A Richardson Lawyer

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Those of us who received our law degrees in person from the hand of William S. Richardson comprise over two thousand lawyers in Hawai‘i. I write for the next generation, the ones who will receive a degree with the Richardson name, but without Chief Justice (CJ) Richardson’s handshake at graduation. What can we tell you to convey the obligation your degree carries, to “try to live like CJ?”

My class was the fifth to arrive in the quarry years. Where Stan Sheriff Arena now stands, there was an open field of mud and gravel that served as our parking lot, right across from our portable wooden school. It didn’t look like a law school, and we didn’t look like law students, at least not by 1970s standards. Half of us were women, most of us were some shade of brown, and shoes were not common. Many were older students for whom a professional degree was out of reach until our local law school opened. The majority of my classmates say they would not be lawyers today had CJ not fought to open that school in the quarry.

If family commitments or financial barriers had not forced us to choose the quarry, many would have gone elsewhere. It was a risk to attend a tiny, unknown, unaccredited law school with untested young faculty. What if the provisional American Bar Association accreditation was revoked? The Association of American Law Schools accreditation was years away, and

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1 The William S. Richardson School of Law has awarded 2,585 JDs and 67 LLMs. Interview by Kahan Salina with Laurie Tochiki, Assoc. Dean for Student Servs., William S. Richardson Sch. of Law, Univ. of Haw. at Mānoa, in Honolulu, Haw. (Oct. 13, 2010).

2 In 1976, full-time and part-time student enrollment in ABA-approved law schools numbered 29,343 women, 83,058 men, 112,401 total. Donna Fossum, Women in the Legal Profession: A Progress Report, 67 WOMEN LAW. J., no. 4, 1981 at 1, 3. In 1975 only 6.6% of all lawyers were women. Id. By 1979 this figure rose to 11%. Id.

3 The gender ratio of the entering class of 1977 was 47% women and 53% men. Interview by Fawn Jade Koopman with Laurie Tochiki, Assoc. Dean for Student Servs., William S. Richardson Sch. of Law, Univ. of Haw. at Mānoa, in Honolulu, Haw. (Oct. 7, 2010). The entire student body included 232 students, 142 women and 90 men. Id. The three largest ethnic groups in that entering class of 1977 were Japanese (40%), Hawaiian (23%) and Caucasian (23%). There were also Chinese (8%), Filipino (7%), and Black (1%). Id. Other represented ethnic groups included non-Hawaiian Pacific Islanders and Koreans. Id. There was also a separate category in those days for Portuguese students. Id.
licensing rules required a degree from an accredited law school. 4 “Don’t worry, CJ will take care of us,” a classmate told me. “He will change the rules if he has to.”

“Who is CJ?” I asked. And then I learned the legend of the quarry—of the chief justice who fought for our school by lobbying the legislature and the board of regents and enlisting support from powerful back channel operators. Our existence drew enmity from the established bar. The Big Five5 still loomed large in those days: buildings named “Amfac” and “Castle and Cooke” dominated both the literal skyline and the landscape of economic power in Honolulu. The large firms hired from Ivy League schools. The partners were haole, as were the CEOs of the client firms, and they socialized at the Pacific Club, which had only recently admitted its first non-white member.6 Women were not invited to join for well over a decade.7

The Pacific Club crowd argued that Richardson’s law school would water down the quality of the Hawai‘i bar. How could the shabby school in the quarry produce lawyers who could match the imports? According to critics, CJ’s school was obviously destined for second-rate status, ushering in lowered standards, and handouts to political friends of the Burns democrats: Cronyism, not quality. People downtown asked who my parents were. Obviously I knew “somebody” if I was going to school in the quarry.

