

2023 BAR CONVENTION WEEK & ANNUAL MEETING PROGRAM

OCTOBER 16-20, 2023



TAKE MULTIPLE SEMINARS IN OUR FIRST BAR CONVENTION WEEK!

SEMINARS

Appellate Seminar – HYBRID (3 CLE Credits/Morning):

Monday, October 16, 9:00 a.m. – 12:15 p.m.

1. Highlights of Recent Hawai'i Supreme Court Cases
2. Highlights of the 2022 Supreme Court Term
3. Appellate Section: Appellate Best Practices Talk Story

ediscovery Seminar – HYBRID (3 CLE Credits/Morning):

Tuesday, October 17, 9:00 a.m. – 12:15 p.m.

1. Overview: Achieving Strategic Focus in ediscovery
2. Toward the Review Set
3. Superhuman Review

HSBA Annual Meeting, Awards, Induction of 2024 HSBA, YLD and SCD Presidents-elect (Virtual):

Tuesday, October 17, 12:30 p.m. – 2:00 p.m.

1. HSBA & YLD Awards Presentation
2. Induction of 2024 HSBA, YLD and SCD Presidents

Real Property and Financial Services Seminar – LIVE WEBCAST ONLY (3 CLE Credits/AM or PM) (6 CLE Credits/AM and PM):

Wednesday, October 18, 9:00 a.m. – 12:15 p.m. (Morning)

1. Affordable Housing – How do we get there?
2. Inverse Condemnation and Paying for Disasters

Wednesday, October 18, 1:30 p.m. – 4:45 p.m. (Afternoon)

1. Perspectives on Bank Failures and Responses

Environment, Energy, and Resources Seminar – LIVE WEBCAST ONLY (3 CLE Credits (including one ethics credit)/Morning):

Thursday, October 19, 9:00 a.m. – 12:15 p.m.

1. PFAS Spotlight: (1) Hawaii Department of Health Statewide PFAS Study and Upcoming Regulatory Requirements (2) Under the Radar PFAS Environmental Vulnerabilities – Consequences on Real Estate Transactions, Construction Projects, etc.
2. The Energy Transition, the IRA, and Environmental Law
3. Developer Community Engagements: The Legal Ethics of Getting Buy In

Family Law Seminar – IN PERSON ONLY (6 CLE Credits/All Day):

Friday, October 20, 8:45 a.m. – 4:15 p.m. (All Day)

***Opening Remarks with Judge Matthew Viola: 8:45 A.M. – 9:00 A.M.**

1. SPB and TSP: The Survivor Benefit Plan and the Thrift Savings Plan
2. “You Can’t Do That!” - Limits, Prohibitions and Work-Arounds in Military Pension Division
3. Presentation of the 2023 Supplement to the Hawaii Divorce Manual
4. Military Custody Issues
5. Military Child Support
6. Military Disability Retired Pay and Family Law

THE APPELLATE SEMINAR MONDAY, OCTOBER 16 MORNING SESSION: 9:00 A.M. – 12:15 P.M.

3 CLE CREDITS

*Must attend all sessions to receive 3 CLE Credits

LIVE IN-PERSON OR LIVE WEBCAST

Live In-Person HSBA Conference Room 1100 Alakea St., Ste. 1000 Honolulu, HI 96813
OR

Live Webcast via link for HSBA members, Non HSBA members, and student bar card members

Highlights of Recent Hawai'i Supreme Court Cases

Moderator: Lance D. Collins, Attorney at Law, Maui, Hawaii

Speakers: Lance D. Collins, Attorney at Law, Maui, Hawaii; Daylin-Rose Heather, Attorney, Native Hawaiian Legal Corporation (NHLIC); Ben Lowenthal, Deputy Public Defender, Wailuku, Maui

Course Description: We will review a wide range of recent decisions issued by the Hawai'i Supreme Court through April 2023, when Justices Nakayama and Wilson retired.

Highlights of the 2022 Supreme Court Term

Moderator: Jocelyn Chong, Department of the Navy, Office of General Counsel

Speakers: The Honorable Mark Bennett, Judge of the United States Court of Appeals for the Ninth Circuit; The Honorable Daniel Foley, Nonresident Justice of the Palau Supreme Court

Course Description: We will review the major decisions of the U.S. Supreme Court's 2022 term.

Appellate Section: Appellate Best Practices Talk Story

Moderator: Deirdre Marie-Iha, Partner, Goodwill Anderson Quinn & Stifel

Speakers: The Honorable Mark E. Recktenwald, Chief Justice of the Hawaii Supreme Court; The Honorable Lisa M. Ginoza, Chief Judge of the Intermediate Court of Appeals; Kaliko Fernandes, Solicitor General for the State of Hawaii

Course Description: In this panel, the three panelists and the moderator will discuss appellate best practices through a 'talk story' question-and-answer style session.

THE HONORABLE MARK BENNETT

SESSION: HIGHLIGHTS OF THE 2022 SUPREME COURT TERM



Mark Bennett is a Judge of the United States Court of Appeals for the Ninth Circuit, appointed in 2018. Judge Bennett graduated summa cum laude from Union College and magna cum laude from Cornell Law School. After law school, Judge Bennett clerked for the Hon. Samuel P. King, Chief Judge of the United States District Court for the District of Hawaii and then served as an Assistant United States Attorney in the District of Columbia and in Hawaii for a total of nine years. Following twelve years as a partner at what is now McCarriston Miller Mukai MacKinnon, Judge Bennett served eight years as Hawaii's Attorney General. Before becoming a judge, Judge Bennett was a partner for eight years at Starn O'Toole Marcus & Fisher. As an attorney, Judge Bennett first-chaired more than 100 jury trials and argued more than 50 cases on appeal, including twice successfully before the United States Supreme Court--Lingle v. Chevron, 544 U.S. 528 (2005) and Hawaii v. Office of Hawaiian Affairs, 556 U.S. 163 (2009).

JOCELYN CHONG

SESSION: HIGHLIGHTS OF THE 2022 SUPREME COURT TERM



Jocelyn Chong has been a government attorney since her 2010 admission to the bar, currently working for the Department of the Navy, Office of General Counsel and teaching legal writing and an introductory ERISA course at the University of Hawai'i William S. Richardson School of Law. Previously, she was a Deputy Attorney General and clerked for Associate Justice Sabrina S. McKenna and United States District Judge Jill A. Otake, in addition to federal judges in Missouri and Florida. She has served on the HSBA Board as an O'ahu Director since 2022, and on the HSBA Appellate Section Board since 2017. Before the law, Jocelyn taught at O'ahu public and private schools and worked at a statewide educational not-for-profit. In her spare time, she enjoys triathlon and golf.

THE APPELLATE SEMINAR

MODERATOR & SPEAKER: LANCE D. COLLINS

SESSION: HIGHLIGHTS OF RECENT HAWAII SUPREME COURT CASES



Lance D. Collins is an attorney in private practice before the state circuit and appellate courts and serves as a per diem district and family court judge for the Second Circuit. Since 2019, he has served as the coordinator of the Appellate Pro Bono Program. He served as the Chair of the Maui County Charter Review Commission in 2021. He holds a Ph.D. from the University of Hawai'i and publishes on topics including the legal histories of the Philippines and Hawai'i during their American periods. He has also produced several award winning Hawaiian musical albums and the award-winning narrative feature film, My Partner, set in Lahaina.

