

OFFICE OF THE CORPORATION COUNSEL

Corporation Counsel: Lincoln S. T. Ashida
Assistant Corporation Counsel: Gerald A. Takase
Deputies Corporation Counsel: Dudley A. Akama, Harry P. Freitas,
Katherine A. Garson, Lester J. Ishado, Michael S. Kagami,
Joseph K. Kamelamela, Craig T. Masuda, Patricia K. O'Toole, Ivan M. Torigoe,
Geraldine N. Hasegawa, Margaret K. Masunaga

The Office of the Corporation Counsel provides legal representation and support for the County and all its departments, employees, officers, boards and commissions. The office of 14 attorneys and 21 support personnel perform their duties as "attorneys for the County."

Our staff believes it is an honor to work in County government, and to provide proactive legal support for our clients. This allows County workers to perform their duties effectively in the service of our community. We strive to elevate our reputation through teamwork, professionalism and accountability. We measure our success through client satisfaction.

The office is headed by Corporation Counsel Lincoln S. T. Ashida. Gerald A. Takase serves as Assistant Corporation Counsel.

The office functioned on a budget of \$2,859,750 for fiscal year 2001-2002.

Counseling and Drafting Division

The Counseling and Drafting Division is comprised of seven experienced attorneys. They provide a myriad of legal services to our County clients, including drafting and reviewing legal documents, providing advice, writing legal opinions, and appearing in state and federal courts at the trial and appellate levels.

Our attorneys are in daily contact with their County clients. For fiscal year 2001-2002, the Division received more than 1,500 requests for legal assistance.

The public does not ordinarily see the tremendous "behind the scenes" support provided to our County clients by our attorneys. As examples, during fiscal year 2001-2002, our attorneys were successful in defending challenges to the County's reapportionment plan, which "redrew" boundary lines throughout our County. Our attorneys also provided assistance in the revision of the County's General Plan. Our attorneys were also instrumental in the acquisition of land in the Pahoia area for the development of a community center for our local residents.

The introduction of a computerized networking system with the rest of the County significantly improved the office's ability to communicate with its clients, and promptly transmit documents.

The fiscal year also saw the development and introduction of the office Best Record Access Information Network (BRAIN), a computerized case tracking system. This program, developed by the Department of Data Systems, effectively tracks all records, documents, and work requests made of the office. This sophisticated program allows our staff to search for office opinions, manage attorney work loads, and provide immediate answers to our valued County clients.

Litigation Division

Attorneys in the Litigation Division assist County employees, officials, agents and departments in resolving disputes and keeping them out of anticipated disputes. This involves going through court and trial, or may involve informal discussions or methods of dispute resolution such as court-ordered mediation or arbitration.

These experienced and seasoned litigators practice in all state and federal courts, including at the appellate level. The division is headed by Joseph K. Kamelamela.

During fiscal year 2001-2002, the division averaged approximately 60 ongoing and pending major cases at any given time. Many of these cases involved claims against the County for millions of dollars.

The following represents the total dollar value of claims made or threatened against the County in fiscal year 2001-2002, as compared to the total monies paid out during the same fiscal year:

Fiscal Year 2001-2002

Total claims and threatened claims made against the County	Total payments made in major litigation cases	Total savings (+) or cost (-) to the County
\$13,015,672.00	\$716,476.30	+\$12,299,195.70

Our attorneys also conducted classes for major County departments to discuss their scope of liability and methods to reduce the County's exposure to unnecessary risks. As examples, in August 2001 and May 2002, our attorneys trained police recruits in Civil Liberties and Civil Liabilities. In June 2002, our attorneys trained Summer Fun personnel from the Department of Parks and Recreation.

Our policy is this: We will fairly evaluate every claim made against the County, and recommend payment if it is proven the County was wrong. However, we will aggressively defend all specious or frivolous allegations made against the County, and vehemently defend our taxpayer's money.

The public does not normally see the literally millions of dollars spared our taxpayers by our attorneys aggressively defending lawsuits in court. In last fiscal year alone, the chart above shows a savings of over \$12 million of taxpayer money.

In March 2002, our attorneys successfully defended police officers in federal court against a claim of a federal constitutional right violation. The plaintiff sought millions of dollars. The jury gave the plaintiff nothing. In other cases, our attorneys prevailed on motions for "summary judgment," meaning they convinced the courts to throw out multi-million dollar lawsuits, again sparing our taxpayers huge sums of money.

The Litigation Division also oversees all claims made against and by the County. In fiscal year 2001-2002, 139 claims were reviewed and closed. 77 claims involved general liability claims that were resolved for a total of \$15,888.87. 44 claims involved vehicular collisions that were resolved for a total of \$8,797.17. In eight claims involving damages to County vehicles, the division was instrumental in recovering \$11,412.62 for the County. Similarly, in 10 collection claims, the division recovered \$19,810.27 for the County.

Family Support Division

The Family Support Division provides legal representation for the Child Support Enforcement Agency of the State of Hawai'i. The division establishes paternity, secures child support, medical support and provides enforcement in complex cases.

The division handles intra-county and interstate paternity and support actions. The bottom line is the division seeks and obtains monetary support for the keiki in our community.

The division initiated 559 paternity cases during fiscal year 2001-2002, and collected over \$510,262 in delinquent child support payments.

Our Vision and Mission

Our vision statement is **"We are the answer."**

Our mission statement is:

The Office of the Corporation Counsel provides answers to the County's challenges with professionalism and integrity by ordinary people achieving extraordinary results.

During the last fiscal year, the personnel specialist from the Department of Civil Service worked with the office administration on developing the vision and mission statements for the office. The office has renewed a commitment to achieve client satisfaction through teamwork, professionalism and accountability. We look forward to the next year to further implement our strategic plan, and encourage all our employees to strive to new heights.

In our quest to provide proactive legal service to our County, we developed a risk management program in fiscal year 2001-2002. Our attorneys are tasked with the ongoing responsibility of reviewing with their County clients risk concerns which may ultimately injure our citizens, and cost our taxpayers financially. We look forward in the next year to further develop and implement programs for each of the major County departments, and create a computerized database for this information.

Our office joined other counties and the state in lobbying our legislature for changes in our laws which eased the burden on our taxpayers. As an example, the government was successful in introducing and passing a beach liability bill, limiting claims made against our County lifeguards. This results in our County being able to provide lifeguard service for our community, without fear of unwarranted financial exposure to our taxpayers.

In October 2001, the office coordinated an Office of Information Practices two-day training for County boards, commissions, employees and the public, on our State Sunshine Law. The training was well attended, and drew favorable feedback from our County attendees. Mayor Harry Kim was awarded the Big Island Press Club Torch of Light award in recognition for his sponsoring of this training.

Private Secretary Martha Rodillas was honored as the County Employee of the Year for 2001-2002. Martha performs administrative work, personnel assistance, as well as her legal secretarial service for the Corporation Counsel. Martha was recognized for saving the County over \$37,000 for the fiscal year, by volunteering to service the newly chartered Hawai'i Fire Commission (in addition to her regular job duties), in lieu of the commission hiring a full-time secretary.

We are proud to serve our County, and to empower our clients to ultimately serve our community.