Summer / Fall 2020

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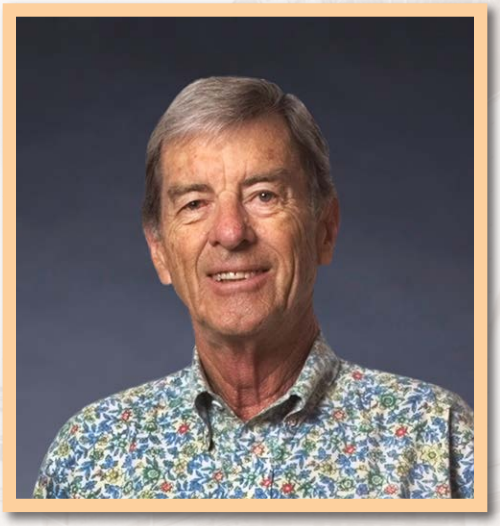
Aloha, Charlie B

R. Charles Bocken (1921-2020)



On August 11, 2020, our friend, mentor, and treasured colleague R. Charles Bocken passed away.

Charlie joined the firm as our fourth lawyer in 1968, and for decades his practice focused on business law, commercial litigation, bankruptcy reorganization and arbitration. He was appointed to represent several thousand Guamanians whose lands were taken for military bases after World War II and to supervise the distribution of a settlement fund approximating $40 million dollars.

A man of seemingly infinite talents and biography (World War II B-24 crewman, Chief Judge Advocate for the Pacific Air Forces, U.S. Supreme Court litigator (and winner; more on that below), and steady even-handed problem-solver), Charlie Bocken never raised his voice or had a bad word about anyone.

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Inside this Issue:

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Charlie and his wife Debbie

From his Nebraska roots, to heady times in the nation's capital, then finally to our shores as a named partner of the firm, he'd seen a lot, done a lot. But you'd never know it from meeting him because Charlie Bocken – he would insist he was "just Charlie" – remained a humble person of good humor, even though he was a dynamite lawyer with keen practical insights.

No better example of that than his challenging of established law and eventually winning in the U.S. Supreme Court the well-known and oft-cited case, *Kaiser Aetna v. United States*, 444 U.S. 164 (1979). This was a time before the rise of the specialized Supreme Court bar and the Court's shrinking docket, where even lawyers from small firms could get cases up to the big court. Not deterred by stacks of seemingly-contrary precedent, he and his young Associate Diane Hastert pushed and (pushed back) against the federal government, and after a lot of hard work and deep thinking, got the Court to take the case. Unfazed by the surroundings, Charlie argued the case on opening day, October 1, 1979. He won, and established a key national precedent that today remains one of the most important decisions affirming the rights of private property owners.

A mentor who never once acted like you were infringing on his time, and a partner that gave you a lot of leeway...

But Charlie Bocken was much more than this case, and much more than just a great lawyer. A mentor who never once acted like you were infringing on his time, and a partner that gave you a lot of leeway, he was also a real family person. When asked for his words of advice in a recent interview, he responded, "Be true to yourselves and work hard and get along and be good to your staff."

Damon Key's 50th Anniversary Party
Front Row: Frank Damon, Henry Shigekane, R. Charles Bocken
Standing: Ken Kupchak, Denis Leong

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"Charlie represented the very best of us and set collegial standards which still serve as our model..."