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5 By the 1870s, “life in Hawai‘i . . . resembled that of the post-Civil War South, with a small and powerful oligarchy in control of economic and social perquisites, and large masses of dark-skinned laborers . . . working under . . . overseers in the field[s].” LAWRENCE H. FUCHS, HAWAI‘I PONO: AN ETHNIC AND POLITICAL HISTORY 21-22 (1961). “By 1915, sugar constituted about 90 per cent of the value of Hawaiian agricultural production, and more than 20 per cent of the Territory’s population was on plantation payrolls.” Id. at 244. “At the top of the power structure were the men who ran the great sugar agencies” that served as “financial, purchasing, and marketing” agents for the sugar plantations: Castle & Cooke, Alexander & Baldwin, C. Brewer & Co., American Factors (now Amfac), and Theo H. Davies & Co. Id. at 22. “The Big Five . . . were not content to confine themselves to the sugar business. . . . and by 1911 the U.S. Commissioner of Labor reported that local transportation by land and water” was “more closely allied than ever” with the sugar industry. Id. at 244.


7 In 1980, Eileen Anderson was elected as the first woman mayor of Honolulu and was named an honorary member of the Pacific Club. Id. She returned the membership in 1982 due to the Pacific Club’s stand against women members. Id. In 1983, the State Legislature threatened to outlaw private club discrimination via a “Pacific Club Bill,” and members then voted 70-30 in favor of admitting women. Id. Finally, in 1984, after long years of debate, the Pacific Club welcomed Andrea L. Simpson as the first woman member. Id.
My parents were journeyman state workers, toiling away as instructors in the community college system. No one made a phone call or an introduction for me. I was a public school kid who knew nothing about how to pull the strings of power. Classmates who knew more about the lay of the land told me what people were saying about us, and, just as scrappy public school underdogs have since the days when McKinley High was designated “non-English Standard,” we resolved to prove ourselves through our performance. My study group met every Sunday morning at 8 a.m., no matter how late we had stayed out the night before. Over donuts, we forged a bond and taught each other the rule against perpetuities. The classes above us schooled us from the moment we walked into the portables. “Brief your cases, and finish your outlines by Thanksgiving,” Cammie Bain Doi and Susan Park lectured the entering class on Day One. Dani Ho and Riki May Amano took one look at the shoyu bunnies in the class below them and decided, correctly, that we needed contact sports in our survival kits. Pat Lee and Faye Kurren, who preceded me in a summer job at one of those firms that questioned the quality of our law school, gave me tips on what to wear, whom to trust, and how to make a portfolio of my work to present to the hiring committee at the end of the summer. These women saw success as something to share as we built, collectively, the reputation of our law school.

Every step of the way, I was embraced by a law school community that pushed me to succeed, in a tradition of mutual care that no law school anywhere else has ever attained. This ethic of community was forged under the watch of the most powerful lawyer in the state. CJ beamed as he witnessed our bonds grow strong. He was running the entire judicial system of Hawai‘i and writing decisions that would change the course of history, yet he took the time to come to our parties, even if a party was just some beer and pipikaula on the steps looking out over the muddy parking lot. He adored the Casualettes, the

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8 “In the 1920’s, English elitism resulted in a push for segregated public schooling. The non-plantation-employed haole, or white, population in Honolulu grew and began objecting to the contact with the ‘pidgin-speaking’ non-haole children. Instead of using racial segregation to accomplish this goal, students were grouped in different schools according to their levels of English proficiency. . . . This system of segregation was not abolished until 1948, and the last class of English Standard students graduated in 1960.” Mari Matsuda, *Voices of America: Accent, Antidiscrimination Law, and a Jurisprudence for the Last Reconstruction*, 100 *Yale L.J.* 1329, 1344 n.55 (1991) (internal citations omitted). McKinley High School, also nicknamed "Tokyo High," was designated a non-English Standard school. LOUISE CHIPLEY SLAVICEK, DANIEL INOUYE 44 (2007). Most of the white population in the area went to Roosevelt High, which was designated an English Standard school in 1924. *Id.*

