial that went many weeks. In the midst of the trial, the jury sent a note to the court. It asked for permission to throw a potluck party, after the trial, regardless of outcome, for all of the attorneys, their spouses, the judge and his wife (but not the parties). Where else, but in Hawaii, could this have happened? Permission granted. What fun! The jury put on a hilarious skit, parodying the judge, counsel, and even themselves. They asked us logical questions about the case and rationally answered ours (and, of course, did not discuss with us their deliberations). They told us they did as they were admonished and did not discuss the case until their deliberations. What did they discuss daily? The due date and sex of my expected (first) child and what hideous maternity outfit I might wear next. In an odd and unexpected way, even though the jury found against our client, this experience cemented my faith in the jury system.

Tell us what you like about being a per diem judge versus practicing as an attorney.

Some things I like about being a per diem judge are the quick pace of district court, the encounter with people from all walks of life, the finite, discrete nature of the cases. In district court, I hear criminal and traffic cases. This was a big change from my private practice.

My ten years in private practice involved an intense and varied civil practice, in state and federal courts, primarily concentrated in product liability and commercial litigation. I enjoyed the challenges of advocacy --- to argue a legal or factual issue, leave it in the hands of a judge or jury --- and gained deep appreciation for the appellate courts.

As a per diem judge, you're judge and jury. It can be daunting and sometimes it's a lonely existence. For many people, district court is their first encounter with the judicial system and theirs is the most important case. This adds a different element of pressure I didn't have in private practice, but it is enjoyable pressure. You're constantly striving to strike a balance between dealing with the sheer volume of cases in district court against ensuring each person has a fair and just day in court. I constantly evaluate my decisions. Did I make the "right" decision? Was it a fair and just decision? I'm expected to "get it right" at the outset, but, I take comfort in the appellate process.

What I appreciate most about being a per diem judge is the flexibility of the job coupled with the opportunity to stay connected to the profession. Most of my cases in private practice took years of pre-trial preparation, then trial, and then more time on appeal. While the work was incredibly gratifying, the long hours and the accompanying stress and work that goes home with you, took its toll on me, my husband, and our four children. Some women can skillfully, admirably, and seemingly effortlessly balance full time legal careers with the needs of their family. I'm not one of those women. So, I left private practice to take the job to which I had always aspired: full-time Mom to my kids who were then all under the age of 10 years. Within a few months, I was lucky to be appointed a per diem judge. This position provided me valuable time to spend with my family, and for that, I'm grateful.

What are some words of wisdom or a personal quote that you would share with current law school attendees or those looking to pursue law school?

Here are some comments as opposed to words of wisdom. For those contemplating law school, reflect on your motive for pursuing law school. As a lawyer, you will attain, in all likelihood, a comfortable standard of living. If your motivation for pursuing a legal education is the love of money, reassess your options.

When in law school, be prepared to meet, embrace, and overcome challenges: intellectual, emotional, physical. Maintain a sense of humor. Take a chance and expand your comfort zone. Foster and enjoy your law school friendships; some classmates will be future colleagues, others will be life-long friends. Who knows? If you're unattached and lucky, even in that crazy environment, you may meet the love of your life. I did. Hope springs eternal.

Finally, regardless of what you choose to do with your law degree, know you will have received a terrific education.



Vladimir Devens, a graduate of University of California, Boalt Hall School of Law, shares with us his experience in law as a former police officer and as a practitioner who is also the current Chief General Counsel for SHOPO.

Did being a Police Officer of the Honolulu Police Department inspire you to become an attorney?

I had actually already completed law school when I joined HPD. Before that, I was being recruited by a federal law enforcement agency while in my last year of law school at UC Berkeley. I was being recruited in part because I could speak Japanese. However, while going through the processing a federal budget freeze went into effect that put the agency's recruitment on hold. I came home and starting working with my father's law firm to start paying off my student loans when the federal agency strongly encouraged me to join HPD until they could complete my processing. The intent was to work on Japanese organized crime which was prevalent during that time. As it turns out, I ended up being assigned to another HPD unit and did a lot of plainclothes and undercover work that I found to be very challenging and rewarding. I was involved in a lot of drug investigations that took me into several dangerous and unpredictable situations.

