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A Tribute to Our Founders - Part 3

By Denis C. H. Leong

This article is the third in a series on our Firm's Founders - Frank Damon and Henry Shigekane. The prior two articles gave a snap shot of their diverse backgrounds and formative years. Frank came from Caucasian, Christian, missionary stock in Honolulu and Henry fought his way up as a second generation Asian from Hilo. This article focuses on what they brought to their law partnership formed in 1963 and how their aspirations, philosophies, contributions, work habits, temperaments, and different styles shaped what today is Damon Key Leong Kupchak Hastert.



To give the perspective of my point of view, I was the fifth lawyer in the Firm, having joined in 1969. Initially I served in a number of internal administrative capacities during my 40 years with the Firm; after Henry retired, I eventually served as the Firm's President/Managing Director for well over half of my tenure.

Hawai'i During the 1950's and 1960's

Prior to the 1950's, the Hawai'i economy was largely dependent upon sugar cane, pineapple and, of course, tourism and the military. The local economy and social structure was highly influenced, if not controlled, by a few large companies as it had been for many years. The individuals outside of the power structure were forced to bind with each other to form ethnic based banks to obtain loans. There were few, if any, Asians or women lawyers in the "large" and established law firms in Hawai'i, and I do not recall any Asian or women law partners. Judges of Hawaii's Supreme Court and Circuit Courts were appointed by the federal government. Many organizations and country clubs in Hawai'i were racial and gender biased with limited, if any, Asian or female representation.

Following WW II and during the Korean Conflict, veterans under the GI Bill and others coming out of the indentured labor plantation environments set out to seek higher education, business opportunities, and independence. These war veterans and other students with college, graduate and professional degrees started returning to Hawai'i during the 1950's as significant political, social, and economic changes were occurring.

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In 1954, Democrats took over the Hawai'i legislature for the first time and created a political power block of "locals." In 1959, when Hawai'i became a state, doors of all kinds opened, giving new opportunities to the ordinary citizen. Hawai'i also began electing its own public officials. Instead of being appointed by the federal government, Hawai'i's state court judges began to be appointed by the Governor of Hawai'i and confirmed by the Hawai'i State Senate. This was a significant change to our court system as the new cadre of judges had different views, backgrounds, and political affiliations than their federally appointed predecessors. There was literally a change of judicial complexion. Representatives of the Big Five and other powerful economic groups had to start dealing directly with legislators coming from the contract labor background. With these changes, the playing fields started to level. Compared with other states in the union, Hawai'i was racially tolerant and sensitive. However, the playing fields for Hawai'i businesses, the legal profession, social organizations and clubs, and society itself were still not close to being as level as they are today.

During the 1960's we experienced the adoption of the Civil Rights Act, and President Kennedy's initiatives and encouragement of young people to get involved and to cause a positive change. Then came the Vietnam War, government protests, a movement towards individual rights and freedom, and the beginning of the "anything goes" carefree life style. In Hawai'i, progress was slow, although the armor had been pierced, and change had begun.

Damon & Shigekane Formed In 1963

The political, economic and social environments, and the opportunity for equality for all citizens of Hawai'i in 1963, contrasted sharply from Hawai'i today. When Frank and Henry formed the law partnership of Damon & Shigekane, the Firm was one of the first, if not the first, multi-racial law firms in Honolulu. In this regard, Frank and Henry, though unwittingly so, were pioneers in advancing racial harmony and equality in the law profession in Hawai'i.

The Firm began with a little office in the former Hawaiian Trust Building with three cubicles and a secretary. As the two young lawyers ventured out, they set one rule to follow: Damon & Shigekane would not borrow money from any financial institution for operations; both Frank and Henry and those succeeding them would work hard to make sure the Firm prospered with keen financial planning. The Firm moved to the Melim Building in the late 1960's. In 1973, it moved to the 10th floor of the City Bank Building. After adding space on the 9th, 8th, and 7th floors and not being able to consolidate its office spaces and integrate the quickly advancing technology, the Firm moved in 1985 to the Pauahi Tower of Bishop Square where it presently occupies the entire 16th floor.

