

HPU LAW and JADM Newsletter

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I HOPE you all are having a productive and stimulating beginning to your Fall 2007 term with the Justice Administration Program. This month we have the Honorable Justice Simeon Acoba, opening our symposium series, and the beginning of the Law and JADM Club. If there is any way I may assist in your educational and professional endeavors, please contact me.



Professor Vincent G. Tsushima, Ph.D., J.D.
Justice Administration Program Chair

Faculty Profile: The Honorable Justice Simeon Acoba



Justice Simeon Acoba

Adjunct Professor, the Honorable Justice Acoba is a graduate of Farrington High School in Honolulu, the University of Hawai'i-Manoa, and the Northwestern University School of Law in Chicago, Illinois. At UH, he was the recipient of the Hawai'i State Bar Association's Liberty Bell award. That award was bestowed on him as Chair of the Committee that brought to the University for Civil Rights Week, Martin Luther King, Jr.; James Farmer, the head of the Congress of Racial Equality; Elijah Muhammad of the Black Muslims; James Simmons from the White Citizens Council in Jackson, Mississippi; and a representative from the NAACP.

After graduating from law school, Professor Acoba began his legal career as a law clerk to Chief Justice William Richardson from 1969 to 1970, where he did research and drafted court opinions. He returned to his alma mater, UH, serving as a student housing attorney and later as special assistant to President Harlan Cleveland. In 1971 he became a Deputy Attorney General for the State of Hawai'i. He next went into the private practice of law, where he shared offices with governor-to-be Benjamin Cayetano. In private practice he handled a variety of matters,

including criminal, tort, and land cases. He also did legal work in the public utility, occupational safety and health, and campaign spending areas, and was a staff attorney with the House of Representatives, majority staff attorney's office. Professor Acoba was also an adjunct professor of law at the Richardson School of Law.

Professor Acoba has served on all four levels of the judicial branch. In 1979, he was appointed as a per diem, i.e., a part-time, district court judge. In 1980, he was appointed to the circuit court. In 1994, after serving as a circuit court judge for fourteen years, Professor Acoba was appointed to the Intermediate Court of Appeals, the first-level appellate court in the State of Hawai'i. In 2000, Professor Acoba was appointed to the highest appellate court in the State of Hawai'i's Judiciary -- the Hawai'i State Supreme Court. He has served there for seven years. In a May 2007 interview in the Hawai'i Bar Journal, his judicial philosophy on the supreme court was stated as follows: "Our obligation to the rule of law is to apply it assiduously, evenly, and justly; expediency should play no part in the task in which we are engaged....By satisfying our obligation in individual cases, we fulfill our duty as stewards of the judicial power, to all parties and to the public at large without favoring any one party or the interests of one litigant over another."

He is thankful to President Chatt Wright for awarding him the HPU Fellow of the Pacific Award and to Prof. Masuda for recruiting him to teach at HPU. What he enjoys the most about HPU students is that "by and large the students are enthusiastic and eager to learn and will usually accept the challenge of grappling with complex issues. The diverse backgrounds and life experiences of the students have enriched our classroom learning and invigorated my work with them."

Politics: Honored Young Intern Expresses Idealism; Old "Veteran" of Political "Wars" Adds Caveats

by Professor Mel Masuda

(Editor's Note: The article below summarizes the recent honor bestowed upon a JADM Major, Leanne Youn Galanti, and is followed by some observations by Professor Mel Masuda, J.D., M.P.A., a former White House Fellow (staff assistant) on Leanne's idealistic views of politics as she expressed in her first-person article which she wrote after receiving the honor.)



Leanne Youn Galanti--a Justice Administration (JADM) Major from Walnut Creek in the "East Bay" area of Northern California (across from San Francisco city)--has been honored for her work as an intern for the past year in the headquarters of the Democratic Party of Hawaii. Leanne was featured on both the print (also known as, aka, hard copy) version of the monthly party newsletter, which version also appeared on the party's Website. Leanne has been volunteering as an intern in the party's office, doing everything from the usual secretarial-type work of licking envelopes and answering phones to sitting in on strategy and tactics meetings of the party.

Leanne was allowed to write a first-person article. In her article, Leanne wrote about her background--she's a full-time student at HPU and works part-time at Duke's Restaurant in Waikiki. "After graduating, I plan on attending law school, if possible in New York City. Besides earning a law degree, I want eventually also to earn a Master's degree in Social Work or International Studies because I would like to travel to Third World countries and assist them in any way possible. I would love to, one day, work for the United Nations."

