Environmental Law Program

University of Hawaiʻi at Mānoa
William S. Richardson School of Law
Aloha! I am pleased to have the opportunity to introduce you to our excellent and exciting Environmental Law Program (ELP) at the William S. Richardson School of Law, University of Hawai‘i at Mānoa. In 1988, our law school community made a decision to focus a substantial part of our resources toward furthering the goal of enlightened environmental stewardship here in Hawai‘i and in the Pacific Region. Since that time, the ELP has matured into a comprehensive program that was ranked in the top twenty-five in the nation by U.S. News and World Report in 2000. I am particularly proud of the highly qualified faculty who teach in the program. Their diverse interests and expertise allow us to offer a program of study that represents the varied perspectives of the governmental, public interest, and private sectors. Students have unparalleled opportunities to engage in activities such as arguing mock cases before Hawai‘i’s Supreme Court and Intermediate Court of Appeals; externing with the U.S. Justice Department, the military, corporate law firms, public interest law firms, and the State Office of the Attorney General; testifying before the legislature and government agencies; and presenting papers at national conferences. They also work in the lo’i (taro fields) with community groups, clean up streams, and help restore native vegetation to deforested areas. Tom Pierce, a 1997 graduate whose practice with a private law firm on Maui focuses on business litigation, including environmental and land use issues, comments: “By the time I finished my Environmental Law Certificate, I was not only acquainted with all the major federal and state environmental statutes, I had also been introduced to most of the environmental lawyers in Hawai‘i’s legal community.” We invite you to meet, learn from, and one day, become part of Hawai‘i’s and the nation’s community of lawyers.

Dean Lawrence C. Foster
The Law School: Excellence in an ‘Ohana (Family) Atmosphere

The William S. Richardson School of Law at the University of Hawai‘i is located in beautiful Mānoa Valley on the island of O‘ahu. Opened in 1973, it is the only law school in the state of Hawai‘i. It is accredited by the American Bar Association and is a member of the American Association of Law Schools. The School of Law juris doctor program prepares degree candidates for active and effective professional participation in legal counseling, advocacy and decision-making—whether in the courtroom or the legislature, attorney’s office or corporate board room, state agency or federal commission, community center or international conference. At the School of Law, students are encouraged to study law and legal institutions as integral parts of larger social, political-economic, and ecological systems.

The School of Law’s accomplished student body of approximately 240 is the most ethnically diverse in the nation, attracting students from a number of Pacific/Asian countries, as well as from Hawai‘i’s many ethnic groups. With a permanent faculty of 18 and more than 30 local attorneys and judges who serve as adjunct professors, classes are small. In this ‘ohana atmosphere, student-faculty interactions are encouraged—whether it involves a lively class discussion of cutting-edge land use issues, a field trip to a polluted waterway, or collaborative efforts to teach community workshops.

The School of Law offers a rich curriculum that includes two specialty certificates—Environmental Law and Pacific-Asian Legal Studies—that provide students a focused course of study and an advantage in launching their careers. Students can also select from a number of clinics, both live-client and simulated. In 1992, at the suggestion of the students, the School of Law adopted a sixty-hour pro bono (public service) graduation requirement. The School of Law’s moot court teams (Environmental, Native American, Client Counseling, and Jessup International) have an impressive history of success in both national and international competitions, including several regional and national championships.

The student body takes advantage of the School of Law’s unique position in the Pacific Region and of Hawai‘i’s rich cultural history by participating in such diverse activities as externships in Asia, working on Native Hawaiian rights and sovereignty issues, and learning hula with the law school’s hālau (dance group). Visit our website at http://www.hawaii.edu/law to learn more about our School.


“The Environmental Law Program combines the legal background on state and national environmental laws and policy with an invaluable ‘local perspective.’ In addition to teaching me ‘black letter’ law, the Program made the law ‘real’ by juxtaposing community outreach and interaction. I had the privilege of sharing my newfound knowledge at community-based workshops sponsored by the ELP and funded by the EPA and of presenting my second-year seminar paper on native rights and environmental policy at a national environmental law conference.”


Environmental Law Society students discussing surf conditions at Waikiki Beach.

PHOTO BY PAUL AND VICTORIA MCCORMICK
The Environmental Law Program: 
A Special Program in a Spectacular Setting

The dramatically beautiful Hawaiian archipelago is the most isolated land mass in the world. This geographic isolation has contributed to the evolution of spectacular and unique island ecosystems that are particularly vulnerable to disruption. Population growth in Hawai’i has brought important economic development, but it also has created significant stresses on the environment. Although it represents less than one percent of the land mass of the United States, Hawai’i has approximately 75 percent of the nation’s listed endangered species. Conflicts over use and management of the state’s limited natural resources constantly challenge the abilities of Hawai’i’s political-legal system.