9 The Casualettes had a small repertoire of songs from the 1940s and 1950s and appeared in November 1978 following the first Ete Bowl football game. The Casualettes are: Christobel (Chris) Kealoha, piano player and former Pearl City High School music teacher who worked at the Attorney General’s office after graduating from the William S. Richardson School of Law
Ete Bowl,10 and the Casenotes11—the sound and sight of his children, the future lawyers of Hawai‘i, at play. We learned from him that love is the core of great

(WSRSL); Mahealani Wendt, former Executive Director of the Native Hawaiian Legal Corporation; Haunani Burns, WSRSL class of 1980 and deputy attorney general; Juana Tahali-Weir, at the time a wife of a WSRSL student; Riki May Amano, WSRSL class of 1979 and former circuit court judge, who would join the group at every performance to sing just one song, “Calendar Girl;” and Sabrina McKenna, WSRSL class of 1982 and Associate Justice of the Hawai‘i Supreme Court, who also joined the Casualettes as a guest singer. Kealoha is the acknowledged leader of the intrepid group.

About twenty years ago, the Casualettes’ gig extended beyond the law school borders when they began performing at CJ’s annual birthday/Christmas parties. Nearly every December, Kealoha would fly from Kaua‘i to re-group the Casualettes and perform traditional “oldies but goodies,” Christmas, and Hawaiian songs. In particular, the song “Always” was one of CJ’s favorites and was performed by the Casualettes at CJ’s ninetieth birthday party in December 2009. Emme Tomimbang, Marlene Booth (WSRSL Dean Aviam Soifer’s wife), Ivan Lui-Kwan, Senator Daniel Akaka, Reverend Kahu David Kaupu of Kawaiaha‘o Church, and other of CJ’s many friends joined CJ and the Casualettes in festive singing.

The Casualettes had deep aloha for CJ, and a special relationship had developed over the years. CJ “adopted” them and created the vehicle by which the group continued to perform at least annually. The group’s last performance was at CJ’s ninetieth birthday party. They are unsure of any future performances. As Amano said, “CJ was the magnet and reason for the group. He drew us together.” Interview by Kaleo Nacapoy with Riki May Amano, Haw. 3d Cir. Ct. Judge (ret.), in Honolulu, Haw. (Oct. 13, 2010).

The genesis of the Ete Bowl is part of WSRSL lore. In the fall of 1978, 3L Diane Ho was feeling nostalgic about the upcoming graduation. The class of 1979 at WSRSL was very close. She created the Ete Bowl as a way to maintain the strong bonds between her classmates and the class of 1980, many of whom had become friends—especially the women. Diane suggested: “What about football?” Despite classmate Riki Amano’s concerns that the graduating class of 1979 consisted of only twenty-two women, the competition between the classes was born as Ho and Amano actively and mischievously cajoled the women to grab a pigskin and strut their stuff. Everyone was involved and some of the women played both offense and defense. The first game, touch football, was in November 1978.

Cheryl Kakazu, then a WSRSL 1L, desperately wanted to play with her friends. In the spring of 1979, the law school women joined together to form a team that played flag football against the women of the John A. Burns School of Medicine. Following that game, the Ete Bowl took the form that continues to this day—the team of law school women alumni (the Bruzers) versus the team of current law student women (the Etes).

The Ete Bowl began as a way to generate and perpetuate bonds of friendship. It has evolved into something more. It is a catalyst for connecting people far, far beyond the three years they spend in law school. Ellen Politano of the class of 1980 played in the most recent Ete Bowl with members of the newest graduating class of 2010. This is a perfect demonstration of thirty years of bonding, camaraderie, and the unusually close relationships that exist in the WSRSL community. Interview by Kaleo Nacapoy with Riki May Amano, Haw. 3d Cir. Ct. Judge (ret.), in Honolulu, Haw. (Feb. 18, 2011); see also William S. Richardson Sch. of Law, Univ. of Haw. at Mānoa, Genesis of Ete Bowl, http://www.law.hawaii.edu/etebowls (last visited Mar. 6, 2011).

