



DEPARTMENT OF THE CORPORATION COUNSEL

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POWERS, DUTIES AND FUNCTIONS

The Department of the Corporation Counsel (COR) serves as the chief legal adviser and legal representative of all city agencies, the City Council, and all officers and employees of the city in matters relating to their official powers and duties. The department represents the city in all legal proceedings and performs all other legal services required by the Revised Charter of the City and County of Honolulu or other laws. Under the charter, the Ethics Commission is attached to COR for administrative purposes only.

Counseling and Drafting Division

The Counseling and Drafting Division (C&D) comprises four sections: Finance, Infrastructure and Community Services, Real Estate and Land Use, and Personnel and Public Safety.

C&D provides legal advice to the Mayor, the city departments and agencies, the City Council and its committees, and the city boards and commissions. In this advisory capacity, C&D renders oral and written opinions; drafts and reviews bills and resolutions for submission to, or being considered by, the City Council or the state legislature; advances and presents testimony on the city's position on legal issues presented in state legislation; reviews and approves as to form and legality legal documents to which the city is a signatory; attends meetings of the City Council, the council committees, and the city boards and commissions; and provides legal representation on behalf of the city in state and city administrative proceedings and in selected court proceedings, such as real property tax appeals, eminent domain proceedings, quiet title proceedings, partitions of land court property, administrative appeals, foreclosures, bankruptcy actions, interpleader actions for the return of seized property, certain specialized litigation and other matters as may be assigned.

Litigation Division

The Litigation Division (LIT) provides certain legal representation of the city, and its officers and employees acting within the course and scope of their official duties, in state and federal courts in the state of Hawaii, including the trial and appellate courts. LIT processes and, if necessary, litigates certain claims by or against the city and such officers and employees, including tort, contract, civil rights, employment and collection claims. LIT prosecutes liquor law violations before the Liquor Commission, and advises and represents the Honolulu Police Department with regard to subpoenas duces tecum.

Honolulu Ethics Commission¹

The mission of the Ethics Commission is to ensure that city officers and employees understand and follow the standards of conduct governing their work for the public. The Commission's main focus is to deter conflicts of interest and the misuse of government resources or positions by city personnel. The Commission implements its objectives through a balance of training programs, advisory opinions, enforcement actions and legislation.

The seven Commission members are appointed by the Mayor and confirmed by the City Council. Commissioners serve staggered five-year terms.

ACCOMPLISHMENTS

- Worked collaboratively with the state of Hawaii, the other counties, and the Department of Budget and Fiscal Services, Department of Human Resources, Honolulu Fire Department, Honolulu Police Department, and Honolulu Emergency Services Department during several interest arbitrations to negotiate collective bargaining agreements with the public unions representing fire fighters, police officers, ocean safety officers, and the Hawaii Government Employees Association;
- Assisted with the acquisition of a conservation easement to preserve a freshwater spring in Honolulu that feeds into Kanewai Fishpond, the Paiko Wildlife Sanctuary and Maunalua Bay through the use of Clean Water Natural Land Funds;
- Assisted the Department of Facility Maintenance and the Department of Information Technology in negotiating a non-exclusive license agreement with Mobilite LLC, for the use of the city's street light poles to provide communication services to the residents of the city;
- Supported the city's initiatives to create additional affordable housing through all stages of project development, from property acquisition through project occupancy and operations, including assisting with: the acquisition of 436 Ena Road; the development and issuance of solicitations for service providers at 431 Kuwili Street; the issuance of a new 65-year lease to the state of Hawaii and the issuance of an Affordable Housing Fund grant to support the rehabilitation of the Na Lei Hulu Kupuna affordable senior housing project; and the property transactions and contracts for Kauhale Kamaile in Waianae and Kahauiki Village near Sand Island, both of which opened to families this past year;

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- Successfully defended the city and its employees in numerous lawsuits, including: obtaining a defense verdict in favor of the city in a jury trial before the U.S. District Court involving a Title VII employment retaliation claim, and the 9th Circuit Court of Appeals affirmation of a the U.S. District Court's dismissal of a claim that Honolulu Police Department officers failed to provide proper medical care;
- Successfully negotiated a settlement with the U.S. Department of Justice with regard to the Servicemembers Civil Relief Act, which allows the city to dispose of abandoned cars on city roadways;

COUNSELING & DRAFTING	Outstanding C&D Requests as of 7/1/2017	New Requests Received FY 2018	Total Request Workload FY 2018	Requests Completed and Closed FY 2018	Outstanding C&D Requests as of 6/30/2018 ³
Requests for Legal Services	5,314	1,171	6,485	1,024	5,461
Requests for Review and Approval of Legal Documents	1,808	6,379	8,187	6,063	2,124
Pre-lawsuit Cases ²	1,577	376	1,953	115	1,838
State and Federal Court Cases	512	535	1,047	523	524

² Adversarial proceedings before city or state administrative bodies.

³ Gross amount due to backlog of cases that are ready to be closed that have not yet been closed.

LITIGATION	Outstanding LIT Requests as of 7/1/2017	New Requests Received FY 2018	Total Request Workload FY 2018	Requests Completed and Closed FY 2018	Outstanding LIT Requests as of 6/30/2018
Pre-lawsuit Cases ⁴	726	509	1,235	563	672
State and Federal Court Cases	85	216	301	66	235
Subpoena Duces Tecum Requests	158	372	530	345	185

⁴ Claims filed with and handled by the COR claims investigators.

- The Ethics Commission completed strategic planning in March 2018, which was the culmination of 18 months of public meeting discussions, development and drafting, and outreach to stakeholders; this first such plan sets forth a blueprint for the future and will be revisited in 2020 (year three), 2022 (year five), and 2024 (year seven), and the Commission intends for the plan to be dynamic — a flexible and directional touchstone for Commissioners and staff;
- The Commission successfully trained 9,686 of the city's officers and employees, including board and commission members, via its new learning management system (LMS) launched in August 2017; the LMS delivered an online ethics training course, administered a quiz and survey, tracked learner progress and managed record-keeping.

ETHICS COMMISSION⁵	FY 2015	FY 2016	FY 2017	FY 2018
Contacts Received (requests for advice, concerns, misc. inquiries)	307	344	268	613
Contacts Answered (requests for advice, concerns, misc. inquiries)	319	219	182	601
Ethics Concerns Received	93	111	86	58
Employees Trained	858	5,172	809	9,686 ⁶
Board, Commission Members Trained	85	0	0	176
Disclosures Received (financial, conflict of interest, outside interest, candidate, nomination, other)	715	746	774	841
Ethics Commission Meetings	9	16	14	11
Advisory Opinions Issued	4	1	3	1
Lobbyist Registrations, Annual Reports Received	213	213	268	323

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⁶ As of June 30, 2018, with one department pending, but in progress.