Leanne credits "a political science teacher at HPU for helping me to love learning about the conditions of our nation today and what is being done or could be done to change it for the better."

Here are Leanne's young idealistic views on politics, as expressed in her first-person article: "I feel it's very important for students to become involved in both civic duty and politics because it makes you more aware of the issues that are occurring within our society and within the nation as a whole. Civic duty also teaches people to have open minds and to value the importance of contributing to society."

Professor Masuda, the creator of the JADM Major, has spent a lifetime observing politics first-hand from the local level here in Hawaii--which politics have been dominated by the Democratic Party since 1954--to the national and international level as an independent, non-partisan White House Fellow (staff assistant) working with a Republican administration in Washington, D.C. as well as a one-time summer intern at the United Nations in New York City. Here are his comments on Leanne's views of politics, as expressed above (some of which comments he made at the meeting of the LAW and JADM Club on September 24):

"Congratulations to Leanne for expressing a very high-minded, idealistic point of view about the importance of politics to the life of the nation and the world! At the same time, having started with the same idealistic views as she has expressed when I was her age (and still having them) and having observed both Democratic and Republican politics and politicians for several decades, I have the following caveats (cautions) for her and for all other young people of her generation who want to get involved in politics:"

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"Please remember that the famous World War II Prime Minister Winston Churchill allegedly said, 'Democracy is the worst form of government--except for all the others.' What Churchill was implying is that, while the end goals of politics--and of being involved in politics to try to improve society--are excellent, the means of getting there are messy. In some ways—and in the view of most U.S. citizens today—politics is a necessary evil because there are so many individuals involved in it who are corrupt and who are hypocrites (as indicated by the now-infamous incident involving the U.S. Senator from Idaho who has consistently voted against gay rights although, according to the Minneapolis police, was 'busted' in the airport there for 'lewd conduct')."

"If you are going to be involved in politics more than most U.S. citizens, you should, please, keep the following points in mind so that you can retain, maintain, and sustain your idealism:"

"(1) Politics can become too partisan, as is exemplified by the rather poisonous partisan atmosphere found in Washington, D.C., today in the split between the Democrats and the Republicans. I have found that, in working with both Democrats and Republicans at the local, national, and international levels, it often does not matter what political party one identifies with so long as one can agree on the end goals to be reached. Thus, I personally prefer to be independent of both political parties and non-partisan."

"(2) Politics can also be incredibly petty on a human level. When I was selected through a national competition as a non-partisan White House Fellow to serve as a staff assistant at the White House in a Republican administration, the late U.S. Senator Hiram Fong, a Republican, objected to my being selected and tried to block my service because he thought that I had been identified too closely with Democratic politics in Hawaii. Luckily for me, the

national selection process had already been completed, and my selection was approved by the President."

"(3) Whether we like it or not, the late Speaker of the California House of Representatives, Jesse Unruh, was correct when he said--somewhat inelegantly--'Money is the mother's milk of politics.'" Frankly speaking, it helps to be rich to be involved in politics, particularly in running for office. It is no coincidence that many of the so-called 'successful' politicians in office either come from 'old money' family fortunes (e.g., the Bushes and the Kennedys) or 'new wealth' (e.g., the Clintons, who have created their own wealth through shrewd stock market investments, book deals, and the like, as well as Governor Jon Corzine of New Jersey, who made millions as a Wall Street investment banker before he ran for office--the first office he ever sought being the Governorship, the top state office). We are, for better or worse, in this country, moving toward a plutocracy--a political system dominated by the wealthy. If one wants to 'make a difference'--as young people are often urged to do--then, these idealistic young people should be reminded that, unless they accumulate their own wealth legitimately before they become involved in politics, they will be tempted, unfortunately, to acquire it illegally when they are in office--as has been shown by the many political corruption cases which occur."

"(4) At the same time, it is important--even as you see all the 'down' sides of politics--to maintain, retain, and sustain your idealism because the only way in which a nation reaches the 'up' sides--the positive aspects--of politics and civic duties is by having the people voting realize that they can indeed 'make a difference' by being interested in and involved in community, national, and international issues. So, Leanne, you are correct in your idealism! Never lose it!"

U.S. Attorney Will Speak At November 19 Symposium

The LAW and JADM Club is pleased to announce that the U.S. Attorney for the District of Hawaii--one of only 92 U.S. Attorneys in the U.S.A.--the Honorable Edward (Ed) Kubo has agreed to be the Symposium speaker for November. He will speak from 5:30 to 6:15 p.m., Monday, November 19, in Room MP 325. He will present prepared remarks first on the work which his U.S. Attorney's Office handles (both civil and criminal cases) and then answer questions from the audience.