The Casenotes was a Hawaiian music group formed by WSRSL students in 1978. Led by the school’s Assistant Dean, Larry Kam (steel guitar), its members included Vince Tio (lead
leadership. The face we remember has a twinkle in the eye, a grin, a little shake of the head in wonderment. "How about those gals, they are something else," he said year after year, as yet another sister slammed her body down in the mud for a diving catch in the quarry. The most powerful lawyer in the state LOVED watching us, and we loved being watched by him. Someone cared about us, believed in us. When we were young and stupid and no one knew who we were, the chief justice of our state wanted to know our names, and he gazed upon us with a look of proud affection.

For all of you who will have CJ's name on your degree without the memory of that face, I want to remember that look, and describe what it stood for. William S. Richardson, the public countenance, was calm, smiling, gracious, and small. He sat, moved, and stood in a way that did not take up space or grab attention. When he arrived in a room, we all knew: "CJ's here!" It was not because he sought the limelight. The light came from within, and conveyed strength and purpose quietly.

To live like CJ is to strive for integrity, aloha, joy, compassion, and generosity.

Integrity: As Judge Burns describes in these pages, the Burns Democrats planned a revolution, a ballot box coup—Huli—that upended the entire power structure. This is risky business, best undertaken with undeniable integrity. Your allies won't take the risks required if they don't trust you completely, and your adversaries will search every crevice for an excuse to bring you down. Like Ralph Nader, CJ lived his life with so much integrity that he was able to stand up to General Motors with integrity.

vocals and guitar), Geri Valdriz (vocals and slack key guitar), and Ward Jones (bass). The Casenotes played regularly at the various law school parties, the Ete Bowl, graduations, and other school-related functions. The group also performed at private functions for law professors, fellow law students, and their families. The Casenotes remained together until 1982. After graduation, its members pursued their law careers and played together periodically. They get together for special occasions but rarely see each other these days. Tio lives in Kona, Jones on O'ahu, Valdriz on Maui; Dean Kam has passed on. For those attending WSRSL between 1978 and 1982, the Casenotes provided the musical backdrop to social life on campus. E-mail from Geronimo Valdriz, Jr., Haw. 2d Cir. Fam. Ct. Judge, to Kaleo Nacapoy (Oct. 16, 2010, 07:14 HST) (on file with author).


13 "To turn, reverse; to curl over, as a breaker; to change, as an opinion or manner of living." MARY KAWENA PUKUI & SAMUEL H. ELBERT, HAWAIIAN DICTIONARY 89 (1986).

14 Ralph Nader, an activist, "author[,] and lecturer on automotive safety, ha[d], for some years, been an articulate and severe critic of General Motors' products from the standpoint of safety and design." Nader v. Gen. Motors Corp., 255 N.E.2d 765, 767 (N.Y. 1970). When General Motors learned of the imminent publication of Nader's book Unsafe at Any Speed, it decided to conduct a campaign of intimidation against him in order to "suppress [Nader's] criticism of and prevent his disclosure of information" about its products. Id. Specifically, Nader alleged that General Motors agents:
that an investigator could follow him all day every day and not find so much as a breach of etiquette, much less a breach of ethics.

A Richardson lawyer will not go anywhere near the gray area where “maybe you can get away with it,” but will instead act always in ways that can withstand the glaring spotlight of scrutiny.

Aloha: When you huli the power structure, you gain enemies. Blessed with a long life, CJ had many chances to recount who opposed him and how. In all those tellings, we never heard rancor, bitterness, invective, or disparagement. The primary tone was amusement, not unlike his tone commenting at the Ete Bowl. The sugar barons and their lawyers simply saw things differently, and CJ would smile as he told the story of how he got them to come around to his way, whether they liked it or not. In turn, among the elder scions of the established bar, you heard complaints about Richardson decisions, about CJ’s reasoning, about his political “machine,” but not about the man, who was known to friend and foe alike as someone who extended his handshake in genuine aloha. Every person at the law school—faculty, student, and staff—and every person at the courthouse, from justice to janitor, got the same warm smile and handshake. Because of his constant stance of goodwill, those who opposed the law school were not demonized and backed into a corner. They soon came on board as big supporters. Every firm that sent partners to testify against the formation of this law school is now a donor, with Richardson lawyers “above the line” on their firm letterhead.15

A Richardson lawyer will fight hard and win, operating all the while with dignity, respect, gracious civility, and aloha toward all.