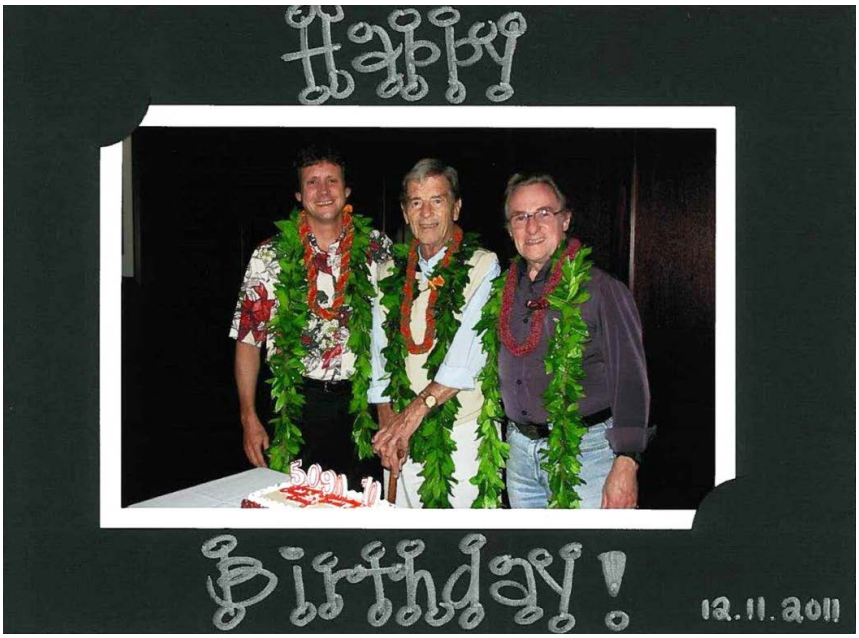
Denis Leong, who joined the firm just after Charlie, said, "Charlie represented the very best of us and set collegial standards which still serve as our model, and our firm has our good reputation in the legal, judicial, and larger community in great part due to Charlie. People think of us as sincere, loyal, patient, fair, caring, and reasonable, with Charlie as our flagship example. Charlie backed us to the end, and we continued to rely on his kindness and support even after he left the active practice of law."

Charlie also shared his thoughts with his younger and less-experienced colleagues. He provided this advice: "I think the things that are being related by Frank Damon, Charlie Key, and Henry Shigekane; that history I think will rub off on the young ones and they'll see that their time will come. When you have integrity and are competent, the dedication and we trust each other and complement each other in so many ways. The people in this firm are our greatest accomplishment." Denis also noted that one of the things Charlie did for *all* of us is develop our pension plan, and continue to build and work on it. "But for Charlie, I do not think we all would have the valuable pension plan we each enjoy today," Denis added.

Charlie, you didn't quite make it to the century mark as many of us hoped. But you came darn close, and in the time we shared, you brought many of us along on your coattails.

Diane Hastert—who was Charlie's trusted associate on the *Kaiser Aetna* case, and whose name now adorns our firm—summed up the feelings of all of us who knew and worked with Charlie over the decades, "I'll miss him more than I can say."

Aloha 'Oe, Charlie B. We're all going to miss you.



Celebrating Birthdays
From left to right: Doug Smith, R. Charles Bocken, David McCauley

The Final Word from The Hawaii Supreme Court on Nonjudicial Foreclosure by Condo Associations

By Na Lan

On June 17, 2020 and June 18, 2020, the Hawaii Supreme Court gave what might be the final word on the heated issue of condominium association liability for wrongful foreclosures in two cases, *Malabe v. AOAO Executive Center* (SCWC-17-0000145) and *Sakal v. AOAO Hawaiian Monarch* (SCWC-15-0000529).

To put this into context, Hawaii's nonjudicial foreclosure statutes includes two parts -- Part I and Part II of Hawaii Revised Statutes, Chapter 667. Part I is an older law with a simpler process lacking some notice and procedures. Part II, adopted in 1998, provided more procedural protections of the debtor, and required the debtor being foreclosed upon to sign a quitclaim deed to complete the foreclosure. Consequently, the Part II process was not used by lenders or associations when foreclosing.

Following the 2008 financial crisis, between 2009 and 2011, approximately over 600 nonjudicial foreclosures were undertaken by associations claiming to be acting under authority of Part I, relying on Act 236 passed in 1999 stating "the lien of the association … may be foreclosed by action or by nonjudicial or power of sale foreclosure procedures set forth in Chapter 667 … in like manner as a mortgage of real property." The problem was Part I explicitly limited the process to "[w]hen a power of sale is contained in a mortgage" when providing for the mortgagee's nonjudicial foreclosure, and nowhere in Part I refers to associations.

On May 5, 2011, Governor Abercrombie signed Act 48 (SB651) into law implementing recommendations of the mortgage foreclosure task force established in response to the nationwide foreclosure crisis. Act 48 imposed a moratorium on nonjudicial foreclosures under Part I on owner-occupied residential real property until July 1, 2012, fixed Part II to eliminate the requirement that the mortgagor sign the deed after foreclosure, and also made a violation of Chapter 667 a violation of Hawaii's unfair and deceptive acts or practice statute, i.e., Chapter 480, which could lead to treble damages penalties.

On June 28, 2012, Governor Abercrombie signed Act 182 (HB1875), which repealed Part I and added a new Part VI to Chapter 667, entitled "Association Alternative Power of Sale Foreclosure Process" but a significant portion of this Act did not take effect until two years after its effective date.