Embracing, Passionate and Compassionate

As a young lawyer in the Firm in 1969, I found the Founders to be embracing, passionate and compassionate. Although a stranger to both, they took me in as one of their own as they did those following me and treated me as one of their ohana. Both of them loved what they were doing and diligently worked long hours to gain the trust and confidence of the Firm's existing and potential clients. Those days were more relaxed during the long work hours including working on Saturdays as a matter of course as everyone in the office just worked without giving it much thought or thinking they were working too hard. This was before the term "quality of life" was coined. We worked the billable hours and many other hours together without realizing what we were doing. In looking back, because we really enjoyed working with each other, the time passed quickly.

As keeping time records and billing by the billable hour became the norm in our profession throughout the country including Hawai'i, we had a difficult time making Henry conform to this tedious chore. Henry liked to bill for the job and what it was worth and what he thought he was worth. So, before we even heard of the terminology, our Firm was already exercising alternative billing practices. In many ways, our little shop was ahead of the times while at the same time being just a part of that period.

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If you needed any help, whether it was trying to get your child into a private school, a personal problem or, perhaps, a small loan, the Founders were there to help. All you needed to do was ask. If the Founders said they would help, their support was unwavering.

Henry came to me one day and said you now have a child (born in 1969) and need to protect your family. He said he would pay for one year of life insurance to protect my family, and recommended that I continue to keep a life insurance policy. To the Founders, family was a cornerstone of life that needed to be nurtured and protected, and they always led by example.

Different Work Styles But Common Philosophy

Their personal styles, temperament, and work habits were not similar, other than their insistence to do it right and to do what was right. Frank was orderly, organized, detailed, and methodical. His secretary sharpened his pencils daily and kept his calendar. Frank took care of the office details as the Chairman of the Board of the Firm as well as his many clients, large and small. He was predictable and set in his ways, even as a young man, and always the classy, warm, polite gentleman who was somewhat formal, but whom no one could dislike. This has not changed.

Henry was the impulsive, no nonsense, slash-and-burn and move-on type, quick as a samurai and a devastating opponent in the courtroom or at a Public Utilities Commission or other administrative contested hearing. He used a fountain pen, which he could usually find in the mess on his desk. One could readily see that Henry, who appeared to be low key and relaxed with his pipe in one hand and billowing smoke rising, was really a lawyer thinking all of the time and a genius in action. Henry was the consummate attorney/entrepreneur, advising and working with development clients as their attorney and, in some cases, as their business partner in creating the Honolulu as we see it today, especially the Hawaii Kai and Waikiki areas. When Henry retired from practicing law with the Firm in 1978, he went in-house with his development partners for a while, before retiring completely from the law profession and business. Extremely sharp and quick, Henry would often surprise you by what he did or didn't do. He could be very engaging and charming - if he wanted to be. That has not changed.

Ethical Conduct Critical

One principle the Founders never wavered from was fair play and ethical conduct. Frank was a strong and active advocate for the regulation of ethical conduct among attorneys in the Hawaii State Bar Association (HSBA). He helped create and continue a system in the HSBA of regulating ethical conduct among attorneys, which continues today. Neither Frank nor Henry would budge from what was right and proper. Winning a case or making money was never a justification to deviate from this principle. This has been a hallmark of the Firm, and we always played it straight in the legal profession and in business. Ethical conduct, as exemplified by the Founders in their personal lives as well as in their law practice, has been a major factor for the Firm's success and sound reputation in the legal community and the community at large.

Fiercely Independent

Henry once told me one advantage of being a lawyer is that you can choose for whom you want to work. You have the opportunity to pick and choose your clients, and always remain independent. If you know Frank and Henry, you know what I mean. You could easily spot when either of them was stuck on a point. Yet, there was always a way to negotiate a compromise that would make the most sense for the group. Working an acceptable profit allocation among the partners, sharing the use of support staff, selecting offices and parking spaces, and similar issues were always easily resolved between, and by, Frank and Henry, which has caused others to follow their example.