KALIKO FERNANDES

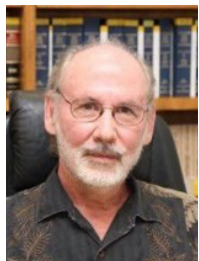
SESSION: APPELLATE PANEL: APPELLATE BEST PRACTICES TALK STORY



Kaliko'onālani Fernandes is the Solicitor General for the State of Hawai'i. She leads the Department of the Attorney General's Appellate Division and has oversight authority over most state and federal appeals handled by the Department, including briefs filed on behalf of the State of Hawai'i in the United States Supreme Court, federal courts of appeal, the Hawai'i Supreme Court, and the Hawai'i Intermediate Court of Appeals. She is a member of the Hawai'i State Judiciary's Permanent Committee on Equality and Access to the Courts, co-chairs the HSBA Committee on Diversity, Equality, and the Law, and serves on the boards of the Hawai'i Chapter of the Federal Bar Association, the Hawai'i LGBT Legal Association, and the HSBA Appellate Section. Kaliko served as a law clerk to the Honorable Richard R. Clifton of the U.S. Court of Appeals for the Ninth Circuit and the Honorable Susan Oki Mollway of the U.S. District Court for the District of Hawai'i.

THE HONORABLE DANIEL FOLEY

SESSION: HIGHLIGHTS OF THE 2022 SUPREME COURT TERM



Justice Daniel R. Foley has been a litigator, negotiator, mediator and judge during a legal career that began in 1974. Justice Foley currently serves as a nonresident Justice of the Palau Supreme Court. He served as an Associate Judge of the Hawai'i Intermediate Court of Appeals from 2000 to 2016, handling thousands of appeals from Hawai'i circuit, district and family courts, and administrative agencies. During his tenure, Justice Foley chaired the Hawai'i Access to Justice Commission and co-chaired both the Hawai'i Appellate Task Force and Committee on Equality and Access to the Courts.

THE HONORABLE LISA M. GINOZA

SESSION: APPELLATE PANEL: APPELLATE BEST PRACTICES TALK STORY



Lisa M. Ginoza was sworn in as Chief Judge of the Intermediate Court of Appeals on April 24, 2018. Prior to being appointed to her current position, she was appointed as an Associate Judge of the Intermediate Court of Appeals on May 6, 2010. A graduate of the William S. Richardson School of Law, Chief Judge Ginoza served as a law clerk to the Honorable Samuel P. King, Senior Judge, U.S. District Court for the District of Hawaii. She then entered private practice with the law firm of McCorriston Miller Mukai MacKinnon, where she became a partner and over the course of fourteen years had an extensive civil litigation practice. In January 2005, Chief Judge Ginoza was appointed to serve as First Deputy Attorney General for the State of Hawaii. She served in this position until her appointment to the Intermediate Court of Appeals in 2010. Chief Judge Ginoza is a Kailua High School graduate and received her undergraduate degree from Oregon State University, with highest distinction. She has served as an Adjunct Professor in Appellate Advocacy at the William S. Richardson School of Law.

THE APPELLATE SEMINAR

DAYLIN-ROSE HEATHER,

SESSION: HIGHLIGHTS OF RECENT HAWAII SUPREME COURT CASES



Daylin-Rose H. Heather is a staff attorney at the Native Hawaiian Legal Corporation (NHLC) in the firm's lāhui services practice group. Prior to joining NHLC, Daylin was the Special Assistant to the Administrative Director of the Courts at the Hawai'i State Judiciary. She is a former law clerk to Chief Justice Mark E. Recktenwald at the Hawai'i Supreme Court, and Associate Judges Daniel R. Foley and Alexa D.M. Fujise at the Intermediate Court of Appeals. She is a graduate of the William S. Richardson School of Law with a certificate in Native Hawaiian Law from the Ka Huli Ao Center. She currently serves as an O'ahu Director on the board of the HSBA Young Lawyers Division, and is a member of the HSBA Judicial Administration Committee, HSBA Committee on the Delivery of Legal Services to the Public, and the Hawai'i Supreme Court's Permanent Committee on Equality and Access to the Courts.

BEN LOWENTHAL

SESSION: HIGHLIGHTS OF RECENT HAWAII SUPREME COURT CASES



Ben Lowenthal is from Maui. He earned his undergraduate degree in Journalism and studied classical language and literature at San Francisco State University. He earned his law degree at the University of Kansas School of Law. After law school, he worked as a law clerk for the Honorable Judge Corinne K. A. Watanabe at the Intermediate Court of Appeals in Honolulu. In 2007, started working at the Law Office of Philip H. Lowenthal representing clients in civil, criminal, and appellate cases for ten years. In 2017, he became a Deputy Public Defender at the Maui office. He has represented clients in more than 20 jury trials and nearly 60 appeals. He reports cases from Hawai'i appellate courts in his law blog, "Hawai'i Legal News" and writes as a columnist for Civil Beat. He is a member of the Hawai'i State Bar Association's Civics Education Committee. He enjoys writing, reading, and supporting Liverpool Football Club.

MODERATOR: DEIRDRE MARIE-IHA

SESSION: APPELLATE PANEL: APPELLATE BEST PRACTICES TALK STORY

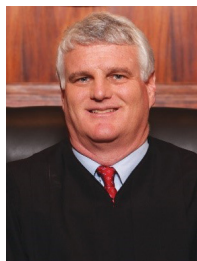


Deirdre Marie-Iha is an appellate practitioner and civil litigator and a partner at Goodsill Anderson Quinn & Stifel. Deirdre's appellate experience spans 19 years in both federal and state court. She has argued numerous times before the Ninth Circuit, the Hawai'i Supreme Court, and the Intermediate Court of Appeals. Deirdre has handled well over a hundred appellate proceedings, and over the years her caseload has generated more than 40 published opinions in state and federal courts. Most recently her appellate work includes corporate governance, banking, other business matters, and extensive trust litigation. Before joining Goodsill, Deirdre practiced for more than a dozen years as a deputy attorney general at the Hawai'i AGs office, where she handled a number of high-profile, high-stakes matters, including the furloughs during the 2008-2009 financial crisis; the enactment and subsequent defense of the Marriage Equality Act in 2013-2015; and complex litigation regarding the State's retiree health benefits. She was also instrumental in the State's challenge to the travel ban, *Hawaii v. Trump*. Deirdre graduated from Cornell University, Phi Beta Kappa, in 1996, and

from the University of Colorado School of Law in 1999. Deirdre has served as Chair of the HSBA Appellate Section since 2021.