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Mr. Sakal filed a motion in circuit court in December 2012 seeking an injunction to stay a nonjudicial foreclosure sale by his association of his unit to be held in four days. He lost the motion, so the association sold his unit to a third party purchaser (Kogen), and recorded a quitclaim deed on January 16, 2013 in the Land Court conveying title to Kogen. Mr. Sakal then sued the association, Kogen, and his LLC holding title of the unit in May of 2014 for wrongful foreclosure against the association, and common law trespass and quiet title claims against all defendants. The nonjudicial foreclosure at issue in Sakal was conducted under the amended Part II of Chapter 667, but the association's bylaws did not include a power of sale provision.

The Intermediate Court of Appeals ("ICA") held on July 26, 2018 that associations can only conduct nonjudicial foreclosures if they have specific authority to conduct nonjudicial foreclosures in their declaration or bylaws or in an agreement with the owner being foreclosed upon. ICA interpreted Act 236 to allow associations to utilize the nonjudicial foreclosure procedures when associations' declarations or bylaws expressly provide for a power of sale, and not granting a blanket statutory powers of sale to all associations. However, Sakal's claim to title to the property was barred by HRS § 667-102, as he failed to challenge the nonjudicial foreclosure prior to the recordation of the association's affidavit and quitclaim deed, though he had stated a claim for wrongful foreclosure on which damages could be granted, because his association lacked a power of sale.

The Malabes lost their condo unit in a Part I nonjudicial foreclosure completed by their association in January of 2011. They sued the association in 2016 for wrongful foreclosure and unfair or deceptive acts or practices. The circuit court granted the association's motion to dismiss their complaint for failure to state a claim upon which relief can be granted. The Malabes appealed. On November 29, 2018, ICA held that the AOAO Executive Center lacked a power of sale under its decision in Sakal, so the circuit court erred in dismissing their wrongful foreclosure claim, but agreed with the circuit court that the Malabes' Chapter 480 claims (unfair or deceptive acts or practices) were time-barred and equitable tolling for fraudulent concealment was inapplicable.

While both cases were pending in Supreme Court, Act 282 became law without Governor Ige's signature on July 10, 2019. Act 282 amended the Hawaii Condominium Property Act - Chapter 514B by explicitly providing "[t]he lien of the association may be foreclosed by action or by nonjudicial or power of sale foreclosure, regardless of the presence or absence of power of sale language in an association's governing documents …." Act 282 also stated the Act shall be applied retroactively to any case, action, proceeding, or claim arising out of a nonjudicial foreclosure under Part I and Parts II and VI of Chapter 667 that arose before the effective date of the Act.

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After considering the parties' supplemental briefing on Act 282, Supreme Court ruled in *Malabe*:

1. The ICA correctly held that in order for an association to utilize the nonjudicial foreclosure procedures set forth in Chapter 667, a power of sale in its favor must have existed in association bylaws or in another enforceable agreement with unit owners; and

2. Act 282 was only applicable to foreclosures conducted under Part VI, and that nothing in Act 282 indicates the purpose of Act 282 was to ensure that condominium associations may conduct foreclosures under Part I of Chapter 667 without a mortgage.

Based on the doctrine of constitutional avoidance, Hawaii Supreme Court did not address the Malabes' constitutional challenges to Act 282, but noted that on April 10, 2020, in *Galima v. AOAO Palm Court*, the United States District Court for the District of Hawaii held Act 282 unconstitutional as violative of the U.S. Constitution's Contracts Clause, which provides that "[n]o state shall pass any … law impairing the Obligation of Contracts." The Hawaii Supreme Court commented that the federal court's decision would be entitled to respectful consideration, though it is not binding on state courts.

The Supreme Court further held that ICA erred in affirming the circuit court's dismissal of the Malabe's Chapter 480 claim by deeming it time-barred, based on "notice pleading" standards and the principle that in ruling on a motion to dismiss based on Rule 12(b)(6) of the Hawaii Rules of Civil Procedure, allegations within a complaint must be accepted as true. Supreme Court indicated in Footnote 36 that it has yet to determine when a cause of action "accrues" for purposes of the Chapter 480 claim, and it has also yet to determine whether the holding in *Santiago v. Tanaka*, 137 Hawaii 139, 366 P.3d 612 (2015), that the duty to avoid misrepresentations is so strong that plaintiffs are under no duty to discover the truth, would also apply to equitable tolling of a Chapter 480 claim.