Recognizing the challenges that Hawai’i faces in developing an environmentally sustainable economy, the School of Law has developed a vibrant and diverse Environmental Law Program (ELP). Since its inception in 1988, the ELP has become a significant part of the curriculum at the School of Law and is a fundamental component of the school’s mission. The ELP seeks to train future lawyers to be skilled in the field of environmental law and to contribute to the advancement of environmental law doctrine, scholarship, and practice locally, regionally, nationally, and internationally.

The ELP offers a significant number of exciting and varied courses in environmental law and related fields. In 1992, we instituted the Certificate in Environmental Law, which recognizes the increased student interest in this area of law, the expertise of a substantial number of our faculty, and job opportunities in this rapidly developing field of law. To qualify for a certificate, a student must (1) take a combination of required and optional courses from the certificate offerings, (2) maintain a required GPA in those courses, and (3) complete a directed study or externship focused on environmental law or be a member of the Environmental Law Moot Court Team.

As a part of the certificate program, many School of Law students take advantage of a wide array of environmental law externships, both for academic and pro bono credit. Placements include the Hawai’i Office of the Attorney General, Office of the U. S. Attorney, U.S. Justice Department, EarthJustice Legal Defense Fund, Native Hawaiian Advisory Council, Native Hawaiian Legal Corporation, U.S. Coast Guard, Army Corps of Engineers, U.S. Navy, and private law firms. Looking back on her experiences at the School of Law, Malia Akutagawa, class of 1997, who is now a junior attorney at Native Hawaiian Legal Corporation, comments: “As an attorney representing Hawaiians, I often find that many of the legal issues in protecting native land rights and Hawaiian customary and traditional practices are intertwined with environmental law. The School of Law’s solid environmental law curriculum and dedicated, experienced faculty prepared me well to face the challenges of this dynamic area of law.”

As of 2000, 38 students had received their Environmental Law Certificates. Most of the ELP graduates have found positions where environmental law constitutes some or all of their work. They are employed by private law firms; county, state and federal government agencies; and nonprofit groups. Graduates such as Karla Axell, class of 1993, who practices environmental law as an attorney at Perkins Coie in Seattle, Washington, credits the ELP with “giving [her] the ability to hit the ground running in [her] environmental law practice.”

Jean Campbell, class of 2000, who is practicing corporate environmental and land use law with Carlsmith Ball in Honolulu, reports: “I was able to start working as an environmental law attorney straight out of school because of the great training I received in the environmental law program. I learned how to approach environmental law problems and untangle complicated statutes, regulations, and cases. I saw the direct effect of environmental laws through class field trips to regulated facilities and wildlife preserves on O‘ahu and the neighbor islands.”
In 1995, the ELP launched the first project in its Community OutReach and Education (CORE) program. With a grant from the U.S. Environmental Protection Agency and in cooperation with the Native Hawaiian Advisory Council (NHAC), ELP faculty and students published two handbooks on selected Hawai‘i environmental and natural resource laws and administrative processes. In 1995 and 1997, the ELP and NHAC used these books as teaching tools in a series of community-based workshops around the islands to empower communities to more effectively participate in administrative agency legislative-type decision-making regarding environmental issues. With support from the Hawai‘i Community Foundation, ELP Director Professor Casey Jarman is producing a videotape and workbooks on lawyering skills to assist community groups in preparing for adjudicatory hearings in front of Hawai‘i’s state and county land use, natural resource, and environmental agencies. The materials will be presented at workshops throughout the state and be made available on the ELP website. This project represents a collaborative effort of ELP faculty, students, and local environmental and land use attorneys.

ELP Professor Jon Van Dyke has been awarded an international Posco Fellowship through the East-West Center. As a Posco Fellow, he is working with a team of scholars to identify the criteria that make international regional maritime organizations effective. This information will be used to determine whether such an organization could be established for Northeast Asia. With the generous support of a prominent local businessleader, Professor Van Dyke and two of his former research assistants are in the process of completing a book on Hawai‘i’s Crown Lands that will be an important reference for land use decisions in Hawai‘i.