Please note that--as is the case with Justice Simeon Acoba's talk on October 22--the U.S. Attorney, too, cannot comment on presently pending case nor on the political controversy over the alleged firing of seven U.S. Attorneys on the mainland last year. Please respect these limits of discourse. Thank you!

Projected JADM Classes for Winter, Spring 2008, MCP Term 2, and MCP Term 3

[NOTE: The courses listed below are subject to change]

Main Campus

Winter

JADM 3520	Drug Abuse
JADM 3540	Women, Minorities, and Justice
LAW 3000	Business Law I
LAW 6000	Law for Managers

Spring

JADM 3070	Justice Management
JADM 3310	Law Enforcement: Contemporary Issues
JADM 3320	Corrections: Processes and Programs
JADM 3550	Crime Scene Investigations
JADM 4xxx	Justice Administration Practicum
LAW 3000	Business Law I
LAW 3100	Advanced Business Law: Managers
LAW 3110	Advanced Business Law: Accountants
LAW 3500	Criminal Law
LAW 6000	Law for Managers

Military Campus Program

Term 2

JADM 3050	Criminology
JADM 3060 (on-line)	Justice Systems
JADM 3300 (on-line)	Criminal Procedures
JADM 3310	Law Enforcement: Contemporary Issues
JADM 3320	Corrections: Processes and Programs
JADM 3540 (on-line)	Women, Minorities, and Justice
LAW 3500 (on-line)	Criminal Law

Term 3

JADM 3060	Justice Systems
JADM 3070	Justice Management
JADM 3310 (on-line)	Law Enforcement: Contemporary Issues
JADM 3320 (on-line)	Corrections: Processes and Systems
JADM 3520	Drug Abuse and Justice
JADM 3530 (on-line)	Juvenile Deviancy and Justice
LAW 3500	Criminal Law

JADM Internship Elective Available for Spring Term With Instructor Permission

For the first time, JADM students will be able--with instructor permission—to get elective credit for internships (three credits in Spring Term coming up). Students should be aware, however, that not all applicants will be accepted for this internship course--which probably be listed as "JADM 4xxx—Justice Administration Practicum" in the registration materials when registration begins for Spring Term for seniors on November 2 and continues for the rest of November for juniors, sophomores, and freshmen.

What is involved in this internship course? Anyone can try to sign up, but, first, you should e-mail the instructor to see if you will be accepted (hence, the term "with instructor approval"). If you are accepted, then you can register for the course. HPU and the agency or business which you intern with will sign a so-called Memorandum Of Understanding (MOU) that makes it clear that HPU assumes no liability for any injury of any sort (physical or emotional) which occurs to the student in commuting to and from the internship and in being on duty as an intern with the agency or business. The grade which the student receives at the end of the Term for this internship course will be determined by the designated instructor.

Are there any internship opportunities already available? The Honolulu Liquor Commission has asked for four interns who will be asked to undergo the Commission's training session during the Spring Term (a commitment of about nine hours a week at the agency). For this particular internship only, the Commission will then, at the end of the Spring

Term, negotiate totally separately from HPU for a contract between the student and the Commission if the student wants to follow up with particular part-time or full-time on-the-job regular employee functions from summer onward. HPU itself will not be involved after the Spring Term. Also, internship credits under the JADM 4xxx course designation are only for this coming Spring Term training sessions and not for the part-time or full-time on-the-job positions beginning in Summer and beyond. As for the four interns to be selected for the Spring Term training sessions, the HPU instructor granting permission is Associate Professor Mel Masuda. You can chat with him more about the internship either by e-mail first (mmasuda@hpu.edu) and/or by in-person conversation (the time having been set by e-mail before) after his last day class ends on MWF at 1:50 p.m.

Another internship program available for JADM 4xxx credit is serving as a Court Monitor in Honolulu District Court (Alakea and Hotel Streets) for MADD (Mothers Against Drunk Driving). A Court Monitor for MADD will sit in on cases involving allegedly drunk drivers and keep and write up notes from the court sessions for MADD in its efforts to strengthen anti-drunk driving laws in Hawaii.

We of the LAW and JADM Program think that this new JADM 4xxx course for Spring opens up a whole new world of opportunities for our LAW and JADM students. If interested, "go for it!" by contacting Professor Masuda.