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Frank was more the front guy in the community, as Henry was more for supporting causes quietly. When Frank was the HSBA President in 1968, an influential businessman sought to integrate The Pacific Club, which to that point had excluded Asians from its membership. Although this practice was consistent with those of some other social clubs and organizations in Honolulu, it was inconsistent with the racial demographics in Honolulu. Frank strongly believed continued racial segregation was unacceptable. He was asked to name two highly respected Hawai'i attorneys, one Japanese and one Chinese, who could not be denied membership to The Pacific Club for any legitimate reason but race. Frank provided the names and, over the objections of some members, these two nominees became The Pacific Club's first Asian members. This helped to break similar barriers at other institutions. Having seen the wisdom and courage of its decision in 1968, The Pacific Club has now honored its first two Asian members with life memberships.

Giving Back

In the prior articles, you read how the Founders gave back to the community. Since the last article, we have learned that Frank will be awarded the 2009 "O" in Life award by the Punahou Alumni Association (PAA), the highest honor bestowed by that organization. It is being awarded to Frank, a fourth generation Punahou School trustee, because he exemplifies the ideals of service to Punahou School and the community.

The Firm 46 Years Later

From the habits of the Founders, we have learned to operate our Firm so as to encourage the individualism, imagination, entrepreneurship, and to some extent the different work methods of each attorney. Each is different, unique, and needs to be creative to best serve our clients. The Firm continues to be organized with enough administrative rules and policies to operate in an organized and uniform manner. Yet, administratively, there is a continued attempt to give each attorney sufficient space in which to maximize his/her unique abilities. This form of centralized/decentralized management and organization began in order to accommodate the disparate work habits, personalities, and styles of the Founders and has continued successfully until today.

Growing from two attorneys and three employees, the Firm now has 25 attorneys and more than 50 employees. During the last 46 years there have been many changes in facilities, technology, and personnel. The employment opportunities for young lawyers today have become virtually unlimited, unlike in 1963. Law firms now employ young lawyers and partners without regard to the biases of the 1960's. Change is the word of the day and changes are occurring every day, not only in technology but also in the thinking, work habits, priorities, and philosophies of the young lawyers and the community at large. Yet, many of the principles, ideals, and lessons taught to us by the Founders are still ingrained into the present culture of our Firm. Consider the Firm's core values:

- 1. Passion for Client Work - Perform work for clients with passion. Keep the client's best interests in mind and perform legal work efficiently, competently, compassionately, and do the very best you can. Conduct yourselves professionally.*
- 2. Sense of Humor - Be willing to laugh at yourself, laugh at others and have others laugh at you. Enjoy what you are doing.*
- 3. Integrity and Ethics - Never compromise integrity or ethics. Always be fair and reasonable in decision making and in taking action.*
- 4. Ohana and Sacrifice - Take care of your family and treat your employees and clients like family. Sacrifice for the good of the Firm and its other members.*
- 5. Acceptance - Work cooperatively and well with everyone and accept their differences.*
- 6. Community - Contribute and give back.*

Frank and Henry left the office each day proud of what they accomplished.

TACKLE THE DREAD. WITHIN THE FOUR SEAS ALL MEN ARE BROTHERS.

Kubota to be Featured as a Wahine in Hawaii Business

Christine Kubota, a partner with Damon Key Leong Kupchak Hastert, will be featured in the second annual Wahine in Hawaii Business Forum 2009. The theme is “Global Focus, Giving Back” and Christine will speak on the panel, “Worldly Wise Women: International Business”. The panel explores business in today’s global economy and the importance of a basic understanding of cultural protocols. Christine will share her expertise on Japanese customs and its cultural effects on business. A focus will be placed on the experiences of women in international business as they vary from that of male counterparts. The panel will include Bee Leng Chua and Carla Kearns, international businesswomen with extensive knowledge on Singapore and China (respectively). Expect Christine and her fellow panelists to burst stereotypes, provide better perspective and in some cases give us a chuckle.

