

Mitchell D. Roth
Mayor



Elizabeth A. Strance
Corporation Counsel

Lauren L. Martin
Assistant Corporation
Counsel

COUNTY OF HAWAII
OFFICE OF THE CORPORATION COUNSEL

101 Aupuni Street, Suite 325 • Hilo, Hawai'i 96720 • Phone (808) 961-8251 • Fax (808) 961-8622

July 20, 2021

Via Electronic Mail only

William N. Ota, Esq.
Leighton M. Hara, Esq.
Ota & Hara, LLLC
737 Bishop Street, Suite 2860
Honolulu, Hawai'i 96813
wota@ota-hara.com
lhara@ota-hara.com

Dear Mr. Ota and Mr. Hara:

Re: Fiscal Year 2021-22 Professional Services: Statement of Qualifications (SOQs)

Thank you for submitting your firm's Statement(s) of Qualifications for providing professional services to the Office of the Corporation Counsel, County of Hawai'i. Based upon the information provided, the Department's review committee has determined that your firm is qualified to perform services for the following category(ies):

- 50) Attorney/Law (Civil Rights Defense)
- 51) Attorney/Law (General Personal Injury Defense)
- 52) Attorney/Law (Criminal Defense of County Employees)
- 53) Attorney/Law (General defense in civil matters, including administrative proceedings)
- 54) Attorney/Law (Federal and State Tax)
- 55) Attorney/Law (Worker's Compensation)
- 56) Attorney/Law (Constitutional)
- 57) Attorney/Law (Public Sector Employment)
- 58) Attorney/Law (Public Financing)
- 59) Attorney/Law (Drafting of Legislation and Administrative Rules)
- 60) Attorney/Law (Real Estate)
- 61) Attorney/Law (Land Use, Planning)
- 62) Attorney/Law (Class Actions)
- 63) Attorney/Law (Procurement)

William N. Ota, Esq.
Leighton M. Hara, Esq.
July 20, 2021
Page 2 of 2

- 64) Attorney/Law (Enforcement of Federal, State and County Law)
- 65) Attorney/Law (Condemnation)
- 66) Attorney/Law (Construction Litigation)
- 67) Attorney/Law (Bankruptcy)
- 68) Attorney/Law (Commercial Transactions)
- 69) Attorney/Law (Collections)
- 70) Attorney/Law (Fair Labor Standards Act and other laws related to compensation)
- 71) Attorney/Law (Environmental)
- 72) Attorney/Law (Regulatory)

If you are qualified for a category, your firm will remain on the Department's List of Qualified Providers of Professional Services until June 30, 2022. For your information, this list may be utilized by any County agency during this time period.

When the need for professional services arises, a selection committee will review the qualifications of firms on the list in the appropriate category. Professional services procurements that equal or exceed \$5,000.00 are posted on the County's website within seven (7) days of the contract award.

Thank you for your interest in providing professional services to the County of Hawai'i. If you have any questions or concerns, please contact Amy Bautista at (808) 961-8251 or corpcounsel@hawaiicounty.gov.

Respectfully,



J Yoshimoto
Deputy Corporation Counsel /
Chair, 2021-22 Professional Services
Statement of Qualifications (SOQs) Review Committee

bcc: County of Hawai'i, Procurement with enclosure



William N. Ota | wota@ota-hara.com
Leighton M. Hara | lhara@ota-hara.com

737 Bishop Street, Suite 2860 | Honolulu, Hawaii 96813
Phone: (808) 532-1728 | Fax: (808) 532-1729 | ota-hara.com

June 30, 2021

Via Email (corp counsel@hawaiicounty.gov)

Ms. Elizabeth A. Strance
Corporation Counsel
County of Hawai'i
101 Aupuni Street, Suite 325
Hilo, Hawaii 96720

**Re: Letter of Interest and Statement of Qualifications
Fiscal Year 2021-2022**

Dear Ms. Strance:

Ota & Hara, LLC is interested in providing professional legal services to the County of Hawaii. I am forwarding to you a copy of our law firm's resume, together with a copy of our current Statement of Qualifications and Expression of Interest forms which were previously submitted to the Department of the Corporation Counsel, City & County of Honolulu. To the extent possible, we request that you keep our billing rates confidential since they represent sensitive business information.

Our firm is interested in being included on the County of Hawaii's approved list of attorneys, or other outside counsel as may be appropriate. We specialize in labor and employment law, tort litigation (medical malpractice defense), and general litigation (construction litigation, commercial disputes, etc.). We would like to be of service to your organization.