Joy: Fighting the good fight, with powerful opponents; starting a law school with the details of funding and accreditation left to hope and prayer; loving his

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(1) conducted a series of interviews with acquaintances of the plaintiff, “questioning them about, and casting aspersions upon [his] political, social[,] racial[,] and religious views[;] his integrity; his sexual proclivities and inclinations; and his personal habits[;]” (2) kept him under surveillance in public places for an unreasonable length of time; (3) caused him to be accosted by girls for the purpose of entrapping him into illicit relationships; (4) made threatening, harassing[,] and obnoxious telephone calls to him; (5) tapped his telephone and eavesdropped, by means of mechanical and electronic equipment, on his private conversations with others; and (6) conducted a “continuing” and harassing investigation of him.

Id. (internal citations omitted and formatting altered). After Nader suffered through continuous intimidations and invasions of privacy, General Motors’ investigations revealed nothing with which to impugn his character. See id. The New York Court of Appeals affirmed the lower court decision that the first two allegations met the requirements for invasion of privacy under District of Columbia law. Id. at 771.

wife and watching his family—both kin and the extended family of Richardson lawyers—grow, make mistakes, and prosper, William S. Richardson did all of this with great joy. I think he lived the long, healthy, strong life he did because he took so much joy in every part of it and didn’t want to miss a thing. He would sit in the quarry, and later in the courtyard of our more fancy quarters, and simply watch the students interacting. He looked so calm and so happy. Smiling, because he loved what he saw: the 1Ls coming in, the 3Ls graduating, the alumni spreading out into every corner of the bench and bar. He took pride in our successes, yes, but the real reason for his constant smile as he walked the halls of the law school he made, was that he felt joy in the company of other human beings and he knew how to simply sit, and let that joy descend. There is a picture of CJ at our last big party with him, for his ninetieth birthday. His face is full of that joy. He looked like that often, not just on his birthday, and it made us feel so special to sense that our existence was valued with such celebration.

A Richardson lawyer never forgets to feel the joy.

Compassion: When he became more frail, CJ Richardson still insisted on being at every major law school event. At one forum where he was asked to speak, he was helped to the podium by Professor Melody MacKenzie, and she was prepared to cut the program short if he became fatigued. He spoke slowly. He was asked about the McBryde case, perhaps the most important Richardson-era decision, and he told the story slowly, and then stopped altogether. We waited, caring so much for our aging patron, and worrying that we were asking too much of him. Then, after a long pause, he said, “Think of the little guy, the guy downstream.” McBryde was a huge, convoluted case involving decades of litigation, multiple parties, and complex issues in several areas of law, but its essence, and indeed the essence of everything CJ Richardson ever did as a lawyer and a leader, came down to thinking of the little guy downstream. Whatever we do, there is someone downstream who will bear the consequences. If we could learn to think that way, with an eye to the consequences, we could stop global warming and nuclear proliferation, stop doing things today that will have devastating consequences for future generations. The struggling taro farmer, the kahuna lapa‘au who needs to


17 McBryde Sugar Co. v. Robinson, 54 Haw. 174, 504 P.2d 1330, aff’d on reh ’g, 55 Haw. 260, 517 P.2d 26 (1973) (per curiam) (holding that water cannot be privately owned and that riparian and appurtenant users have the right to use, but not own, such water).