ELP Professor Denise Antolini is launching a web project called ‘OHELO, Our Hawai‘i Environmental Law Online. (The ‘ohelo is a small native shrub whose berries are a favorite of Hawai‘i’s state bird, the endangered Ne‘nē featured on the cover.) The ‘OHELO project will bring together for the first time in one easily accessible site Hawai‘i’s environmental law—state, federal, and agency decisions, as well as selected pleadings and recent developments.

Two public service environmental law grants are available to students at the School of Law. First, the No Ke Ola O Ka ‘Āina (For the Life of the Land) summer grant, offered by the Environmental Law Society from monies raised at their annual pā‘ina (celebration) is a competitive $2,000 award that funds an ELP student’s summer clerkship with a public interest or governmental organization on environmental law issues. Second, the ELP has partnered with the Natural Resources Section of the Hawai‘i State Bar Association to launch a Minority Fellowship in Environmental Law funded by the NRS and the ABA Section on Environment, Energy and Natural Resources. The Fellowship is funding two summer grants of up to $5,000 each to minority students to work on environmental issues in the governmental or public interest sector.

Finally, as part of their 60-hour pro bono graduation requirement, ELP students have donated over 1,000 hours of their time to environmental public interest organizations and attorneys over the past five years. The ELP plans to continue to support both faculty and student efforts at community outreach and education, locally, nationally, and internationally.
Expanding Student Opportunities: Promoting Student Scholarship and Off-Campus Learning

To expand opportunities for students outside the traditional classroom setting, the ELP has created a diverse program of grants and awards that supports law student scholarship and participation in regional and national conferences. The Wayne C. Gagne Memorial Award provides funding each year for the Director of the Environmental Law Society to attend the Western Public Interest Environmental Law Conference (WPIELC) held each March at the University of Oregon School of Law in Eugene, Oregon. With funding from alumni and local businesses, the ELP sends students to Washington, D.C. for the ALI-ABA Environmental Law Conference held in February of each year. This practitioners’ conference is widely attended by leading government and private environmental attorneys. The Hawai‘i State Bar Association (HSBA) Real Property and Financial Services section has supported student travel to a leading national land use conference.

With the generous assistance of the Pōhaku Fund of the Tides Foundation, the ELP has established the Pōhaku Fund Competitive Travel Grant Program, which funds travel for students to the WPIELC to present their scholarship at an ELP-created panel on hot topics in environmental law in Hawai‘i. The Honu Award, sponsored by ELP Professors Jarman and Antolini, supports a third student’s participation in the panel. Through these travel grants and awards, ELP students have an unparalleled opportunity to learn from some of the top environmental and land use attorneys in the U.S. and to share their scholarship and knowledge about Hawai‘i environmental issues with scholars, law students, and practitioners across the country.

To further promote student scholarship under the Pōhaku Grant, in September 2000 the ELP launched its new student paper series: *He Mau Mo‘olelo Kānāwai o ka ‘Āina* (Stories of the Law of the Land), published both in print and on the ELP website. The *Mo‘olelo* series allows the ELP to share with colleagues in the Hawaiian, U.S., and international legal, governmental, and public interest communities a selection of the best scholarship produced by our law students on environmental, land use, and indigenous peoples law issues. In addition, with support from the Pōhaku Grant, ELP has initiated *Mo‘olelo On-Line!* a web archive of outstanding student papers on environmental law topics written for various courses at the School of Law.
Several cash awards have been established at the School of Law to recognize excellence in environmental, property, and land use coursework and scholarship. Encouraged by ELP faculty, School of Law students have been very successful competing for local and national writing awards, including a first place win in the Hawai‘i Chapter of the American Planning Association’s 1999 competition and an Honorable Mention in the 1999 American Planning Association’s national Marlin Smith Student Writing Competition. ELP students have also published their papers in Hawai‘i and national legal journals, including an article on civil rights and environmental justice authored by Julia Latham, class of 2000, recently published in the Boston College Environmental Affairs Law Review; an article by Matthew Petrich, class of 2000, on the repatriation of cultural property, published in the Hawai‘i Law Review; and an article on private property rights by David Breemer, class of 2001, co-authored with Professor Callies, published in the St. Louis Law Review. David Breemer commented on his academic experiences with ELP: “While in law school, I immersed myself in land use and property law, focusing on the impacts of environmental law on small landowners and businesses. Working closely with ELP Professor David Callies, including as his co-author on two articles, was an inspiring opportunity that I would not have had at any other law school. I’m grateful that ELP led me to my post-graduation fellowship with the nation’s leading law firm in this area, the Pacific Legal Foundation in California.”