Should you have any questions or require any additional information, please do not hesitate to contact us at (808) 532-1728.

Very truly yours,



Leighton M. Hara

LMH:ssw
Attachments and Enclosures



William N. Ota | wota@ota-hara.com
Leighton M. Hara | lhara@ota-hara.com

737 Bishop Street, Suite 2860 | Honolulu, Hawaii 96813
Phone: (808) 532-1728 | Fax: (808) 532-1729 | ota-hara.com

FIRM'S RANGE OF HOURLY RATES:

Partners: \$350
Associates: \$250
Paralegals: \$185

TYPES AND AMOUNTS OF COSTS CHARGED:

TYPE	AMOUNTS
Photocopying: In-house Outside service	\$0.20 per page actual charge
Fax Charges	no charge
Postage	actual charge
Courier/Messenger	actual charge
Express Mail	actual charge
Long Distance Telephone	actual charge
Court Reporter	actual charge
Sheriff	actual charge
Witness Fees/Mileage	actual charge
Airfare and other travel expenses	actual charge
Electronic Legal Research	actual charge



**City and County of Honolulu
Department of the Corporation Counsel
530 So. King Street, Room 110
Honolulu, Hawaii 96813
Tel. (808) 768-5100**

FY 2021-2022 STATEMENT OF QUALIFICATIONS AND EXPRESSION OF INTEREST

Please answer all questions. Omission of an item may preclude you from being considered. Use additional sheets if necessary. If you wish to provide additional information related to your qualifications, please attach it.

1. GENERAL INFORMATION

LAST NAME Ota,	FIRST William	MIDDLE N.	OTHER NAMES USED	
BUSINESS ADDRESS 737 Bishop Street, Suite 2860			TELEPHONE NO. 808-532-1728	FACSIMILE NO. 808-532-1729
CITY Honolulu,	STATE Hawaii	ZIP CODE 96813	E-MAIL ADDRESS wota@ota-hara.com	

2. LAW FIRM AFFILIATION(S) (from date of admission or 1991, whichever is later)

NAME AND LOCATION (CITY, STATE) OF LAW FIRM	FROM	TO
See attached		PRESENT

3. LEGAL EDUCATION

NAME OF LAW SCHOOL	LOCATION (CITY, STATE)	DEGREE RECEIVED
William S. Richardson School of Law	Honolulu, Hawaii	JD

4. JURISDICTIONS ADMITTED TO PRACTICE (*Active only*)

JURISDICTION	DATE ADMITTED
State of Hawaii, All Courts	1997
U.S. District Court, District of Hawaii	1997
U.S. Court of Appeals, 9th Circuit	1999

5. RANGE OF HOURLY RATES

- A. Applicant's 250 to 350
 B. Firm's (if applicable)
 i. Partners 250 to 350
 ii. Associates 200 to 300
 iii. Paralegals 100 to 185

6. Would you consider a contingency fee contract? No _____ Yes X

7. TYPES AND AMOUNTS OF COSTS CHARGED: ("Reasonable Costs" is an insufficient response. Please enumerate; attach additional sheets if necessary.)

TYPES	AMOUNTS
See Attached	

8. UP TO THREE (3) AREAS OF PRACTICE IN WHICH YOU CONSIDER YOURSELF PROFICIENT AND FOR WHICH YOU WISH TO BE CONSIDERED:

1. Employment Law 2. Tort Law 3. Litigation

On separate sheets of paper, for each area of practice listed in this question:

- X Estimate the total number of cases or matters handled;
- X Describe a representative sample of work performed. For each representative case or matter described, indicate the client for whom work was performed, when work was performed, the court in which appearances, if any, were made, and citations to reported cases, as appropriate.

9. Provide a list of previous Special Deputy Corporation Counsel contracts or other contracts entered into by you or your law firm to perform legal services on behalf of the City and County of Honolulu, including the dates of the contracts, for the last 10 years.

10. DIRECT OR INDIRECT CONFLICTS OF INTEREST

Are you currently representing, or have you in the past represented, a party whose interest is adverse to the City and County of Honolulu? Yes* _____ No _____
*(*If the answer is yes, on a separate sheet of paper, please identify the adverse matters and the nature of your involvement.)*

CERTIFICATION BY APPLICANT

I hereby certify that all statements in this application, including attachments are true and correct to the best of my knowledge as of the date of this statement.