The forum is on Tuesday, July 14, 2009, 8 a.m. – 2 p.m. at the Sheraton Waikiki. Other panel discussions will focus on global leadership and volunteerism, financial fitness, negotiation, personal branding, smart community service—as they relate to women in Hawai‘i business—and addressed by more than a dozen prominent Hawai‘i businesswomen. The keynote speaker of the Forum is Peggie Pelosi, author of Corporate Karma. She is a pioneer in strategic corporate philanthropy. Her message is compelling and relevant for a nation responding to a call for civic involvement and accountability. Pelosi has inspired and motivated audiences to take action for social responsibilities. Her presentation is entitled, Karma: How Businesses Can Move Forward by Giving Back.

The Wahine in Hawaii Business Forum is hosted by Hawaii Business magazine and is being offered in collaboration with the Junior League of Honolulu’s HerStory, Hawaii’s longest running women’s conference, now in its eight year.

Hawaii Business is the nation’s oldest regional business magazine. The magazine reaches more than 75,000 readers every month giving top executives, small business owners and professionals of all industries insight into our island economy. The Wahine in Hawaii Business Forum was created specifically for the island businesswoman and the unique challenges she faces. Like the rest of the world, the landscape of Hawai‘i business is changing and the need to attract and retain talented women employees and entrepreneurs is paramount to the health of our businesses and our economy. The Wahine Forum is a catalyst for positive change.

The Junior League of Honolulu is an 85-year-old organization of women committed to promoting voluntarism, developing the potential of women and improving communities through the effective action and leadership of trained volunteers. The Junior League joins Hawaii Business Magazine this year adding its successful HerStory as a track within Wahine in Hawaii Business. HerStory has been an annual conference for women bringing together stimulating information and distinctive perspectives. HerStory has been characterized as a “day spa” for the heart, mind and soul.



Christine A Kubota





The New Generation of Associates

Adding to the next generation of outstanding talent on our team is the way Damon Key Leong Kupchak Hastert continues to serve our clients with creative and innovative approaches to legal problems. Our new associates are Joseph Huster, Christi-Anne H. Kudo Chock, Matthew Evans, and Caron Ikeda, who bring to our firm diverse backgrounds, interests and experiences.

A California native, Joe previously served in the military in Hawai'i. He earned his undergraduate degree in philosophy from the University of Hawai'i and a PhD from the University of Utah. After teaching philosophy for ten years, he received a JD degree from the University of Utah. His practice focuses on civil litigation.

Christi received her B.A. from the University of California, Berkeley and a JD degree from the University of Hawai'i. Prior to law school she worked at a public relations firm in San Francisco and danced with the Hawaii Ballet Theatre. She practices in the area of litigation involving construction, land use, and insurance.

Matt graduated from the University of Hawai'i with a degree in communications before attending the William S. Richardson School of Law. He minored in music as an undergraduate and plays the bass guitar, trumpet, and piano. Matt's practice focuses on commercial litigation involving real estate, land use, and insurance.

Caron has a Bachelor's degree in Business Administration from the University of Hawai'i, LLM (Master of Laws in Taxation) and JD degrees from the University of Denver Law School; she clerked at the First Circuit of Hawai'i. She likes to travel and read, and especially enjoys hosting theme dinner parties. Caron's practice includes estate planning and tax law.

At Damon Key, a 46 year-old kama'aina law firm, you'll find many attorneys like Joe, Christi, Matt, and Caron with diverse backgrounds and expertise. In addition to litigation and dispute resolution, our practice emphasizes estate planning, real estate, construction and land use, bankruptcy and creditors rights, labor and employment, business and commercial, insurance and immigration law.

It's hard to be proud and modest. So, we say simply, all of our attorneys are ready to partner with you to prevent or resolve your legal problems.