Students have the opportunity to work as research assistants for ELP faculty, becoming involved in projects such as Professor Van Dyke’s work with the government of Turkey to examine a maritime boundary dispute with Greece in the Aegean Sea and Professor Callies’ forthcoming book on the law of custom. Two students work with Professors Jarman and Antolini as Research Associates for the ELP, maintaining the web site, publishing the Mo‘olelo series and on-line archive, and assisting in program research and administration.

Darcy Kishida, class of 2001, who will clerk for Judge Corinne Watanabe of the Hawai‘i Intermediate Court of Appeals upon graduation and whose paper is the second to be published in the Mo‘olelo series, reports: “The Environmental Law Program really opened my eyes to both the beauty and fragility of Hawai‘i’s natural environment. The program has all the bases covered: the Environmental Law Society to discover and enjoy Hawai‘i’s environment with like-minded students and faculty, the Certificate program to learn the law, and close ties with Hawai‘i’s environmental law community.”


A rare Lobelia, one of Hawai‘i’s spectacular native plants.
Environmental Law Moot Court Teams:
National Champions and a Record of Success

“Being a member of Hawai’i’s first team to travel to the Pace competition was a blast! It was exhilarating to dig into the hot environmental law issues of the day, stimulating to debate these issues with other students from across the nation, and fun to work together with my teammates and to meet other students with similar interests.”

Kaiulani Kidani, class of 1999, associate with Cades Schutte Fleming & Wright, Honolulu

Each year, the School of Law sends a three-person team to the Pace University Law School National Environmental Law Moot Court Competition in White Plains, New York. The UH teams have an outstanding record of success in this competition with over 50 top law schools from across the country. Over the past 11 years, the UH teams ranked three times in the “top 9,” and three more times in the “top 27.” In 1999, our team won the national championship.

Elijah Yip, class of 1999, law clerk to Senior District Judge Sam King, reflected on his experience: “Preparing for, and winning, the competition was an exhilarating experience. Our victory reaffirmed our team’s philosophy that if you set out to do your best, you have nothing to lose.”

Lea Hong, class of 1991, a partner with Alston Hunt Floyd & Ing in Honolulu, cherished her experience: “Being a member of Hawai’i’s first team to travel to the Pace competition was a blast! It was exhilarating to dig into the hot environmental law issues of the day, stimulating to debate these issues with other students from across the nation, and fun to work together with my teammates and to meet other students with similar interests.”

In 2000, the School of Law sponsored its first team in the International Environmental Law Moot Court Competition at Stetson College of Law in St. Petersburg, Florida. Team members Seth Harris and Maria Estanislao, both of the class of 2001, and Leilani Tan, class of 2002, ranked high in the competition against twenty other teams from the United States and abroad. Tan garnered the honor of Best Oralist among all competitors in the preliminary rounds.

Professor Antolini and the 1999 Environmental Law Moot Court National Championship Team (Elijah Yip, Kaiulani Kidani, and Paul Tanaka) with Honolulu Mayor Jeremy Harris.

Leilani Tan, International Environmental Law Moot Court Team member with Best Oralist Award.
The Environmental Law Society:
Committed to Community Service and Fun!

The Environmental Law Society (ELS) is one of the largest and most active student organizations at the School of Law. Created in 1987, the student-led ELS has built an impressive program of education, scholarship, and public service. The reasons for ELS’s success are numerous: the natural environment that makes Hawai‘i an extraordinary place to live; the strong support of administration, faculty, and alumni; and the effort of numerous student members.

Hawai‘i’s unique environment makes it a rare and special place to learn about environmental law. Recognizing the importance of the environment in Hawai‘i and the rest of the world, the mission of ELS is to increase the students’ and public’s awareness of the environmental issues and values that underlie many of today’s policy decisions. ELS provides students and the general community with exposure to environmental issues and laws, participates in conservation efforts, and develops students’ skills to participate in the making of sound environmental policy. Students are matched with attorneys practicing environmental law in the public, private, and public interest sectors through externships, summer associate positions, and community/bar activities. Striving to put students into Hawai‘i’s spectacular environment, ELS offers exciting hikes and service projects throughout the school year.

To enhance student opportunities to work in the public sector of environmental law, in 1999 ELS initiated a student-run summer grant program, No Ke Ola O Ka ‘Āina (For the Life of the Land). Robert Harris, class of 2002, the first grant recipient, spent a rewarding summer with the Hawai‘i Attorney General’s Office working on environmental enforcement: “The grant program offers an exciting opportunity to see first-hand Hawai‘i’s environmental laws at work and complemented my coursework in law school. I was directly involved in enforcement cases, working side-by-side with the top government attorneys in the State.”