Signature of Applicant

JUL - 1 2021

Date

**ALL MATERIALS shall be emailed to: professionalservices@honolulu.gov.
NO HARD COPIES, CDs, OR FACSIMILIES SHALL BE ACCEPTED.**

**STATEMENT OF QUALIFICATIONS
AND EXPRESSION OF INTEREST
(Fiscal year commencing July 1, 2021)**

William N. Ota

2. LAW FIRM AFFILIATION(S) (continued)

NAME AND LOCATION (CITY, STATE OF LAW FIRM)	FROM	TO
Ota & Hara LLLC fka Suemori Ota & Hara LLLC	2015	Present
William N Ota, AAL, LLLC	2014	2015
Marr Jones & Wang, LLLP	2006	2014
Vincent A. Rhodes, AAL	2003	2006

6. WOULD YOU CONSIDER A CONTINGENCY FEE CONTRACT?

While our response is “yes we would consider a contingency fee contract”, a contingency fee arrangement would be out of the ordinary and would only be considered by our firm in a proper case. Our normal practice is to bill on an hourly basis for work that we perform. However, we are also amendable to alternative billing such as on a project basis. To provide further information on alternative billing, we would need to discuss the scope of any proposed representation and your expectations.

Regardless of the method of billing, we strive to provide value to our clients. We encourage periodic reviews of legal expenses and would work with you to monitor legal expenses and seek alternative billing options.

7. TYPES AND AMOUNTS OF COSTS CHARGED:

TYPE	AMOUNTS
Photocopying: In-house Outside service	\$0.20 per page actual charge
Fax Charges	no charge
Postage	actual charge
Courier/Messenger	actual charge
Express Mail	actual charge
Long Distance Telephone	actual charge
Court Reporter	actual charge
Sheriff	actual charge
Witness Fees/Mileage	actual charge
Airfare and other travel expenses	actual charge
Electronic Legal Research	actual charge

8. AREAS OF PROFICIENCY:

Since graduating from law school in 1997, the primary focus of my practice has been on litigation. Over the course of my career, I have handled an estimated 275 lawsuits, several of which were handled on behalf of the State and its various municipalities and agencies. I joined Marr Jones & Wang LLLP in February 2006 and became a partner in 2009. Following my departure from Marr Jones and Wang, I founded Ota & Hara with my former partner at Marr Jones & Wang, Leighton M. Hara. I have represented a wide range of business entities, provided consultation services to the federal government, the State of Hawaii, the City and County of Honolulu and the Counties of Maui and Kauai. I have appeared in proceedings before the United States District Court for the District of Hawaii and each of the Circuit Courts of the State of Hawaii. I have represented clients in arbitrations, mediations, and administrative proceedings, and have drafted and testified in support of proposed legislation intended to minimize corporate exposure to unnecessary litigation.

9. SPECIAL DEPUTY CORPORATION COUNSEL, OR OTHER CONTRACTS:

While with the Marr Jones & Wang firm, I provided legal services to the City and County pursuant to several Special Deputy Corporation Counsel contracts, including contracts for *Smith v. City and County of Honolulu*, Civ. No. 02-1-1006-04 VSM (wage and hour litigation in First Circuit Court); *Almodova v. City and County of Honolulu*, Civ. No. 07-00378 DAE/LEK (wage and hour litigation in federal court); *Baginski v. City and County of Honolulu*, Civ. No. 06-1001978 GWBC (employment retaliation litigation in First Circuit Court); and for general consulting on wage and hour issues involving City and County employees.

Mary Ann Asato v. Board of Water Supply, City & County of Honolulu, et al.; Civil No 18-1-1683-10 (JPC). Obtained dismissal for Board of Water Supply.

Scott Paiva v. City and County of Honolulu, Board of Water Supply, et al.; Civil No. 18-1-1535-09 (BIA). Currently in litigation.