THE HONORABLE MARK E. RECKTENWALD

SESSION: APPELLATE PANEL: APPELLATE BEST PRACTICES TALK STORY



Mark E. Recktenwald was sworn in as Chief Justice of the Supreme Court on September 14, 2010. He joined the Supreme Court as an Associate Justice on May 11, 2009, and previously served as Chief Judge of the Intermediate Court of Appeals beginning in April 2007. Prior to his appointment to the Intermediate Court of Appeals, Chief Justice Recktenwald served as the Director of the Hawaii Department of Commerce and Consumer Affairs, as an Assistant United States Attorney for the District of Hawai'i, and as an attorney in private practice. Chief Justice Recktenwald received his undergraduate degree from Harvard University and his law degree from the University of Chicago.

eDISCOVER A BETTER WAY

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eDiscovery,
Trial Technologies.*



OUR STORY

In 2012, I expanded our San Francisco company to my home state of Hawaii, committed to promoting the use of eDiscovery Technologies to Hawaii law firms to better manage Discovery.

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AI & EDISCOVERY

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Our eDiscovery, Email and Document Management Systems exceeds the ISO 27001 Security Requirements by deploying multi-factor authentication, ESET Mail Security and at our internet endpoint, Sophos XGS firewall.

OUR SERVICES



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WHY CHOOSE US?

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Pauahi Tower

1003 Bishop Street, Suite 1825
Honolulu, HI 96813

THE EDISCOVERY SEMINAR

TUESDAY, OCTOBER 17

MORNING SESSION: 9:00 A.M. – 12:15 P.M.

3 CLE CREDITS

***Must attend all sessions to receive 3 CLE Credits**

LIVE IN-PERSON OR LIVE WEBCAST

Live In-Person HSBA Conference Room 1100 Alakea St., Ste. 1000 Honolulu, HI 96813
OR

Live Webcast HSBA CLE Virtual Classroom for HSBA members or via link for Non HSBA members and student bar card members

Overview: Achieving Strategic Focus in ediscovery

Course Description: Once potentially responsive electronically stored information (ESI) has been accessed, and before it is employed in productions, motions, depositions, or trial, it must be evaluated to determine what needs to be produced, and what substantiates and supports our case claims and defenses. How do we find what's important in the surging ocean of ESI from client, other parties, and non-parties? We'll survey available technologies designed to help us to achieve strategic focus in ediscovery.

Toward the Review Set

Course Description: In the first session in this seminar, we'll explore approaches that may be taken to discern the review set. With the inexorable shift to electronic forms of discovery, creative uses of hash values, metadata, text, unsupervised machine learning, and other means have been developed in the service of preliminary evaluation of the ESI—to reduce its volume and associated review burden, and to scope to subsets of ESI that may be worthy of our further attention. Though such measures have made it possible to navigate the gnarly seas of information far more effectively than was ever possible when the prevailing medium of discovery was text on paper, we must also note some underappreciated limitations inherent in this approach.

Superhuman Review

Course Description: In the second session in this seminar, we'll emphasize established and emerging uses of artificial intelligence in ediscovery that vastly enhance the efficiency of review. The use of machine learning forms of technology assisted review (TAR) in legal matters was first affirmed in U.S. case law in 2012, and applications of artificial intelligence developments continue in ediscovery, as in other use cases. The dramatic review efficiencies realized with continuous active learning (CAL) forms of supervised machine learning in ediscovery are widely known, the greater accuracy delivered by large language models (LLMs) is also becoming better appreciated, and we're just beginning to comprehend the potential of generative LLMs in ediscovery. We'll also note considerations regarding explainability, ethics, and more associated with these technologies.

Seminar Speaker: R. Elton Johnson, III, *Strategic Ediscovery, LLC*

THE EDISCOVERY SEMINAR

R. ELTON JOHNSON, III

SESSIONS: OVERVIEW: ACHIEVING STRATEGIC FOCUS IN EDISCOVERY; TOWARD THE REVIEW SET; SUPERHUMAN REVIEW



R. Elton Johnson, III, CEDS, established Strategic Ediscovery, LLC (<https://www.strategicediscovery.com>) in 2013, to help organizations and law offices to decisively meet ediscovery, investigation, and compliance challenges as economically as possible. Elton's expertise as a consultant and service provider is founded in decades of ediscovery experience within the law office environment, as well as constant active study of the latest challenges, tools, best practices, and law in this field. His professional perspective favors nuanced, proactive deployment of technology embedded in issue-driven legal team practice.

Elton is a member of a variety of professional associations, including the Association of Certified E-Discovery Specialists, the International Legal Technology Association, the American Bar Association, the Hawai'i Paralegal Association, and the Hawai'i Association of Legal Administrators. He has authored numerous articles and presentations on ediscovery, and served for ten years as Hawai'i's member liaison for the International Legal Technology Association. Elton's abiding broader commitment to justice and community has been reflected in extended service roles such as commissioner on the Hawai'i Access to Justice Commission, coordinator of Judge's Aides at Family Court, and board chair with Common Cause Hawai'i.

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THE REAL PROPERTY AND FINANCIAL SERVICES (RPFSS) SEMINAR

WEDNESDAY, OCTOBER 18

MORNING SESSION: 9:00 A.M. – 12:15 P.M.

AFTERNOON SESSION: 1:30 P.M. – 4:45 P.M.

3 CLE CREDITS (AM OR PM)

*Must attend all AM or PM sessions to receive 3 CLE Credits

6 CLE CREDITS (AM & PM)

*Must attend all AM & PM sessions to receive 6 CLE Credits

LIVE WEBCAST ONLY

Live Webcast HSBA CLE Virtual Classroom for HSBA members or via link for Non HSBA members and student bar card members

Affordable Housing – How do we get there? (Morning Session)

Moderator: Catherine Hall, *Carlsmith Ball, LLP*

Speakers: Andrea Boyack, *Floyd R. Gibson, Endowed Professor of Law University of Missouri School of Law*; Shelley Ross Saxer, *Laure Sudreau Endowed Chair in Law, Pepperdine University Caruso School of Law*; Jesse K. Souki, *Associate General Counsel University of Hawai'i System*

Course Description: The session will begin with Jesse Souki talking about the state of affordable housing in Hawai'i and focusing on existing regulatory programs and issues confronting affordable housing in Hawaii from a land use perspective. In light of the tragedy in Lahaina, he will urge us to start thinking now about how to address the issues communities are concerned about with development in a more efficient and streamlined process so that we (as a community) can put roofs over people's heads quickly to meet demand.

Andrea Boyack will then discuss ideas from three articles she has written on this topic. In her article, Sustainable Affordable Housing, Andrea addresses "the specific issue of how housing affordability can be made more sustainable, both in terms of sustainable financial structures and sustainable tenure for residents. Sustainable affordability requires a flexible housing supply system that can be responsive to demands as well as a method to keep housing costs (purchase prices or rental rates) steady and reasonable." In Responsible Devolution of Affordable Housing, Andrea criticizes the federal affordable housing policy. "The federal government's responsibility to address persistent housing inequity arises in part from decades of its own harmful, racist housing policies. Although the inherently local nature of housing markets suggests that the actual implementation of housing assistance programs should continue to devolve, responsibility for ensuring fair access to quality housing ultimately lies with the federal government." Andrea advocates for limiting the exclusive practices in communities in her article, Limiting the Collective Right to Exclude, observing that "By limiting a community's ability to exclude, courts may be able to break through the land-use stalemate that currently renders America's housing system unsustainable and unfair and may allow market forces and individual owner self-interest to increase housing supply, affordability, and equity."