In one case, I came close to being shot in the face by a suspect who was high on ice and ambushed me with a cocked and loaded .45 caliber handgun in a hotel room. The drug dealer was hiding and jumped out of a closet aiming a gun at my face but got hung up when he tried to pull the trigger which gave me time to wrestle the gun away from him. You try not to think about what could have happened, but those types of experiences stick in your mind for a long time and test your mettle. Our unit was also involved in breaking up what was considered at the time to be the biggest ice ring in Hawaii, which led to the arrests of many high profile drug dealers including of all things the head of a drug rehabilitation center. It also unfortunately led to the arrest of a fellow police officer who was apparently providing confidential information to the drug dealers. Many of my partners from our unit went on to become the present day leaders of the police union SHOPO including, President Tenari Ma'afala, Vice President Malcolm Lutu and Director John Haina. One of my law firm associates, Keani Alapa, is also a former HPD police officer and ironically his mother, who is now a retired detective, was one of the panel members that interviewed me when I joined HPD. All in all, I would not change anything about the path I took and the experiences I have been blessed with.

Walk us through a typical day of yours. It must be a busy one considering you're the Chief General Counsel for SHOPO and serve on multiple boards and committees affiliated with the HSBA and the State of Hawaii.

A typical day is getting up at around 5am and getting on my home computer to start going through emails and doing other work. I work until about 8am and then get into the office by about 9am where I continue to work until about 6:30pm. After having dinner with my family, I will normally get back on the computer and work until the wee morning hours. While my law firm is primarily a Plaintiff's personal injury firm and I concentrate in litigation, my work with SHOPO involves me in labor issues and allows me to represent police officers in grievances and other matters. It is rewarding work including the recent collective bargaining decision our firm successfully arbitrated for SHOPO that resulted in significant wage increases for our officers. I

also serve on the Crimestoppers board of directors which is pro bono work that involves raising money to continue funding the great work that Crimestoppers does for our community in partnership with HPD. Besides work, I try to get a work out in at Palolo or Kalakaua gym 3-4 times a week. Litigation can be a grind, but I enjoy the work and challenges presented with each case.

Was there anything you wished you would have done differently in law school that you did not realize until you started to practice?

Depending how you look at it, attending a mainland law school can be a disadvantage in that I missed having the local camaraderie of law school classmates that the Richardson law school provides. Since I also attended UC Berkeley for my undergraduate studies, I was further distanced from the local college student body. On top of that, most of the friends I hung out with in high school did not attend school after we graduated from Kalani. But being born and raised here, coming home is what I always wanted to do. With that, I cannot think of anything I would have done differently in law school because I did not know what I was doing in law school to begin with. Things really did not come together for me until about 5 years out of law school after which I felt a certain level of comfort with the practice. I have also had the benefit of having my father nearby, who is a retired trial attorney and someone who has always guided and taught me what he can from his own experiences. My father is someone I look up to and try to emulate as an attorney. Although he is now retired, I talk to him every day about my cases and even had him second chair a trial with me several years ago before he finally hung it up. We had a great time; obtained a nice verdict and the jury told us they enjoyed the father and son show. It amazes me every day how much more there is to learn in the legal profession and how intellectually challenging it can be. The various skills we have to master to be successful in this line of work is really remarkable, but also requires a lot of hard work.

What advice or words of wisdom would you give to attorneys?

Not sure I have any original pearls of wisdom, but as my father emphasized to me from day one, know your case inside and out, learn the details and work as hard as you can for your client. My father came from very humble beginnings and was raised in Gary, Indiana, which was known for their steel mill industry. He did not have much as a child, but knew he did not want to end up working in the mills for the rest of his life. He scratched his way out of poverty to put himself through college and eventually law school at Columbia. He stressed to me that you will never fail if you work hard, so I do what I can to outwork my opponent and give my client the best legal representation possible. My father's work ethic was something that I always admired and wondered in his later years how he was able to keep it up for so long. They don't make them like him any more, but I try my best to get as close as I can to his work standards.