An Inauguration to Remember

By Diane D. Hastert



On January, 20, 2009, with 1.8 million friends, I attended the inauguration of President Barack Obama. Having experienced this personally, this inauguration was historic and exciting for reasons beyond the obvious and regardless of one's politics.

First, Washington, D.C. is a "company" town, and generally the "locals" and the tourists don't mix. This time it was different. Washingtonians stopped to assist visitors, "May I help you find . . . ?" "One couldn't stop for coffee without having someone ask, "Where are you from?" Responding, "I'm from Hawaii," had a special cache.

Second, residents and visitors alike were hopeful, upbeat, courteous and despite the stunning crowds, incredibly cheerful. Not a single arrest was reported on the Mall that day. We took the 7:00 am Metro from Alexandria, Virginia to Union Station. It was very crowded, but there was no jostling. A very large security perimeter surrounded the Capitol, the parade route and all of the ticketed areas. We waited in line for about 90 minutes; passed through security and made our way to a standing area near the front. Multiple jumbo screens were erected between the Capitol to the Lincoln Memorial, and it was shoulder-to-shoulder people as far as we could see. The sun shone, and it was well below freezing. There was lots of foot stomping, but no one left, and there were no complaints. When Aretha Franklin sang "My Country 'Tis of Thee" there wasn't a dry eye for miles.

After the inauguration, we made our way to a reception overlooking the parade route on Pennsylvania Avenue, where we thawed out and talked to people from all over the country. It seemed everyone had a story to tell about why this inauguration meant something different than those in the past. We were amazed at how many people had gone to such great lengths and sacrifice to be there. One couldn't help but be moved.

Braving even colder temperatures after the sun went down, we took the Metro back to Virginia, changed into our evening wear and returned to Washington for the Home States-Hawai'i-Illinois Ball. The people watching was incredible – evening gowns and cowboy boots, furs and jeans, Uggs and everything, a man with several hundred campaign buttons on his tuxedo talking to a very fancy lady carrying her shoes and heavy socks – people from everywhere sharing their stories.

For just a day it felt like a celebration of democracy. And I felt privileged to be there.



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Attorneys in the News

Christine K. Kubota, was the MC for Dr. Inamori Forum (former Chair of Kyocera and KDDI) in May at the Honolulu Japanese Chamber of Commerce. The topic was “The Value of Partnership Management with Employees (Opportunity in Crisis)”. Chris also spoke at the Mid-Year Conference for the Hawaii State Bar Association in May in a two-hour session under GLOBALIZATION AND YOU. Chris has been appointed to the Board of Directors of United Japanese Society, she has been a member since 2005.

Anna H. Oshiro, was a keynote speaker at ACEC in April. The topic was “What’s Happening in Construction Law”. She also was a speaker at CFMA (Construction Finance Management Association) first meeting seminar on “Getting Paid on Construction Projects: Bankruptcy and Mechanics Liens”. Anna is the Associate Editor for the Construction Lawyer Journal of the Forum on the Construction Industry which is published quarterly. She also is the author for Hard Hat Case Notes in the same publication.

Mark M. Murakami, presented a talk entitled “Sonar and the Whales: the Winter vs. NRDC decision” for the Windward Rotary Club in March. He was a Co-panelist with Justice Mark Recktenwald for Professor Randy Roth’s Professional Responsibility class at University of Hawai’i Law School in March. Mark taught a Domestic Ocean Law class at the University of Hawai’i Law School in March. He also participated in the University of Hawai’i Environmental Law Program Self-Study Focus in April. Mark sponsored the HSBA Admiralty Section presentation on Natural Resource Damage Assessments by the State of Hawai’i in April.

Tred R. Ebery, was a co-presenter in March at a roundtable at the ABA Section of Litigation, Insurance Coverage Litigation Committee in Tucson. The title of the presentation was “Transfer of Coverage Under the Predecessor’s Liability Policies”.