Shelley Saxer will summarize proposals about affordable housing and deregulation from three top land use articles in 2022-23.

The panel will then discuss how these ideas may be applicable, or not, to Hawai'i's current affordable housing crisis and take questions from the attendees.

THE REAL PROPERTY & FINANCIAL SERVICES (RPFSS) SEMINAR

Inverse Condemnation and Paying for Disasters (Afternoon Session)

Moderator: Catherine Hall, *Carlsmith Ball, LLP*

Speakers: David Callies, *FAICP, ACREL, Emeritus Professor of Law, University of Hawai'i William S. Richardson School of Law*; Shelley Ross Saxer, *Laure Sudreau Endowed Chair in Law, Pepperdine University Caruso School of Law*; Robert Thomas, *Director, Property Rights Litigation Pacific Legal Foundation Joseph T. Waldo Visiting Chair in Property Rights Law William and Mary Law School*

Course Description: This session will focus on the inverse condemnation claim asserted in at least one of the lawsuits against Hawaiian Electric Company as a result of the devastating wildfires in Lahaina. Shelley Saxer, who has written about the inverse condemnation claims in California that resulted in the bankruptcy of a major electricity supplier, will set the stage for a discussion of these claims and their applicability to Hawai'i's jurisprudence. David Callies and Robert Thomas, experts in both land use and Hawai'i's laws will discuss the potential judicial response to inverse condemnation claims as well as comment on other aspects of the litigation.

Perspectives on Bank Failures and Responses (Afternoon Session)

Speakers: Iris Ikeda, *FAICP, ACREL, ECommissioner, DFI*; Lawrence Okinaga, *Partner, Carlsmith Ball, LLP*

Course Description: A general discussion of what banks across the nation are doing, including our local banks, in regards to recent bank failures.

- History of dual banking - how states are involved with charters and supervision
- Leading up to the recent bank failures
- Bank failures- difference at the banks
- Regulatory response
- Ongoing supervision changes
- Steps banks are taking in response to the bank failures
- Congress proposals in response to bank failures.

ANDREA BOYACK

SESSION: AFFORDABLE HOUSING – HOW DO WE GET THERE?



Professor Andrea Boyack recently joined Mizzou Law from Washburn University School of Law where she was the Norman R. Pozez Chair of Business & Transactional Law and co-director of the school's Business and Transactional Law Center. Professor Boyack has written and published extensively in the areas of consumer law and housing issues, including pieces on tenant rights and eviction, consumer bankruptcy, housing integration and affordability, the Foreclosure Crisis, common interest community governance, and Fannie Mae and Freddie Mac.

Professor Boyack is the co-author of a widely used casebook, "Real Estate Transactions: Problems, Cases, and Materials" (Aspen, 6thed.), and is currently working on a book that explores six different conceptions of housing: "Framing Housing Law and Policy." Professor Boyack has published numerous additional scholarly articles in law reviews and journals.

Professor Boyack was named the William O. Douglas Professor of the Year at Washburn University and was an invited visiting professor at University of Iowa, Fordham University School of Law, and George Washington University School of Law. Professor Boyack has taught Property and Contracts for over 15 years. She also teaches multiple other courses that pertain to real estate, transactional, finance, and bankruptcy law.

Before she entered academia, Professor Boyack clerked for Judge John Gleeson of the United States District Court for the Eastern District of New York before practicing corporate, commercial real estate, capital markets, and finance law for more than 13 years in New York City and the Washington, D.C. area. She worked with several large law firms and as regional counsel to a publicly traded national real estate developer. Professor Boyack received her JD from the University of Virginia School of Law, a MALD from the Fletcher School of Law and Diplomacy at Tufts University, and a bachelor's degree with honors in Russian and International Relations from Brigham Young University.

THE REAL PROPERTY & FINANCIAL SERVICES (RPFSS) SEMINAR

DAVID CALLIES

SESSION: INVERSE CONDEMNATION AND PAYING FOR DISASTERS



For more than four decades, David L. Callies has taught law at the University of Hawaii's William S. Richardson School of Law where he was the Benjamin A. Kudo Professor of Law and taught land use, state and local government, and real property law.

Professor Callies is a prolific scholar and author (21 books, including *Regulating Paradise: Land Use Controls in Hawaii*, and *Regulatory Takings After Knick*) and has mentored generations of lawyers. Known especially for his work in property, land use, takings, administrative law, and state and local government law, he has also been presented with numerous awards including William and Mary's Brigham-Kanner Property Rights Prize, and the Owner's Counsel of America's Crystal Eagle.

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MEMBERSHIP GROWTH: AMBA benefits have been membership builders for every association we partner with.



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CALL CENTER SUPPORT: AMBA uses local field agents and dedicated call centers to create a full-service environment for association members.



Joshua Cipri



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THE REAL PROPERTY & FINANCIAL SERVICES (RPFSS) SEMINAR

MODERATOR: CATHERINE HALL

SESSIONS: AFFORDABLE HOUSING – HOW DO WE GET THERE?; INVERSE CONDEMNATION AND PAYING FOR DISASTERS



Catherine L. M. Hall is a Partner in the firm's Maui office and a member of the Litigation & Alternative Dispute Resolution Practice Group. Her practice focuses on real estate, business, commercial, probate, and trust related matters.

Catherine served as an Extern to the Honorable Susan Oki Mollway, Chief District Judge of the United States District Court of Hawai'i and the Honorable Michael D. Wilson, Judge of the First Circuit Court State of Hawai'i (now Hawaii Supreme Court Justice). While in law school she served as an Outside Articles Editor of the University of Hawai'i Law Review, a Real Property Research and Teaching Assistant, and a Contracts Teaching Assistant. She previously owned an activity sales and timeshare resort marketing business with locations on Maui and the Big Island.

IRIS IKEDA

SESSION: PERSPECTIVES ON BANK FAILURES AND RESPONSES



In December 2018, Governor David Ige re-appointed attorney Iris Ikeda as the State Commissioner of Financial Institutions. Ms. Ikeda has been the Commissioner since January 2011, first appointed by Governor Neil Abercrombie.

Commissioner Ikeda serves as a board member of the CSBS (Conference of State Bank Supervisors, the national organization of state bank commissioners), the chair of the CSBS State Coordinating Committee (which coordinates all multi-state exams with the Consumer Financial Protection Bureau ("CFPB")), and member (former chairperson) of the CSBS Legislative Committee, as well as a task force on AML Act which works with FinCEN. Ms. Ikeda served as Chairperson of the Conference of State Bank Supervisors ("CSBS") District V (twelve Western states) for five years and was a member of the CSBS Finance Committee.