In *Sakal*, the Supreme Court concluded that (1) HRS § 667-102(b)(2) does not bar claims by unit owners themselves; (2) Mr. Sakal's wrongful foreclosure claim is a common-law claim based on the association's lack of a power of sale, so it is not subject to the HRS § 667-60(c) sixty-day time limit. Therefore, Mr. Sakal did state a claim against both the association and the purchaser of the unit.

Both *Malabe* and *Sakal* were decided by 3-2 votes of a divided court, with Justices McKenna, Pollack and Wilson in the majority in each decision, and Chief Justice Recktenwald and Justice Nakayama, concurring in part and dissenting in part. Associate Justice Richard Pollack retired from the bench on July 2, 2020 after reaching the mandatory retirement age of 70 years old.

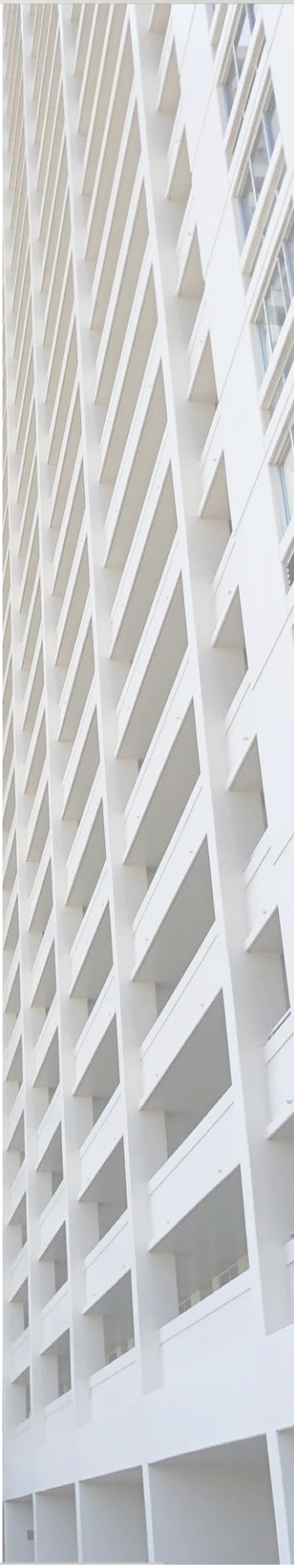
In the post *Malabe* and *Sakal* era, associations may find themselves facing huge liabilities for wrongful foreclosures if they did nonjudicial foreclosures against unit owners under any one of the following circumstances:

(1) under Part I of Chapter 667;

(2) under Part II of Chapter 667 when there was no express power of sale provision in their Declaration or Bylaws at the time of foreclosure; OR

(3) under Part VI of Chapter 667 when there was no express power of sale provision in their Declaration or Bylaws at the time of foreclosure, and such foreclosure occurred before July 10, 2019.

For more information on this article, please call Na at 531-8031 or email her at nl@hawaiilawyer.com.



2020 Legislative Update

By Casey T. Miyashiro

The Hawaii State Legislature has concluded its 2020 Regular Session. Although much of the focus was on the Coronavirus, the legislature still managed to pass several noteworthy new laws.

Prohibiting Outside Employment, Controlling Interests, and Emoluments for Governor and Mayors

Many who follow local politics have been troubled by recent news stories about conflicts of interest, real or apparent, between public servants and their personal interests in private entities. Fortunately, the legislature has passed Act 75, which provides that starting November 1, 2022, within 61 days of election or appointment to office, and while holding that office, the governor and county mayors cannot maintain any other outside employment, have a controlling interest in a business, or receive any emolument, which is broadly defined as a "salary, fee, payment wage, earning, allowance, stipend, honorarium, or reward," but does not include "pension income; retirement income; social security payment; non-controlling ownership of stocks, mutual funds, or real estate; rental income; or other form of passive income." Those considering running for these offices should be mindful of these new laws.