10. DIRECT OR INDIRECT CONFLICTS OF INTEREST:

Our firm represents employers and their employees against claims by plaintiff employees. We frequently represent employers before State agencies or departments such as the Hawaii Civil Rights Commission (HCRC) or the Department of Labor and Industrial Relations (DLIR). The employers we represent may have interests that conflict with the positions taken by the HCRC or the DLIR. Typically, the HCRC or DLIR are involved only as a quasi-judicial forum for an individual, and the claims are not brought by or against the State directly. We do not believe these situations involve conflicts, but they could potentially lead to conflicts if the HCRC or DLIR were to sue one of our employer clients arising out of an employee's charge or complaint. We have represented only one client where this occurred with the HCRC. We have represented several clients in matters where the Division of Occupational Safety & Health (HIOSH) was pursuing possible State safety violations. Agencies of the State, including the Attorney General's Office, occasionally subpoena records from employers whom we represent. In most situations, subpoenaed records are simply produced, without further question. In one case, where the records were covered by a statute mandating confidentiality and where the agency was unable to produce an authorization from the individual to whom the records pertained consenting to their release, the agency and our client agreed that a court order would be necessary to allow our client to produce the records. Therefore, a special proceeding was instituted through which the court issued order allowing our client to produce the requested records to the state agency. We do not believe that this situation resulted in a conflict.



**City and County of Honolulu
Department of the Corporation Counsel
530 So. King Street, Room 110
Honolulu, Hawaii 96813
Tel. (808) 768-5100**

FY 2021-2022 STATEMENT OF QUALIFICATIONS AND EXPRESSION OF INTEREST

Please answer all questions. Omission of an item may preclude you from being considered. Use additional sheets if necessary. If you wish to provide additional information related to your qualifications, please attach it.

1. GENERAL INFORMATION

LAST NAME Hara,	FIRST Leighton	MIDDLE M.	OTHER NAMES USED	
BUSINESS ADDRESS 737 Bishop Street, Suite 2860			TELEPHONE NO. 808-532-1728	FACSIMILE NO. 808-532-1729
CITY Honolulu,	STATE Hawaii	ZIP CODE 96813	E-MAIL ADDRESS Lhara@ota-hara.com	

2. LAW FIRM AFFILIATION(S) (from date of admission or 1991, whichever is later)

NAME AND LOCATION (CITY, STATE) OF LAW FIRM	FROM	TO
See Attached		PRESENT

3. LEGAL EDUCATION

NAME OF LAW SCHOOL	LOCATION (CITY, STATE)	DEGREE RECEIVED
William S. Richardson School of Law	Honolulu, Hawaii	JD

4. JURISDICTIONS ADMITTED TO PRACTICE (*Active only*)

JURISDICTION	DATE ADMITTED
State of Hawaii, All Courts	2002
U.S. District Court, District of Hawaii	2002
U.S. Court of Appeals, 9th Circuit	2007

5. RANGE OF HOURLY RATES

- A. Applicant's 250 to 350
 B. Firm's (if applicable)
 i. Partners 250 to 350
 ii. Associates 200 to 300
 iii. Paralegals 100 to 185

6. Would you consider a contingency fee contract? No _____ Yes X

7. TYPES AND AMOUNTS OF COSTS CHARGED: ("Reasonable Costs" is an insufficient response. Please enumerate; attach additional sheets if necessary.)

TYPES	AMOUNTS
See Attached	

8. UP TO THREE (3) AREAS OF PRACTICE IN WHICH YOU CONSIDER YOURSELF PROFICIENT AND FOR WHICH YOU WISH TO BE CONSIDERED:

1. Employment Law 2. Tort Law 3. Litigation

On separate sheets of paper, for each area of practice listed in this question:

- X Estimate the total number of cases or matters handled;
- X Describe a representative sample of work performed. For each representative case or matter described, indicate the client for whom work was performed, when work was performed, the court in which appearances, if any, were made, and citations to reported cases, as appropriate.

9. Provide a list of previous Special Deputy Corporation Counsel contracts or other contracts entered into by you or your law firm to perform legal services on behalf of the City and County of Honolulu, including the dates of the contracts, for the last 10 years.

**STATEMENT OF QUALIFICATIONS
AND EXPRESSION OF INTEREST
(Fiscal year commencing July 1, 2021)**

Leighton M. Hara

2. LAW FIRM AFFILIATION(S) (continued)

NAME AND LOCATION (CITY, STATE OF LAW FIRM)	FROM	TO
Ota & Hara LLLC fka Suemori Ota & Hara LLLC Honolulu, Hawaii	July 2015	Present
Marr Jones & Wang, LLLC Honolulu, Hawaii	April 2009	July 2015
Watanabe Ing & Komeiji Honolulu, Hawaii	Sept. 2006	March 2009
Robbins & Associates Honolulu, Hawaii	June 2003	Aug. 2006

4. JURISDICTIONS ADMITTED TO PRACTICE (continued)

JURISDICTION	DATE ADMITTED
U.S. Supreme Court	2007

6. WOULD YOU CONSIDER A CONTINGENCY FEE CONTRACT?

While our response is “yes we would consider a contingency fee contract”, a contingency fee arrangement would be out of the ordinary and would only be considered by our firm in a proper case. Our normal practice is to bill on an hourly basis for work that we perform. However, we are also amendable to alternative billing such as on a project basis. To provide further information on alternative billing, we would need to discuss the scope of any proposed representation and your expectations.