Commissioner Ikeda is also the chairperson of CANNRA Banking and Finance subcommittee (Cannabis Regulators Association). This organization was created to focus on cannabis obstacles and issues faced by states.

Under Commissioner Ikeda's leadership, the Division of Financial Institutions ("DFI") became re-accredited by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators ("AARMR") in 2018. Under Ms. Ikeda's leadership, DFI first achieved accreditation in 2012 for banking supervision and 2015 for mortgage supervision. The CSBS accreditation program sets high standards for state banking regulators nationwide. Forty-two out of 52 states and territories meet CSBS accreditation requirements. In 2015, DFI was the eighteenth state in the nation to be accredited by the CSBS/AARMR for mortgage supervision. The CSBS/AARMR accreditation program sets high standards for state mortgage regulators nationwide.

Ms. Ikeda has a breadth of experience in banking as she has worked at a state-chartered depository financial services loan company (formerly known as an industrial savings bank), a state chartered denovo bank, and a national savings bank. Ms. Ikeda is a 2007 graduate of Pacific Coast Banking School and has an undergraduate degree from the University of Hawaii at Manoa, and a law degree from Willamette University College of Law.

THE REAL PROPERTY & FINANCIAL SERVICES (RPFSS) SEMINAR

LAWRENCE OKINAGA

SESSION: PERSPECTIVES ON BANK FAILURES AND RESPONSES



Lawrence Okinaga is a Partner in the firm's Honolulu office and a member of its Transactional practice group. He concentrates his practice in the areas of corporate, financial institutions, real estate, and administrative law. Mr. Okinaga has developed this deep experience in representing corporations, partnerships and individuals for more than 38 years. He regularly advises clients on business matters and supervises the firm's litigators in clients' disputes.

Mr. Okinaga is listed in Chambers USA: America's Leading Lawyers for Business 2023 for Corporate/Commercial: Finance. Chambers said: "Lawrence Okinaga is an outstanding attorney who is sought after by financial institutions for his expertise, with clients highlighting his provision of high-level strategic advice. He knows the insurance regulation process very well and has the relationships necessary to complete the matter." Mr. Okinaga was named Lawyer of the Year for Litigation - Banking and Finance for 2019. He was also named Lawyer of the Year - Banking of Finance Law -

Hawai'i by The Best Lawyers in America 2018. Best Lawyers also named him Lawyer of the Year for Administrative/Regulatory Law in 2015.

SHELLEY ROSS SAXER

SESSIONS: AFFORDABLE HOUSING – HOW DO WE GET THERE?; INVERSE CONDEMNATION AND PAYING FOR DISASTERS



While in law school, Professor Saxer served as the chief managing editor of the UCLA Law Review. Upon graduation, she clerked for the Honorable Wm. Matthew Byrne, Jr. of the Federal District Court for the Central District of California and then worked briefly as a corporate associate for the Century City law offices of O'Melveny & Myers.

She has published articles dealing with liquor store over-concentration in urban areas, the use of religious institutions for homeless shelters, conflict between local governmental units over commercial land use decisions that impact surrounding communities, eminent domain, inverse condemnation, the Religious Land Use and Institutionalized Persons Act, sex offender property disclosures and residency restrictions, water law, and zoning conflicts with First Amendment rights.

Professor Saxer is a co-author of Contemporary Property, American Casebook Series, Thomson West (5th ed. with Colleen Medill, Grant S. Nelson, and Dale A. Whitman) and a co-author of Land Use, American Casebook Series, Thomson West (8th ed. with David L. Callies, Robert H. Freilich, and Ashira Pelman Ostrow). She is co-author of Social-Ecological Resilience and Sustainability, Aspen Coursebook series, Wolters Kluwer (with Jonathan Rosenbloom).

Since joining the Pepperdine faculty in 1991, she has taught courses in real property, land use, community property, remedies, environmental law, water law, negotiation, and social-ecological resilience and sustainability. Professor Saxer has also taught as a Visiting Professor at University of Hawai'i Richardson Law and U.C.L.A. School of Law. Most recently, she has been speaking about the use of inverse condemnation in disaster situations such as flooding and wildfires. Her article, Paying for Disasters, 68 U. Kan. L. Rev. 413 (2020) discusses how various states have addressed inverse condemnation claims in conjunction with state constitutional "takings and damagings" clauses.

Professor Saxer is a member of the American College of Real Estate Lawyers, Order of the Coif, the American Bar Association, and the California State Bar. She has also been admitted to practice before the U.S. Supreme Court.

THE REAL PROPERTY & FINANCIAL SERVICES (RPFSS) SEMINAR

JESSE K. SOUKI

SESSION: AFFORDABLE HOUSING – HOW DO WE GET THERE?



Jesse Souki has spent the last two decades helping public and private landowners navigate the complexities of land use and planning policies, laws, and regulations in the state of Hawai'i. His work has included advising clients on a variety of land use matters across the state, including affordable housing.

As the past director of the State of Hawai'i Office of Planning and executive director of the Hawai'i Community Development Authority, his work included affordable housing policy and developing projects. He has successfully defended land use related matters before the Hawai'i Supreme Court, and enjoys presenting on land use matters to help landowners, lawyers, and development professionals work through Hawai'i's complex regulatory framework.

He currently advises the University of Hawai'i on land use matters related to development that supports the University's mission, such as student housing projects organized as public-private partnerships.

ROBERT THOMAS

SESSION: INVERSE CONDEMNATION AND PAYING FOR DISASTERS



After more than three decades in private practice in Hawaii and California representing property owners in takings, eminent domain, and land use cases, Robert joined Pacific Legal Foundation in 2021, where he serves as the Director of Property Rights Litigation. On his watch, PLF has argued and won several landmark Supreme court property rights cases, including *Tyler v. Hennepin County* (takings), *Sackett v. EPA* (Clean Water Act), *Wilkins v. United States* (Quiet Title Act), *Pakdel v. City and County of San Francisco* (takings), and *Cedar Point Nursery v. Hassid* (takings).

He also serves as the inaugural Joseph T. Waldo Visiting Chair in Property Rights Law at William & Mary Law School in Williamsburg, Virginia, where he teaches upper-division courses in eminent domain, land use, property rights, and property law. An elected member of the American Law Institute, 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. In addition, he recently completed a year as the Chair of the American Bar Association Section of State & Local Government Law and was the long-time chair of the section's Eminent Domain Law Committee. Robert also has served as editor-in-chief of the section's scholarly legal journal on municipal law issues, *The Urban Lawyer*. He is also the co-Planning Chair of the American Law Institute-CLE's long-standing three-day national conference on property and condemnation law, Eminent Domain and Land Valuation Litigation.

Robert also regularly publishes scholarly and practical articles in his area of practice, including most recently, *Hoist the Yellow Flag and Spam@ Up: The Separation of Powers Limitation on Hawaii's Emergency Authority*, 43 U. Haw. L. Rev. 71 (2020) and *Evaluating Emergency Takings: Flattening the Economic Curve*, 29 Wm. & Mary Bill Rts. J. 1145 (2021).