Reminder -- Write for the LAW and JADM Newsletter

Please note that the deadline for submitting copy (journalists' term for an article) for our November issue will be on November 10 so that we can present, in time before the talk, an article about the background and achievements of our LAW and JADM Club Symposium speaker for November 19--namely, the Honorable U.S. Attorney Ed Kubo. Also, any student who is interested in writing up the Honorable Justice Simeon R. Acoba, Jr.'s, Symposium talk on October 22 is welcome to do so. Please send your proposed article to vtsushima@hpu.edu with a "cc" to mmasuda@hpu.edu.

Ask “Uncle” Randy: How to Pick a Attorney

By Adjunct Professor Randy Harakal



Editor's Note: We thought it would be helpful to you LAW and JADM students to have a monthly column of advice on legal questions that often arise. We hope that you will find the column helpful. For that matter, if you have any question which you might want to suggest as the subject matter for a future column, please e-mail it to our author, attorney Randy Harakal, at lawhi@yahoo.com. Attorney Harakal reserves the right to choose which question to answer each month. By the way, also, if you as a student was not aware, the terms attorney, lawyer, and counselor are synonyms and used interchangeably. Attorney Harakal's background will appear at the end of each month's column, as it does with this inaugural column.)

What kind of attorney do I need?

First, determine what kind of attorney you need, whether civil (non-criminal) or criminal. If you were contacted and questioned by any law enforcement official, this includes government agencies like the FBI, DEA, IRS, USCIS, or served with a government subpoena or a search warrant or arrested for any reason, and then you need an attorney with criminal procedure and law experience. Every other type of legal problem would be considered a civil matter, such a contracts, landlord-tenant, consumer complaints, and administrative law such as tax, social security, and immigration.

How do I find a attorney who practices in the area I need?

First, check the “Yellow Pages” of the telephone directory under “Attorneys.” Attorneys are allowed to list the areas of concentration in their practice. Second, check out the HAWAII ATTORNEY REFERRAL & INFORMATION SERVICE WEBSITE at www.hawaiiattorneyreferral.com, which is sponsored by the Hawaii State Bar Association and also lists the attorney’s area of concentration. Third, ask a family member, friend, or professor. Fourth, the Internet is an extremely beneficial source of locating a attorney. Many websites maintain directories of attorneys nationwide. The two main national directories are www.martindale.com and www.attorneys.com. Finally, most law firms these days maintain Websites, and usually you can find those through any search engine. Often attorneys are active in professional or community organizations which may be featured on a Website.

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What do I look for in the initial interview?

The initial interview with an attorney who you are considering hiring is extremely important. Take with you to the interview all of the documents and other information that relates to your problem. Also, take with you the names and addresses of the important people that have something to do with your case. Ask the attorney about her or his credentials. Ask how many cases similar to yours that were handled.

Prepare a list of questions to ask when you get there – how much are the fees? What is the law related to your case? What are the realistic outcomes? What is the attorney’s philosophy for handling your case? Is an aggressive approach or one geared more toward settlement recommended?

Consider your comfort level with the attorney and the personal compatibility. Do you get a feeling of trust from the attorney? Does the attorney sound knowledgeable in the law about your case? Does the attorney seem confident about your case? Finally, always interview at least two attorneys before making a final hiring decision.

Attorney Randy Harakal--who earned his B.A. degree from Villanova University and his Juris Doctor (J.D., law school) degree from the Delaware Law School of Widener University--has practiced civil (non-criminal) and criminal law for 31 years, 26 of which have been in Hawaii. He has been an Adjunct Professor for HPU, teaching both undergraduate and graduate courses, for the past 13 years. Professor Harakal is admitted to practice before the Hawaii courts and several federal courts, serves as an arbitrator, and is a frequent lecturer at attorneys' seminars. E-mail address: lawhi@yahoo.com.

JADM Faculty

Adjunct Faculty:

Main Campus - Justice Simeon Acoba, Randy Harakal, Edmund Saffery, Cynthia Schleindl, Zara Sette, Detective Sheryl Sunia, Joseph Tichy, and Mark Valencia

Military Campus Program – Bruce Barnard, Cheryl Brawley, Richard Brawley, Asoke (Ash) Datta, Craig Dela Cruz, Dwight Elliott, James Goodrich, Leslie Kiriakos, John Little, Steve Redner, Neil Sheehan, Hector West

Full-Time Faculty:

Main Campus - Mel Masuda

Military Campus Program - DeAnna Dotson