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Express Mail	actual charge
Long Distance Telephone	actual charge
Court Reporter	actual charge
Sheriff	actual charge
Witness Fees/Mileage	actual charge
Airfare and other travel expenses	actual charge
Electronic Legal Research	actual charge

8. AREAS OF PROFICIENCY:

After graduating from the William S. Richardson School of Law in 2002, the primary focus of my practice has been on civil and commercial litigation. During my career as an associate attorney in private practice, I have handled over 200 lawsuits, most of which were in defense of various entities, including the State of Hawaii and various municipalities.

I have appeared in proceedings before the United States District Court for the District of Hawaii and each of the Circuit Courts of the State of Hawaii. I have also represented my clients in arbitrations, mediations, and have submitted testimony and testified before the Hawaii Community Development Authority.

In April of 2009, I joined Marr Jones & Wang LLLP, and became a partner in 2013, where I have represented numerous business entities in employment litigation matters. Following my tenure at Marr Jones, I founded Ota & Hara with William N. Ota, who was also my partner at Marr Jones.

My work in the employment law area has been focused exclusively on representing employers or management defendants against plaintiff employees. This has included defending employers against a range of discrimination and retaliation claims involving protected categories, including, family leave, race, disability, and sex. In addition, I have represented employers against wage and hour multi-party actions alleging FLSA violations, and also individual whistleblower claims. My work also has required knowledge of labor law in working with and advising clients with union employees.

The following is an estimate of the type and number of matters handled:

- Represent employers and management-level employees in defending lawsuits filed by employees in state and federal court, including appeals, and in arbitration proceedings. Subject matters: discrimination based on race, ancestry, national origin, sex, age, disability; retaliation; sexual harassment; harassment based on membership in other protected classes (e.g., race); wrongful termination in violation of public policy; contract and quasi-contract claims (such as breach of contract and promissory estoppel); tort claims (such as defamation and emotional distress); whistleblower claims. Over 50 cases.

Examples of my labor and employment work include:

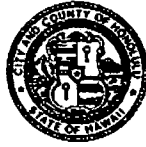
- **Alibang v. Tesoro Hawaii Corporation.** Defended petroleum refiner and distributor and several individual defendants against claims of sex and age discrimination and retaliation brought by terminated female employee. Case tried to a jury and obtained a defense verdict in favor of Tesoro and individual defendants.
- Obtained summary judgment in favor of employers in over 10 discrimination cases in federal and state court and arbitration (i.e. **Delta Air Lines, Inc., Hawaii Health Systems Corporation, Kaiser Foundation Hospitals, FedEx Ground Packaging Systems, Inc., etc.**).
- Obtained numerous civil injunctions against harassment on behalf of corporate and individuals clients following evidentiary hearings and trials.
- Representation of **Hawaii Health Systems Corporation** in an arbitration involving violation of substance abuse, workplace violence, and other claims which resulted in the termination of bargaining unit member. Negotiated a favorable settlement before the hearing.
- Representation of **Kaiser Foundation Health Plan** involving picketing by Unite Here Local 5 members who were on Strike.
- Represent employers in defending administrative charges filed by employees with the Hawaii Civil Rights Commission involving discrimination based on race and other protected classes or with the Department of Labor. Over 15 charges.
- Periodic advice and counsel regarding employment practices (discipline, terminations, investigations of complaints, wage and hour issues).
- Participated in or conducted the investigation of complaints by employees regarding harassment, discrimination, and/or violation of company policy. Approximately 10 investigations.