He also publishes a blog on land use, property, and takings law, inversecondemnation.com, one of the most widely read blogs on those subjects.

THE ENVIRONMENT, ENERGY AND RESOURCES (EERS) SEMINAR

THURSDAY, OCTOBER 19

MORNING SESSION: 9:00 A.M. – 12:15 P.M.

3 CLE CREDITS (INCLUDING ONE ETHICS CREDIT)

*Must attend all sessions to receive 3 CLE Credits

LIVE WEBCAST ONLY

Live Webcast HSBA CLE Virtual Classroom for HSBA members or via link for Non HSBA members and student bar card members

PFAS Spotlight: (1) Hawaii Department of Health Statewide PFAS Study and Upcoming Regulatory Requirements (2) Under the Radar PFAS Environmental Vulnerabilities – Consequences on Real Estate Transactions, Construction Projects, etc.

Speakers: (1) Mr. Melvin Tokuda, *Environmental Health Specialist, DOH*; (2) Dr. Janet K. Anderson, *Principal Toxicologist, GSI Environmental Inc., Austin, TX*

Course Description: (1) The Hawaii Department of Health conducted a Statewide Study to determine whether PFAS is in our drinking water sources. Mr. Tokuda will present the results of this study and explain some of the upcoming regulatory requirements. (2) Within the dynamic and uncertain landscape of PFAS environmental regulations, priority has rightfully been on locations of high volume PFAS releases and potential exposures to humans through drinking water and/or biota consumption. However, as more state and federal regulations are passed requiring sampling for and addressing PFAS at detection limits, many other environmental matters are coming to light. This presentation will address the challenges associated with including PFAS in Phase I Site Assessments, property redevelopment and/or real estate transactions, and large construction projects.

The Energy Transition, the IRA, and Environmental Law

Speakers: Emily Orler, *Esq., Attorney*; Ethan Shenkman, *Esq., Attorney*

Course Description: Reaching net zero carbon emissions will require a fundamental transformation of the global energy system, including the development of a wide range of clean energy technologies at scale and major changes to the energy infrastructure necessary to support them. This session will address how the landmark Inflation Reduction Act (IRA) is designed to boost a diverse array of clean energy technologies and make these technologies more competitive economically. This session will also address the critical role that environmental lawyers have to play in creating the new legal frameworks necessary to implement the IRA and facilitate the energy transition—from permitting reform, to land use regulation, to critical minerals, and to other supply chain challenges.

Developer Community Engagements: The Legal Ethics of Getting Buy In

Speakers: Ryan Little, *Esq., Attorney, Klinedinst PC*

Course Description: Now, more than ever, community buy-in is essential to the approval and success of a development project. However, as communities have become more conscious of the built environment, that buy-in is hard to obtain. Developers (and their lawyers) have increasingly turned to community engagement to overcome this obstacle—but what are the ethics of community engagement from the developer's perspective? And, for that matter, from the community's perspective? Join us to get practical advice for avoiding the ethical pitfalls inherent in the community engagement process.

Seminar Moderator: Frank Cioffi, *Attorney, Square One Legal LLLC*

THE ENVIRONMENT, ENERGY AND RESOURCES (EERS) SEMINAR

DR. JANET K. ANDERSON

SESSION: PFAS SPOTLIGHT: (1) HAWAII DEPARTMENT OF HEALTH STATEWIDE PFAS STUDY AND UPCOMING REGULATORY REQUIREMENTS (2) UNDER THE RADAR PFAS ENVIRONMENTAL VULNERABILITIES – CONSEQUENCES ON REAL ESTATE TRANSACTIONS, CONSTRUCTION PROJECTS, ETC.



Dr. Janet Anderson is a Diplomate of the American Board of Toxicology and Principal Toxicologist with over 15 years of experience providing toxicology, risk assessment, and risk management strategies for emerging and unregulated contaminants to federal agencies, private industry, and municipal clients. Dr. Anderson specializes in the translation of human health toxicology data into state and federal regulatory policy decisions related to environmental risk, remediation, and public health. She conducts site-specific risk assessments, including for CERCLA sites and environmental justice settings, and provides product stewardship risk evaluations. She has broad experience assessing the potential toxic characteristics of chemicals to support scientifically sound decision making and has extensive experience developing strategies to track, communicate, and mitigate human health risks and address potential liability associated with emerging chemicals such as per- and polyfluoroalkyl substances (PFAS).

MODERATOR: FRANK CIOFFI

SESSIONS: PFAS SPOTLIGHT: (1) HAWAII DEPARTMENT OF HEALTH STATEWIDE PFAS STUDY AND UPCOMING REGULATORY REQUIREMENTS (2) UNDER THE RADAR PFAS ENVIRONMENTAL VULNERABILITIES – CONSEQUENCES ON REAL ESTATE TRANSACTIONS, CONSTRUCTION PROJECTS, ETC.; THE ENERGY TRANSITION, THE IRA, AND ENVIRONMENTAL LAW; DEVELOPER COMMUNITY ENGAGEMENTS: THE LEGAL ETHICS OF GETTING BUY IN



Frank Cioffi is a Hawaii-licensed attorney and civil/environmental professional engineer (PE) with over 28 years of experience assisting clients with environmental compliance. Frank's environmental expertise was built during a variety of diverse roles, including as an attorney in private practice in Hawaii as well as at the US EPA's Office of General Counsel at their headquarters in Washington, DC, as a multiple-term extern at the Hawaii Supreme Court, and as the environmental engineering department manager for Hawaii's (and the nation's) largest engineering firm. His experience includes environmental compliance in a variety of media and subject areas; administrative rulemaking; regulatory enforcement, defense, and negotiations; land use; and civil litigation. Frank currently serves as the Vice Chair of the Environment, Energy & Resources Section (EERS) of the Hawaii State Bar Association (HSBA).

RYAN LITTLE

SESSION: DEVELOPER COMMUNITY ENGAGEMENTS: THE LEGAL ETHICS OF GETTING BUY IN



Now, more than ever, community buy-in is essential to the approval and success of a development project. However, as communities have become more conscious of the built environment, that buy-in is hard to obtain. Developers (and their lawyers) have increasingly turned to community engagement to overcome this obstacle—but what are the ethics of community engagement from the developer's perspective? And, for that matter, from the community's perspective? Join us to get practical advice for avoiding the ethical pitfalls inherent in the community engagement process.

THE ENVIRONMENT, ENERGY AND RESOURCES (EERS) SEMINAR

EMILY ORLER

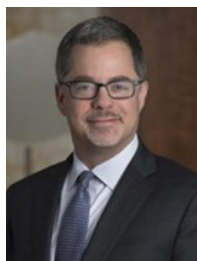
SESSION: THE ENERGY TRANSITION, THE IRA, AND ENVIRONMENTAL LAW



Emily Orler's practice focuses on assisting a wide array of clients on the full lifecycle of environmental review and permitting—including litigation, compliance counseling, rulemaking, and legislative advocacy. Emily builds on her decade of federal government experience leading environmental reviews of major energy-related projects to help clients strategically navigate complex matters. Emily has advised and defended clients in matters involving mining operations, refineries, pipelines, railroads, and electric transmission lines. She has worked on cases involving administrative record review, tort actions, and environmental enforcement defense. She has particular expertise in the National Environmental Policy Act (NEPA) and in greenhouse gas (GHG) emissions and climate change issues at both the federal and state levels, including GHG emissions and climate change impact assessment, GHG reporting and accounting, and carbon markets. Prior to joining Arnold & Porter, Emily worked for the U.S. Department of Energy, the U.S. Department of the Interior, and the U.S. Department of Agriculture managing reviews of infrastructure and cleanup projects under NEPA, the National Historic Preservation Act, and the Endangered Species Act.