Other ongoing projects of the ELS include hosting the annual Hawai‘i Environmental Law Careers Fair; publishing the Hawai‘i Environmental Law Careers Directory; putting on a speakers’ series; recycling; communicating through the ELS newsletter, email list, and website; and participating in the City and County of Honolulu’s Adopt-a-Stream program. In addition, ELS sponsors hiking trips and beach cleanups; organizes service trips to the uninhabited island of Kaho‘olawe to assist in clean up and revegetation of this former U.S. military bombing target; organizes an annual spring pā‘ina (celebration) that brings together ELS students, faculty, alumni, and Hawai‘i’s environmental law bar; and presents papers at and participates in regional and national environmental law conferences.

ELS members take pride in their spirit of diversity, balance, civic duty, cooperation, and fun. They already make a difference and know they will continue to do so! To learn more, visit the ELS website at www.hawaii.edu/els.
The School of Law’s Environmental Law Program core and affiliate faculty are nationally and internationally recognized for their expertise. They actively participate as scholars, advocates, consultants, and decisionmakers on significant environmental issues in the state of Hawai‘i.

Core Faculty

Benjamin A. Kudo Chair

In 1994, an anonymous donor endowed a $1.5 million chair in the name of distinguished Honolulu real estate and land use attorney Benjamin A. Kudo. The purpose of the endowed chair is to promote research, writing, and teaching in land use, administrative, and environmental law. The funds generated by the endowment support research materials and assistance, as well as travel to national and international conferences and seminars. In 1995, following a national search, the University conferred the chair upon David L. Callies, professor of law at the School of Law and an internationally recognized expert on land use law. The Kudo Chair has allowed Professor Callies to expand his research horizons and present his recent work at conferences in Hawai‘i, the U.S. mainland, England, and Japan. Currently, he is working with colleagues in Japan on a comparative study of land use and eminent domain laws in eleven Asian-Pacific countries.

PROFESSOR DAVID L. CALLIES

(AB, Depauw University, 1965; JD, University of Michigan, 1968; LLM, Nottingham University (England), 1969) holds the Benjamin A. Kudo Chair of Law. Professor Callies teaches property law, land use management and control, and state and local government law. He joined the faculty in 1978 with a decade of experience in private practice counseling local, state, and national government agencies in land use management and control, transportation policy, and intergovernmental relations. In 1990, Professor Callies became a member of the prestigious American Law Institute. Professor Callies has authored and collaborated on numerous publications, including: Preserving Paradise: Why Regulation Won’t Work; Regulating Paradise: Land Use Controls in Hawai‘i; The Quiet Revolution in Land Use Control; The Taking Issue; Cases and Materials on Land Use (3d ed.); Property Law and the Public Interest; Takings (editor); Land Use and Environmental Law Review (co-editor), and Land Use and Compulsory Purchase in the Asia-Pacific (co-editor). He has lectured on land use and property law in the Pacific Islands, Asia, Europe, and Australia, and surveyed land and environmental laws in several countries ranging from the Pacific Islands to Canada to South America. In 2000, Professor Callies was conferred the honor of lifetime member of Clare Hall, Cambridge University, where he was a visiting scholar. In 2001, he visited Vanderbilt University Law School in Nashville, Tennessee. Professor Callies is an avid swimmer and devoted fan of UH volleyball and basketball.