9. SPECIAL DEPUTY CORPORATION COUNSEL, OR OTHER CONTRACTS:

- 1) *Scott Paiva v. City and County of Honolulu, Board of Water Supply, et al.*; Civil No. 18-1-1535-09 (BIA). Currently in litigation.
- 2) *Mary Ann Asato v. Board of Water Supply, City & County of Honolulu, et al.*; Civil No 18-1-1683-10 (JPC). Obtained dismissal for Board of Water Supply.
- 3) *James Baginski v. City & County of Honolulu, Frank Doyle, Timothy Houghton, and Craig Nishimura*; Civil No. 1CC06-1001978. Obtained summary judgment in favor of all Defendants after conducting numerous rounds of depositions and paper discovery.
- 4) *The Estate of Daniel Dick et al., v. City & County of Honolulu, et al.*; Civil No 1CC02-1001900. Obtained favorable settlement in favor of City & County of Honolulu.
- 5) *Gilbert Gaspar, etal v. Shane Mark, etal*; Civil No. 1CC05-1000338; Civil No. 1CC05-1000338. Represented HPD Officer Bruce Swann in wrongful death lawsuit. Changed firms before resolution of matter.

10. DIRECT OR INDIRECT CONFLICTS OF INTEREST:

Our firm represents employers and their employees against claims by plaintiff employees. We frequently represent employers before State agencies or departments such as the Hawaii Civil Rights Commission (HCRC) or the Department of Labor and Industrial Relations (DLIR). The employers we represent may have interests that conflict with the positions taken by the HCRC or the DLIR. Typically, the HCRC or DLIR are involved only as a quasi-judicial forum for an individual, and the claims are not brought by or against the State directly. We do not believe these situations involve conflicts, but they could potentially lead to conflicts if the HCRC or DLIR were to sue one of our employer clients arising out of an employee's charge or complaint. We have represented only one client where this occurred with the HCRC. We have represented several clients in matters where the Division of Occupational Safety & Health (HIOSH) was pursuing possible State safety violations. Agencies of the State, including the Attorney General's Office, occasionally subpoena records from employers whom we represent. In most situations, subpoenaed records are simply produced, without further question. In one case, where the records were covered by a statute mandating confidentiality and where the agency was unable to produce an authorization from the individual to whom the records pertained consenting to their release, the agency and our client agreed that a court order would be necessary to allow our client to produce the records. Therefore, a special proceeding was instituted through which the court issued order allowing our client to produce the requested records to the state agency. We do not believe that this situation resulted in a conflict.



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FY 2021-2022 STATEMENT OF QUALIFICATIONS AND EXPRESSION OF INTEREST

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1. GENERAL INFORMATION

LAST NAME Ueki,	FIRST Jennifer	MIDDLE K.M.	OTHER NAMES USED Jennifer K. Murata	
BUSINESS ADDRESS 737 Bishop Street, Suite 2860			TELEPHONE NO. 808-532-1728	FACSIMILE NO. 808-532-1729
CITY Honolulu,	STATE Hawaii	ZIP CODE 96813	E-MAIL ADDRESS jueki@ota-hara.com	

2. LAW FIRM AFFILIATION(S) (from date of admission or 1991, whichever is later)

NAME AND LOCATION (CITY, STATE) OF LAW FIRM	FROM	TO
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8. UP TO THREE (3) AREAS OF PRACTICE IN WHICH YOU CONSIDER YOURSELF PROFICIENT AND FOR WHICH YOU WISH TO BE CONSIDERED:

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**STATEMENT OF QUALIFICATIONS
AND EXPRESSION OF INTEREST
(Fiscal year commencing July 1, 2021)**

JENNIFER K.M. UEKI

2. LAW FIRM AFFILIATION(S) (continued)

NAME AND LOCATION (CITY, STATE OF LAW FIRM)	FROM	TO
Ota & Hara LLLC Honolulu, Hawaii	2018	Present
Marr Jones & Wang, LLLC Honolulu, Hawaii	2005	2008

6. WOULD YOU CONSIDER A CONTINGENCY FEE CONTRACT?

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Express Mail	actual charge
Long Distance Telephone	actual charge
Court Reporter	actual charge
Sheriff	actual charge
Witness Fees/Mileage	actual charge
Airfare and other travel expenses	actual charge
Electronic Legal Research	actual charge

8. AREAS OF PROFICIENCY:

Upon graduating from law school in 2005, my primary focus of practice was employment litigation and labor law. This involved defending employers against allegations of discrimination, harassment, retaliation, and wage and hour violations, as well as advising clients on employment policies, procedures and contracts, and conducting workplace investigations. I also represented management in labor and union matters, including collective bargaining, grievances, and labor arbitrations.