ETHAN SHENKMAN

SESSION: THE ENERGY TRANSITION, THE IRA, AND ENVIRONMENTAL LAW



Ethan Shenkman brings more than 16 years of government experience to bear on his wide-ranging environmental practice, which includes representing clients in trial court and appellate matters, and in regulatory matters before federal and state agencies. He is nationally known for his work with climate change policy and the energy transition, counseling clients on cutting-edge issues such as renewable fuels, carbon capture and sequestration, methane regulation, the phaseout of HFCs, renewable energy permitting, as well as NEPA and other climate-related litigation. He frequently represents clients in regulatory litigation before the D.C. Circuit Court of Appeals and other courts challenging or defending EPA decisions and programs. His government experience includes serving for seven years as a political appointee in the Obama Administration, most recently as Deputy General Counsel at the US Environmental Protection Agency and, prior to that, as Deputy Assistant Attorney General at the US Department of Justice's Environment and Natural Resources Division. He also served as a career attorney and litigator at DOJ for nine years. Ethan teaches

environmental law at the Georgetown University Law Center and is a featured columnist on private practice and public policy for The Environmental Forum.

MR. MELVIN TOKUDA

SESSION: PFAS SPOTLIGHT: (1) HAWAII DEPARTMENT OF HEALTH STATEWIDE PFAS STUDY AND UPCOMING REGULATORY REQUIREMENTS (2) UNDER THE RADAR PFAS ENVIRONMENTAL VULNERABILITIES – CONSEQUENCES ON REAL ESTATE TRANSACTIONS, CONSTRUCTION PROJECTS, ETC.



Melvin Tokuda has served as an Environmental Health Specialist for the last 30 years. Melvin started off his career at the Hawaii Department of Agriculture, Pesticides Branch where he worked in the Enforcement Section conducting inspections and complaints investigations. He then transitioned to the Hawaii Department of Health, Environmental Management Division, Safe Drinking Water Branch where he assists public water system with compliance requirements and has served Project Manager on environmental investigations and studies. Melvin received his Bachelor of Science in Agriculture from the University of Hawaii at Manoa.

THE FAMILY LAW SEMINAR

FRIDAY, OCTOBER 19

ALL DAY: 8:45 A.M. – 4:15 P.M.

OPENING REMARKS WITH JUDGE MATTHEW VIOLA: 8:45 A.M. – 9:00 A.M.

6 CLE CREDITS

*Must attend all sessions to receive 6 CLE Credits

LIVE IN-PERSON ONLY

Japanese Cultural Center of Hawai'i, 2454 South Beretania Street, Honolulu, HI, 96826

SBP and TSP: The Survivor Benefit Plan and the Thrift Savings Plan

Speaker: **Mark E. Sullivan**, *Principal, Sullivan and Hilscher Family Law in Raleigh, North Carolina*

Course Description: What is the Survivor Benefit Plan? How much does it cost, how are premiums paid, and what are the benefits? Is there anything which would disqualify the spouse from coverage? Is it automatic, or do you have to request coverage? Can the servicemember effectively oppose the award of SBP and, if so, how is this done? How can the spouse ensure that the Survivor Benefit Plan (SBP) is not omitted? If it is lost, can Servicemembers Group Life Insurance replace it? If SBP is ordered, can the court require the spouse who receives it to pay for it?

“You Can’t Do That!” — Limits, Prohibitions and Work-Arounds in Military Pension Division

Speaker: **Mark E. Sullivan**, *Principal, Sullivan and Hilscher Family Law in Raleigh, North Carolina*

Course Description: There are numerous restrictions on pension division and SBP, many of which are hidden deep in the regulations and are absurd or illogical. This program explains how to identify roadblocks in the statutes, regulations and cases with regard to the election of Survivor Benefit Plan coverage for the ex-spouse, the four methods for dividing the military pension, the inclusion of COLAs (cost-of-living adjustments) in the divided pension, the use of alimony as a substitute for pension division, the rejection of the pension division order by the retired pay center, and where to go when all the deadlines have expired. It also covers how to use two alternate calculations of the community property share in Guard/Reserve cases, getting DFAS to tell you what a retiree’s pay is, and how to get back payments from the retired pay center for arrears due to the spouse.

Presentation of the 2023 Supplement to the Hawaii Divorce Manual

Speakers: **Bill Darrah**, *Mediation Center of the Pacific*; **Roxanne Kwong**, *Law Offices of John W. Schmidtke, Jr*

Course Description: Over forty-eight (48) years ago a small group of judges, lawyers, and other family law professionals got together and created the very first edition of the Hawaii Divorce Manual.

They hoped that the Manual would serve as “a prototype for the development of an entire set of attorney practice books in all major substantive areas”, and as a “resource for standardized [divorce] forms”, that the use of the Manual would result “in the upgrading of the quality of family law practice”, and that by “increasing the efficiency of divorce practice [the Manual would create] cost savings that can be shared between the attorney and client.”

With these same exact goals in mind, the Manual has now been updated thirty-two (32) times since it was first published in 1975.

The Judiciary website describes the Manual as a valuable resource for divorcing individuals, and those helping them. The Judiciary distributes copies of it to all of the Family Court judges. Appellate determinations cite it as authoritative. Only in the Manual can you find digests of all of the memorandum opinions and SDOs which since July 2008 have constituted the vast majority of all of the divorce-relevant determinations by the ICA, and the Supreme Court.

For these reasons, the Manual is the undisputed go to resource when it comes to understanding the law and process of divorce in Hawaii.

In 2021 we created The Manual Project, a collaboration of stakeholders including the HSBA, the FLS, the Richardson Law School, the Family Court, and the Mediation Center of the Pacific, dedicated to the continued success of the Manual. Together we have now created both the 2022 supplement, and the 2023. . . (Continue reading on page 18)

THE FAMILY LAW SEMINAR

. . . supplement, to the Manual.

The 2022 supplement to the Manual revises eighteen (18) of the twenty-five (25) Sections of the Manual. It completely updates Section 2 (Divorce Overview), the word searchable encyclopedia of divorce law and practice so that it now includes all of the cases and statutes through August 31, 2022. Because of its scope, the 2023 Manual supplement largely serves as a replacement for the 2015 9th edition of the Manual, with its 2016-2019 supplements.