Red Light Cameras

The legislature also passed Act 30, which allows all counties to install Photo Red Light Imaging Detector Systems – aka red light traffic cameras. These systems will be funded by fines collected from violators of red light camera laws (HRS Chapter 291C). Unlike the "Van Cams" used in the early 2000s, these new cameras will be placed on fixed poles or posts, and will be operated by the government, not private vendors. The registered owner of the vehicle will be the one responsible for the citation, not the driver of the vehicle; however, the registered owner can pursue reimbursement from any renter or lessee of the vehicle. It is also worth noting that any summons, citations, or convictions resulting from a violation of this law will not be recorded on the person's traffic abstract and cannot be used for insurance purposes in the provision of motor vehicle insurance coverage. An informational and educational campaign will begin 60 days prior to operation of the cameras, and no tickets will be issued within 30 days of operation, just warnings. Fellow Oahu residents, take note! We will be guinea pigs for this program: a two-year minimum pilot program in the City and County of Honolulu will precede statewide implementation of the program (but only HPD Districts 1 (Central Honolulu), 5 (Kalihi), 6 (Waikiki), and 7 (East Honolulu)). For those of you visiting Oahu from out of state or from a neighbor island within the next two years, be mindful of these cameras when driving through these areas.

Hawaii Family Leave Law

Under the current version of the Hawaii Family Leave Law ("HFLL"), employees are entitled to a total of four weeks of family leave during any calendar year to care for the employee's "child, spouse, reciprocal beneficiary, sibling, or parent with a serious health condition." Act 40 amends the HFLL in two ways. First, it would expand the list of people for whom an employee can take leave to include a grandchild. The legislature justifies the need for this expansion by citing the growing number of minors who live with grandparents, and grandparents who serve as primary caretakers of their grandchildren. Second, Act 40 provides a definition of "sibling" under HFLL: "an individual who is a biological, adopted, or foster brother or sister; or a stepbrother or stepsister of an employee." This will help provide clarity to employers when making decisions under this law. These amendments went into effect on July 1, 2020.

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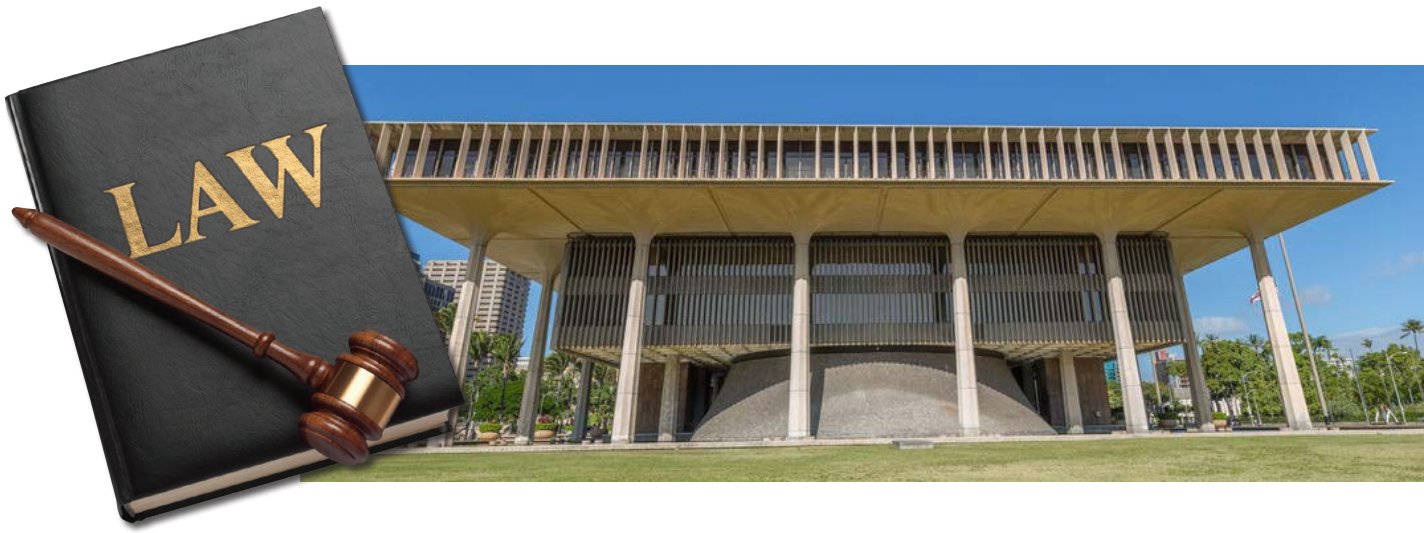
Protection from Predatory Towing