From 2008 to 2018, I held financial and management positions in the private sector and in government. I returned to private practice in 2018. During the years of my career in private practice, I have handled an estimated 125 cases. I have represented a wide range of clients in private industry and the public sector, including the City & County of Honolulu, the County of Maui, and the State of Hawaii. I have appeared in litigation proceedings before the U.S. District Court for the District of Hawaii, the First and Second Circuit Courts of the State of Hawaii, and the District Court of the First Circuit of the State of Hawaii, and participated in arbitrations and mediations related to such lawsuits. I have also appeared in administrative proceedings before the Hawaii Civil Rights Commission, the Hawaii Labor Relations Board, the federal Equal Employment Opportunity Commission, and the National Labor Relations Board.

9. SPECIAL DEPUTY CORPORATION COUNSEL, OR OTHER CONTRACTS:

While at Marr Jones & Wang LLLP, I provided legal services to the City and County pursuant to several Special Deputy Corporation Counsel contracts, including contracts for *Smith v. City and County of Honolulu*, Civ. No. 02-1-1006-04 VSM (wage and hour litigation in First Circuit Court) and *Almodova v. City and County of Honolulu*, Civ. No. 07-00378 DAE/LEK (wage and hour litigation in federal court).

Mary Ann Asato v. Board of Water Supply, City & County of Honolulu, et al; Civil No 18-1-1683-10 (JPC).

Scott Paiva v. City and County of Honolulu, Board of Water Supply, et al.; Civil No. 18-1-1535-09 (BIA). Currently in litigation.

10. DIRECT OR INDIRECT CONFLICTS OF INTEREST:

Our firm represents employers and their employees against claims by plaintiff employees. We frequently represent employers before State agencies or departments such as the Hawaii Civil Rights Commission (HCRC) or the Department of Labor and Industrial Relations (DLIR). The employers we represent may have interests that conflict with the positions taken by the HCRC or the DLIR. Typically, the HCRC or DLIR are involved only as a quasi-judicial forum for an individual, and the claims are not brought by or against the State directly. We do not believe these situations involve conflicts, but they could potentially lead to conflicts if the HCRC or DLIR were to sue one of our employer clients arising out of an employee's charge or complaint. We have represented only one client where this occurred with the HCRC. We have represented several clients in matters where the Division of Occupational Safety & Health (HIOSH) was pursuing possible State safety violations. Agencies of the State, including the Attorney General's Office, occasionally subpoena records from employers whom we represent. In most situations, subpoenaed records are simply produced, without further question. In one case, where the records were covered by a statute mandating confidentiality and where the agency was unable to produce an authorization from the individual to whom the records pertained consenting to their release, the agency and our client agreed that a court order would be necessary to allow our client to produce the records. Therefore, a special proceeding was instituted through which the court issued order allowing our client to produce the requested records to the state agency. We do not believe that this situation resulted in a conflict.



City and County of Honolulu
Department of the Corporation Counsel
530 So. King Street, Room 110
Honolulu, Hawaii 96813
Tel. (808) 768-5100

FY 2021-2022 STATEMENT OF QUALIFICATIONS AND EXPRESSION OF INTEREST

Please answer all questions. Omission of an item may preclude you from being considered. Use additional sheets if necessary. If you wish to provide additional information related to your qualifications, please attach it.

1. GENERAL INFORMATION

LAST NAME Hiraoka,	FIRST Kallista	MIDDLE N.	OTHER NAMES USED	
BUSINESS ADDRESS 737 Bishop Street, Suite 2860			TELEPHONE NO. 808-532-1728	FACSIMILE NO. 808-532-1729
CITY Honolulu,	STATE Hawaii	ZIP CODE 96813	E-MAIL ADDRESS khiraoka@ota-hara.com	

2. LAW FIRM AFFILIATION(S) (from date of admission or 1991, whichever is later)

NAME AND LOCATION (CITY, STATE) OF LAW FIRM	FROM	TO
See Attached		PRESENT

3. LEGAL EDUCATION

NAME OF LAW SCHOOL	LOCATION (CITY, STATE)	DEGREE RECEIVED
William S. Richardson School of Law	Honolulu, Hawaii	JD

4. JURISDICTIONS ADMITTED TO PRACTICE (*Active only*)

JURISDICTION	DATE ADMITTED
State of Hawaii, All Courts	2020
U.S. District Court, District of Hawaii	2020

5. RANGE OF HOURLY RATES

- A. Applicant's 200 to 300
- B. Firm's (if applicable)
 - i. Partners 250 to 350
 - ii. Associates 200 to 300
 - iii. Paralegals 100 to 185

6. Would you consider a contingency fee contract? No _____ Yes X

7. TYPES AND AMOUNTS OF COSTS CHARGED: ("Reasonable Costs" is an insufficient response. Please enumerate; attach additional sheets if necessary.)