The 2023 supplement to the Manual will be presented during the Family Law Section program at the HSBA bar convention on Friday October 20, 2023. Among other things, the 2023 supplement to the Manual will include:

- Digests of all of the divorce-relevant published opinions, memorandum opinions, SDOs, and otherwise citable orders and dispositions, decided by the ICA, and the Supreme Court, between August 1, 2022 and August 31, 2023.
- Digests of all of the divorce-relevant statutes enacted by the 2023 Hawaii legislature.
- An update of Section 3 (Custody) of the Manual including all of the cases and statutes pertaining to the determination of legal and physical custody of minor children incident to divorce decided/enacted since 2015.
- An update of Section 4 (Property Division) of the Manual including all of the published opinions and statutes pertaining to divorce property division decided/enacted since 2015.
- An update of Section 8 (Child Support) of the Manual including all of the cases and statutes pertaining to the determination of child support, child healthcare, and child education expenses for minor and dependent adult children incident to divorce decided/enacted since 2015.
- An update to Section 9 (Spousal Support) of the Manual including all of the cases and statutes pertaining to the determination of alimony incident to divorce decided/enacted since 2015.
- A copy of all of the HFCR 83 First Circuit Family Court divorce-related policy and procedure memoranda issued since the Manual was last updated.
- A copy of all of the HFCR 84 First Circuit Family Court-authorized divorce practice forms which are not on the Judiciary website.

Military Custody Issues

Speaker: [Mark E. Sullivan, Principal, Sullivan and Hilscher Family Law in Raleigh, North Carolina](#)

Course Description: With the mobility of today's military family and the high rate of divorce, custody and visitation in the context of a servicemember or a spouse can be complex, fast-paced and confusing. This presentation brings together visitation clauses for the military family, types of custody (and how they fit in the military lifestyle), the wishes of the child, mediation, priority trial settings (to speed up the process), and the Servicemembers Civil Relief Act (to stay the proceedings). Also covered is the Uniform Deployed Parent Custody and Visitation Act, dealing with issues such as expedited hearings, electronic testimony, retention of custody jurisdiction in the event of a deployment, and delegated visitation right to a close family member of the visiting parent who is deployed.

Military Child Support

Speaker: [Mark E. Sullivan, Principal, Sullivan and Hilscher Family Law in Raleigh, North Carolina](#)

Course Description: This presentation covers how to get child support flowing without filing suit, what elements of military compensation should be included in support calculations, how to read a Leave and Earnings Statement (LES), what pay is included in garnishment and income-withholding orders, what military medical care includes, and how to enforce child support.

Military Disability Retired Pay and Family Law

Speaker: [Mark E. Sullivan, Principal, Sullivan and Hilscher Family Law in Raleigh, North Carolina](#)

Course Description: When a servicemember is found to be unfit for service, he or she is "mustered out" with an involuntary discharge and, in some cases, retired pay from the service. Is this retired pay divisible? What are the ways that can be used to calculate disability retired pay? Can it be garnished for family support? If so, what are the procedures to obtain a withholding order? Can a former spouse obtain SBP (Survivor Benefit Plan) coverage, even if the disability retired pay cannot be divided?

THE FAMILY LAW SEMINAR

WILLIAM C. "BILL" DARRAH

SESSION: PRESENTATION OF THE 2023 SUPPLEMENT TO THE HAWAII DIVORCE MANUAL



William C. "Bill" Darrah is a three-time former chair of the HSBA Family Law Section, the co-editor of the Hawaii Divorce Manual, a fellow in the American Academy of Matrimonial Lawyers, and the first Best Lawyers in America Hawaii Family Lawyer of the Year. After 43 years as a matrimonial practitioner, he retired in 2019. He now mediates with the Mediation Center of the Pacific and sits on the MCP board. He and Tracey Wiltgen, MCP's executive director, present Divorce Law in Hawaii, the Judiciary's monthly public education program begun in 2002.

ROXANNE KWONG

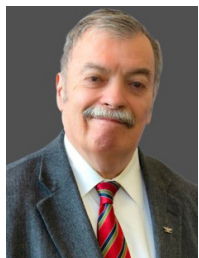
SESSION: PRESENTATION OF THE 2023 SUPPLEMENT TO THE HAWAII DIVORCE MANUAL



Roxanne Kwong is an attorney with the Law Offices of John W. Schmidtke, Jr. Her practice focuses on financially complex matrimonial cases. She has been the co-author of Section 2 of the Hawaii Divorce Manual since 2013, and the co-editor of the Hawaii Divorce Manual since 2014. She is a 2014 graduate of the William S. Richardson School of Law.

MARK E. SULLIVAN

SESSIONS: SBP AND TSP: THE SURVIVOR BENEFIT PLAN AND THE THRIFT SAVINGS PLAN; "YOU CAN'T DO THAT!" – LIMITS, PROHIBITIONS AND WORK-AROUNDS IN MILITARY PENSION DIVISION; MILITARY CUSTODY ISSUES; MILITARY CHILD SUPPORT; MILITARY DISABILITY RETIRED PAY AND FAMILY LAW



Mark E. Sullivan is the principal of Sullivan and Hilscher Family Law in Raleigh, North Carolina. A retired Army Reserve JAG colonel and a Board-Certified Specialist in Family Law, Mr. Sullivan is a fellow of the American Academy of Matrimonial Lawyers and author of *The Military Divorce Handbook* (Am. Bar Assn., 3rd Ed. 2019). He was co-founder of the military committee of the North Carolina State Bar in 1981 and is past chair of the Military Committee of the ABA Family Law Section. He received the ABA's Grassroots Advocacy Award in 2014 for his work on military custody statutes and the Uniform Deployed Parents Custody and Visitation Act. He assists attorneys nationwide in drafting military pension division orders and consulting on military divorce issues.

IMPORTANT INFORMATION

Registration:

Online registration is available for HSBA Members. Non-HSBA Members and Student Bar Card Members can download a fillable PDF registration form. Visit [HSBA.org/2023BarCon](https://hsba.org/2023BarCon) to register today!

Cancellation:

Cancellation requests must be received in writing (to CLE@HSBA.org or by mail by Thursday, October 5, 2023 for a full refund. There will be no refunds for no shows.

Insufficient Funds:

A \$30 fee will be charged for checks returned due to insufficient funds.

Course Materials:

In an effort to be green, the Bar Convention course materials will all be downloadable with links sent via email. The email will include all course information. Attendees may print the materials prior to attending or simply view downloaded materials on their tablet, phone or laptop.

Notice of Videotaping/Photography:

With the permission of guest speakers, the HSBA selectively webcasts and videotapes CLE seminars for attorneys not physically present in the seminar room. As an in-person attendee your voice and likeness may be included in the webcast or videotape. By attending the seminar you are authorizing the HSBA to include name, voice and likeness to the extent included in the webcast or video recording. Video recordings may be made available for purchase and viewing on the HSBA website.

Disclaimer:

The representations made at this Bar Convention 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.

Questions/Special Accommodations/ADA:

Contact the HSBA CLE Department by phone: **(808) 537-1868** or email: CLE@HSBA.org. Please provide request for accommodations by October 5, 2023.

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