Act 41, which went into effect on October 1, 2020, addresses several issues related to predatory towing practices: clarifying the fees tow companies may charge, clarifying the duties of a tow company when a vehicle owner arrives on the scene while the vehicle is in the process of being hooked up, requiring tow and storage companies to accept credit and debit cards, and subjecting anyone who violates the towing statute (HRS 290-11) to the penalties and remedies under the unfair or deceptive acts or practices law and consumer protection law. A couple interesting points are worth highlighting. First, the existing towing statute says that if the owner appears "on the scene" while the vehicle is being hooked up or is hooked up, the towing company must unhook the vehicle and not charge a fee. Act 41 now defines "scene" as the location of the vehicle while it is being hooked up, the location where it was hooked up, and anywhere within a fifty foot radius of that location. Thus, if you see your car being hooked up from *fifty* feet away, give a good shout to make your presence known and tell them to unhook your car. Second, if you are a business owner, you may need to update your signs warning vehicle owners who park on your property without permission that their car may be towed. Act 41 now requires such notices to be written "in not less than two-inch high, light reflective letters on a contrasting background."

Protecting Sports Officials from Rowdy and Aggressive Attendees

Attending a sports event is never fun when a fan or family member of a player berates or attacks the coach or referee. It detracts from the spirit of the game and ruins the experience for the players and spectators. Act 58, which took effect on September 15, 2020, protects "sports officials" (meaning a person who enforces the rules of the event, such as an umpire, referee, timer, or scorer, or a person who supervises the participants, such as a coach, regardless of whether the person is paid or provides their services as an unpaid volunteer) at "sports events" (meaning any organized professional or amateur athletic contest) from unruly persons. HRS Chapter 706 is amended so that a court may order, in its discretion, that any defendant who is convicted of assaulting or threatening a sports official be prohibited from attending any sports event of the type at which the defendant assaulted or threatened the sports official. For example, if you committed your offense at a tennis match, you may be banned from all tennis matches in the state for up to one year for the first offense, and for life for a second or subsequent offense. Please, be respectful and enjoy sports events responsibly.



For more information, please call Casey at 531-8031 or email him at ctm@hawaiilawyer.com.

Mask Up and Spam® Up: The Hawaii Governor's Emergency Powers

By Robert H. Thomas

(this is a summary of an article to be published in the *University of Hawaii Law* Review in the Winter of 2020)

In its various iterations—Kingdom, Republic, Territory, and State—Hawaii's government has a long and storied experience responding to public health emergencies. For example, over the past two centuries, the government has imposed strict quarantine regulations and required sequestration of incoming travelers to guard against smallpox; transported people afflicted with Hansen's disease to isolation in Kalaupapa, Molokai; and burned down large portions of downtown Honolulu in response to an outbreak of bubonic plague. Hawaii's government has also dealt with its share of emergencies unrelated to public health: it imposed years of martial law after the attack on Pearl Harbor, and has responded to tsunamis, hurricanes, volcanic eruptions, and even a report of inbound nuclear missiles (fortunately, a false alarm).

As a result of these experiences, the Hawaii government, including the Hawaii Supreme Court has a long history of considering legal questions related to the power of government to plan for and respond to emergencies, and has recognized government's substantial power, with a few inherent limitations. But until 2014, when the Hawaii legislature adopted a comprehensive structural overhaul, Hawaii's emergency response statutes and organization were a patchwork of scattered provisions that did not conform to modern emergency management and response practices. The statutory update continued the longstanding delegation of an overwhelming amount of authority to the governor (and mayors, in the case of local events) to respond to emergencies.

The law's first major test has been a very dramatic one. The COVID-19 worldwide pandemic erupted in full in March 2020 and continues today, and Hawaii Governor David Ige exercised his statutory authority to issue a declaration of emergency by proclamation on March 4, 2020. The emergency proclamation and, thus far, twelve supplemental proclamations, collectively suspended a wide range of statutes, ordered activities deemed "nonessential" to stop or be limited, imposed a two-week self-quarantine on interisland, mainland, and international travelers, effectively shut down one of the main engines of the Hawaii economy—tourism—and compelled most residents to remain at home as much as possible. The March 4, 2020 proclamation declared that the emergency would terminate on April 29, 2020, but as the public health crisis appeared to grow, morph, and continue, subsequent supplemental proclamations purported to extend the termination date of the proclamation, seemingly indefinitely.