TYPES	AMOUNTS
See Attached	

8. UP TO THREE (3) AREAS OF PRACTICE IN WHICH YOU CONSIDER YOURSELF PROFICIENT AND FOR WHICH YOU WISH TO BE CONSIDERED:

1. Employment Law 2. Tort Law 3. Litigation

On separate sheets of paper, for each area of practice listed in this question:

- X Estimate the total number of cases or matters handled;
- X Describe a representative sample of work performed. For each representative case or matter described, indicate the client for whom work was performed, when work was performed, the court in which appearances, if any, were made, and citations to reported cases, as appropriate.

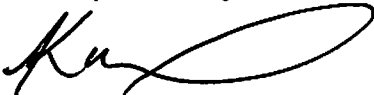
9. Provide a list of previous Special Deputy Corporation Counsel contracts or other contracts entered into by you or your law firm to perform legal services on behalf of the City and County of Honolulu, including the dates of the contracts, for the last 10 years.

10. DIRECT OR INDIRECT CONFLICTS OF INTEREST

Are you currently representing, or have you in the past represented, a party whose interest is adverse to the City and County of Honolulu? Yes* _____ No _____
*(*If the answer is yes, on a separate sheet of paper, please identify the adverse matters and the nature of your involvement.)*

CERTIFICATION BY APPLICANT

I hereby certify that all statements in this application, including attachments are true and correct to the best of my knowledge as of the date of this statement.

 _____ 7/1/2021 _____
Signature of Applicant Date

**ALL MATERIALS shall be emailed to: professionalservices@honolulu.gov.
NO HARD COPIES, CDs, OR FACSIMILIES SHALL BE ACCEPTED.**

**STATEMENT OF QUALIFICATIONS
AND EXPRESSION OF INTEREST
(Fiscal year commencing July 1, 2021)**

KALLISTA N. HIRAOKA

2. LAW FIRM AFFILIATION(S) (continued)

NAME AND LOCATION (CITY, STATE OF LAW FIRM)	FROM	TO
Ota & Hara LLLC Honolulu, Hawaii	2020	Present

6. WOULD YOU CONSIDER A CONTINGENCY FEE CONTRACT?

While our response is “yes we would consider a contingency fee contract”, a contingency fee arrangement would be out of the ordinary and would only be considered by our firm in a proper case. Our normal practice is to bill on an hourly basis for work that we perform. However, we are also amendable to alternative billing such as on a project basis. To provide further information on alternative billing, we would need to discuss the scope of any proposed representation and your expectations.

Regardless of the method of billing, we strive to provide value to our clients. We encourage periodic reviews of legal expenses and would work with you to monitor legal expenses and seek alternative billing options.

7. TYPES AND AMOUNTS OF COSTS CHARGED:

TYPE	AMOUNTS
Photocopying: In-house Outside service	\$0.20 per page actual charge
Fax Charges	no charge
Postage	actual charge
Courier/Messenger	actual charge
Express Mail	actual charge
Long Distance Telephone	actual charge
Court Reporter	actual charge
Sheriff	actual charge
Witness Fees/Mileage	actual charge
Airfare and other travel expenses	actual charge
Electronic Legal Research	actual charge

8. AREAS OF PROFICIENCY:

Since graduating from law school in 2020, the primary focus of my practice has been on litigation. I have handled an estimated 20 lawsuits and have appeared in proceedings in the District Court for the District of Hawaii and the Circuit Court and the Family Court, State of Hawaii. I have participated in arbitrations, mediations, and depositions, and have researched and drafted legal memoranda and other documents in preparation thereof.

9. SPECIAL DEPUTY CORPORATION COUNSEL, OR OTHER CONTRACTS:

Mary Ann Asato v. Board of Water Supply, City & County of Honolulu, et al; Civil No 18-1-1683-10 (JPC). Obtained dismissal for Board of Water Supply.

Scott Paiva v. City and County of Honolulu, Board of Water Supply, et al.; Civil No. 18-1-1535-09 (BIA). Currently in litigation.

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