18 See id.

gather roots and berries, the little boy holding his step-grandmother’s hand at the crosswalk right before a speeding car takes her life—the small and ordinary people who lack money and power were at the center of CJ Richardson’s jurisprudence. He judged the righteousness of legal doctrine by what it did for the least among us. He judged with his heart. He judged well.

A Richardson lawyer will help make Hawai‘i a better place for those living downstream.

Generosity: By thinking of others always, by walking with humility, by giving his entire professional life to public service, by working tirelessly to build a compassionate legal system in a democratic Hawai‘i, by building us a law school, CJ ended his life with a huge net worth of aloha. He was not a wealthy man if gold is the measure, but he knew the true riches available to those who are willing to give it all away. The anthropologists talk about the “big man” in Pacific island cultures. It’s hard to maintain big man status.

author). Kahuna lapa‘au were medical practitioners and healers. Mary Kawena Pukui, ‘Olelo No‘eau: Hawaiian Proverbs and Poetical Sayings 114 (1983). Kahuna lā‘au lapa‘au were herbalists. Judd, supra, at 2. These kahuna, also known as Healers, believe that the majority of common health conditions are caused by three categories of environmental factors: lifestyle, personal relationships and communication problems, and other causes. Id. at 67. Healers provide treatment through “prayer, introspection, and mental conditioning” and the amount of lā‘au administered varies between individuals depending on how severe the condition may be. Id. at 70. In a study done by Edward Smith Craighill Handy, Mary Kawena Pūkū‘i, and Katherine Livermore in 1931, it was reported that Hawaiians used 317 different species in remedies. Id. at 79. According to the Healers that the author Judd studied, the five most important and commonly used lā‘au today are: “popolo, uhala, hauoi, kukui, and olena.” Id. at 81. Healers may use substitute lā‘au that are available when certain native and traditional lā‘au cannot be found to promote conservation efforts of native plant species. Id. at 79-80. Many healers gather and grow their own lā‘au and some healers have family members collect lā‘au with them. Id. at 80.

20 See Judd, supra note 19, at 79-81. The right of access to gather traditional plant material was preserved in Kalipi v. Hawaiian Trust Co., 66 Haw. 1, 656 P.2d 745 (1982) (reaffirming gathering and access rights within one’s own ahupua‘a).

21 See Leong v. Takasaki, 55 Haw. 398, 520 P.2d 758 (1974) (allowing a child to recover emotional distress damages when his step-grandmother was struck and killed by a car while they were crossing a street together). While most jurisdictions would not award emotional distress damages to a child who is not legally related to his caretaker, CJ followed Hawaiian conceptions of family, stating:

Neither should the absence of a blood relationship between victim and plaintiff-witness foreclose recovery. Hawaiian and Asian families of this state have long maintained strong ties among members of the same extended family group. The Hawaiian word ohana has been used to express this concept. It is not uncommon in Hawaii to find several parent-children family units, with members of three and even four generations, living under one roof as a single family. Id. at 410, 520 P.2d at 766.

22 Laura Zimmer-Tamakoshi, The Last Big Man: Development and Men’s Discontents in the Papua New Guinea Highlands, 68 Oceania 107, 107-09 (1997). Big Men are “leaders,
The traditional leaders were under tremendous pressure to throw bigger and better feasts and give more generous gifts to their constituencies. Status, in island cultures, comes from giving, not from plundering and hoarding. Those of us blessed to have known CJ saw a truly big man who reflected the values of an ancient time, when generosity and striving for pono were the measures of greatness. It made him happy to live that way, enjoying the kanikapila at a law school lū‘au, watching while lawyers holding Richardson degrees became the leaders of this state, the judges, the partners in the law firms, the scholars, and, most importantly, the next generation of advocates for the little guy downstream.

A Richardson lawyer gives to the community and is gifted by the very act of giving.

In the end, there is judgment, whether cosmic or just personal, when you look in the mirror and ask: what did I do in my time on this planet?

Live your life like Chief Justice William Shaw Richardson. You could not do better than that.