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When emergencies loom, Hawaii residents are known to stock up on essentials like toilet paper, rice, and Spam.®

Even though legal challenges to similar emergency restrictions have developed in other jurisdictions, Hawaii's courts have not dealt with many objections to the governor's exercise of these emergency powers. Perhaps because it is mostly predictable how a court would analyze a challenge to emergency powers under the U.S. Constitution. The leading U.S. Supreme Court case (1905) about the power of government to protect the public health upheld the state's vaccine requirement (you either got vaccinated, or paid a fine), concluding that unless some enumerated fundamental right was at stake, a person's liberty could be limited by reasonable regulations designed to protect "the safety of the public." The Court based its reasoning on public "self-defense," noting that "a community has the right to protect itself against an epidemic of disease which threatens the safety of its members." The only limitation is that the power cannot be exercised in "an arbitrary, unreasonable manner." That decision affirmed very low floor for most constitutional challenges to assertions of police power generally, and emergency police power specifically.

But does Hawaii law compel a different analysis? Hawaii's statute contains a single major internal check on the executive's delegated authority: the "automatic termination" provision, under which an emergency proclamation self-terminates by law the sixtieth day after it was issued, or when the governor or mayor issues a "separate" proclamation, whichever comes first. This provision is an essential limitation on the power of the executive, with the only real question being whether that limitation will be enforced by the courts. Despite the statute's clear limitation on power, I doubt that a court would likely sustain a challenge to the governor's or a mayor's power, except in very limited circumstances, and the primary remedy which a court will likely recognize is a political one. It should not be so, however, and Hawaii's long judicial history of dealing with public health crises have revealed two narrative threads which our courts should apply to closely review the actions of the executive and the legislature for compliance with our statute.

This brings me to my reference to Spam® (the canned luncheon meat, not annoying unsolicited email). When emergencies loom, Hawaii residents are known to stock up on essentials like toilet paper, rice, and Spam.® If the courts are reluctant to enforce the sole limitation on executive power in the statute, then all that is left is to stock up on Spam,® keep vigilant, and hold political officials accountable. This means that, at the very least, the present situation should result in us identifying the shortcomings in the present law and clarifying the statute at the earliest possible opportunity. The alternative is rule by indefinite executive decree, as the COVID-19 emergency starkly illustrates, a result that Hawaii's emergency response statute plainly rejects.

What's next? Stay tuned.

For more information on this article, please call Robert at 531-8031 or email him at rht@hawaiilawyer.com.

Damon Key's Joanna C. Zeigler Argues Important Hawaii Supreme Court Case

In mid-August 2020, Damon Key attorney Joanna C. Zeiger briefed and argued an important case before the Hawaii Supreme Court. The case asks how much latitude a trial judge has – in this case a Family Court judge on Maui hearing a child custody dispute – to facilitate a settlement between the contending parties. Joanna, who volunteered for the case after a call for volunteers by the Hawaii State Bar Association's Appellate Pro Bono Project, argued that the judge should have wide latitude in deciding whether and how to encourage the parties to settle a case, especially in a custody matter where protecting "the best interest of the child" is the court's foremost duty.

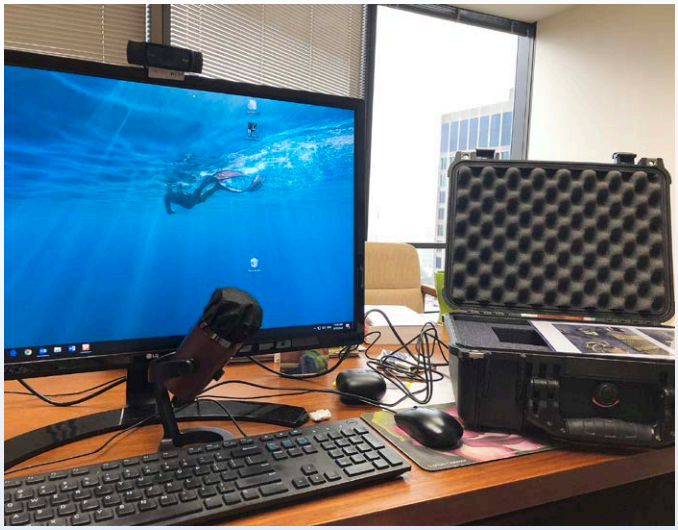
Handling the briefing and arguments with the skill and aplomb of a seasoned lawyer – she earned her law degree in 2015 – Joanna skillfully answered the Justices' questions and presented our client's best arguments. In an additional twist, the arguments were conducted remotely, with the lawyers, the Justices, and court personnel joining via WebEx. The public was also able to follow along on YouTube. The format, however, didn't bother Joanna, who prepared for the unusual circumstances by mooting the case on camera earlier in the week.

Both parties were represented pro bono, and Chief Justice Recktenwald thanked both law firms for donating their time and effort to improve the administration of justice. This case was part of Damon Key's larger efforts to provide legal services free of charge to those who need help, but who may not be able to afford it. The services of an appellate lawyer are one of the areas where pro bono help is not usually available, and thus, Damon Key lawyers are frequent participants in the HSBA's program which connects our appellate specialists with deserving clients. For example, Ross Uyehara-Tilton and Robert Thomas are also representing another client pro bono in an appeal now pending in the Intermediate Court of Appeals, and Damon Key's Robert Thomas, Veronica "Nica" Nordyke, and Mark Murakami successfully represented a Big Island voter in a case establishing fair standards for the timing of election challenges.

The Supreme Court did not decide the case, but took the matter under advisement, and will issue a written decision in the future. But however the case turns out, Joanna provided the public and our client a great service by ensuring that the arguments were presented with zeal by a skilled advocate.

For more information about Damon Key's Trial & Appellate Litigation, Arbitration & Mediation practices, go to https://hawaiilawyer.com/practices/trial-and-appellate-litigation-arbitration-and-mediation-practice-group/.

Damon Key partners **Christine Kubota** and **Michael Yoshida** present a check to the Hawaii Food Bank as part of the Hawaii State Bar Association's fundraiser.



Remote teaching requires tech!

On Wednesday September 2, 2020, **Loren A. Seehase** was on the faculty for the National Business Institute's seminar, *Land Use and Zoning: Working with Local Governments*. This intermediate-level seminar was geared towards attorneys, planners, developers, architects, and government employees.

Loren presented and produced written materials for two sessions of the seminar on the topics of *Local Ordinances and Procedures and – What You Need to Know and Marking Your Case to the Zoning Board: Practical Tips*. Loren presented on state and local land use designations, zoning ordinances, types of permits, design considerations in land use law, subdivision process, permit appeals process, constitutional rights, and a recent case discussion that including her involvement in submitting an amicus brief in the U.S. Supreme Court case of *Knick v. Township of Scott* and her representation of the petitioner in the Hawaii Supreme Court case of *Unite Here! Local 5 v. C&C of Honolulu*.

Staff Appreciation
Each April, rather than an Administrative Professionals' Day, Damon Key celebrates its staff with an event-filled Staff Appreciation Week. This year, it felt even more important to show appreciation as our staff readily adapted to and familiarized themselves with new and complex technology and procedures enabling us to continue serving our clients while keeping everyone safe from COVID-19.

Unfortunately, all of the usual activities that we planned had to be cancelled due to government mandates and social distancing guidelines. Not wanting to leave our staff feeling unappreciated, Damon Key purchased gift cards for all staff members. To make this gift extra special and, at a time when supporting local businesses was and is so important, Damon Key attorneys, **Kayla M. Fajota** and **Casey T. Miyashiro**, worked with a gift store in Kaimuki, Shop Toast, and a local artist, Romina Escaño, to create these positively-delightful "battery" gift card holders. Each staff member received a gift card and gift card holder along with a rose as a small token of our appreciation. The response to the gifts was overwhelmingly "positive" and it was heart-warming to see so many smiles during these challenging times. A law firm is only as good as its staff, and Damon Key eagerly awaits the next Staff Appreciation Week where we can thank our staff with the grand celebration they deserve.

Matthew T. Evans was recently a speaker for a webinar during Meritas Week (held October 19-23, 2020). The seminar/webinar was entitled: "Changes in the Practice of Law in 2020 from a Young Lawyer's Perspective."

Robert H. Thomas was a guest on Pendulum Podcast Episode "*Eminent Domain Rock Star Guest: Rob Thomas! – "* Pendulum Land Podcast https://spoti.fi/2VQGKs8

Joanna C. Zeigler was in Civil Beat in a land use case from Kauai. "The Planning Commission's decision in this case finally and officially recognizes a local Kauai family's protected property right to operate their nonconforming use" Joanna added. "Kauai Lets Chandler Family Keep Running Their Vacation Rental." https://bit.ly/33R1EM8

Christine A. Kubota was awarded the 2020 United Japanese Society of Hawaii Award for Contributions to the Japanese Community and Hawaii. Watch the award video on Damon Key's Home Page video player https://hawaiilawyer.com.