PROFESSOR JON VAN DYKE

(AB, cum laude, Yale University, 1964; JD, cum laude, Harvard University, 1967) has served on the faculty since 1976, teaching constitutional law, international law, international ocean law, and international human rights. He supervises the School of Law’s highly successful Jessup International Law Moot Court Team. He has authored and edited numerous books, including International Law and Litigation in the U.S. and Freedom for the Seas in the 21st Century, which earned the Harold and Margaret Sprout Award as the best book on environmental policy for 1994 from the International Studies Association. His projects include establishing rules for shipments of radioactive materials through the oceans and a study of the maritime claims of indigenous peoples in the Pacific and Arctic regions. He travels frequently, most recently lecturing in Fiji, London, Kuala Lumpur, Panama City, and Bangkok. Professor Van Dyke’s scholarly publications are included in Ocean Development and International Law, The Review of European Community and International Environmental Law, and Law of the Sea: The Common Heritage and Emerging Challenges. He is a frequent contributor to lively discourse on important public issues related to Hawai‘i’s constitution, Hawaiian rights, fish conservation, growth management, reapportionment, water rights, the history of Hawai‘i’s lands, international boundary disputes, the creation of regional environmental bodies, ocean policy, and human rights. Between his frequent trips to the Pacific Islands and Asia, he enjoys his home nestled in the tropical rainforest overlooking Mānoa Valley with his wife Sherry Broder, a prominent Honolulu attorney.
ASSOCIATE PROFESSOR M. CASEY JARMAN
(BA, magna cum laude, Barry University, 1971; MS, Florida International University, 1974; JD, University of Mississippi, 1981; LLM, University of Washington, 1985) came from the University of Mississippi, where she was Director of the Coastal and Marine Resources Program, to join the School of Law faculty in 1987. She is the founder and Director of the EL. She teaches environmental law, administrative law, domestic ocean and coastal law, and topics in environmental law. She co-advises the Environmental Law Society and the Environmental Law Moot Court Team. Professor Jarman is co-editor of two books designed to empower native Hawaiian communities to more effectively participate in state environmental decision-making, and is a pro bono consultant to the Native Hawaiian Advisory Council and other community groups. She is producing a video, CD, and workbook on lawyering skills for community members who represent themselves at quasi-judicial hearings of administrative agencies. She is serving her second term on the State Land Use Commission and chaired the Environmental Law Section of the American Association of Law Schools in 1998. In 1999, the Hawai'i Women Lawyers honored her with their prestigious President’s Award. She does pro bono work for Volunteer Legal Services Hawai‘i and has won several awards for her volunteer service. Professor Jarman and her significant other have hand built a rainforest cabin in the Volcano area on the Big Island, where they enjoy their two dogs, native forest birds, and frequent hikes to view the lava flows.

ASSISTANT PROFESSOR DENISE E. ANTOLINI
(AB, magna cum laude, Princeton University, 1982; MPP, University of California, Berkeley, 1985; JD, University of California, Berkeley, 1986) joined the faculty in 1996 and has assisted in the development of the Environmental Law Program. She teaches torts, environmental law, environmental litigation seminar, and legal writing. She co-advises the Environmental Law Society and the Environmental Law Moot Court Team, which won the national championship in 1999. After a federal district court clerkship in Washington, D.C., she spent eight years practicing public interest law with the Sierra Club Legal Defense Fund (now EarthJustice Legal Defense Fund) in Seattle and Honolulu. She was editor-in-chief of Ecology Law Quarterly at the University of California at Berkeley's Boalt Hall. Professor Antolini has litigated several major environmental cases involving coastal pollution, water rights, endangered species, environmental impact statements, and native Hawaiian rights. She served as a member of the State Legislature’s Tort Law Study Group (1997–1999) and the PASH Study Group (on native Hawaiian traditional and customary rights) in 1998. She is the author of “Modernizing Public Nuisance: Solving the Paradox of the Special Injury Rule” and a forthcoming empirical study on punitive damage awards in Hawai‘i. Professor Antolini lives on O‘ahu’s rural North Shore with her husband and energetic young sons, and enjoys hiking, gardening, and family beach excursions.

“The Environmental Law Program gave me the skills, experience, and confidence needed to obtain my ‘dream job’ of working for the U.S. Department of Justice’s Environment and Natural Resources Division (ENRD) in Washington, D.C. Because of the great courses, programs, and personal encouragement of ELP Professor Denise Antolini, I sought and achieved a summer clerkship with ENRD, where I worked on ground-breaking enforcement projects, policy recommendations for legislation, and mediation of complex intra-agency disputes. After I complete my judicial clerkship, I will be joining the Justice Department as one of 16 graduates nationwide selected for the ENRD Honors Program. Without a doubt, ELP opened the door to my exciting career with the Justice Department.”

Ammie Roseman-Orr, class of 1999, Law Clerk, Honorable Chief Justice Ronald Moon, Hawai‘i Supreme Court; future Honors Attorney with U.S. Department of Justice, Washington, D.C.
“I came to law school intending to practice environmental law. The law school’s Environmental Law Certificate Program provided a practical and meaningful focus for my course work. After graduating, I found that my certificate signaled to others in the legal community that I have a strong background in environmental law and an abiding interest in that type of practice. The ELP was a valuable and important step towards practicing environmental law in Hawai‘i, obtaining an LLM at the Yale Law School, and returning to teach environmental law courses in the ELP.”

Doug Codiga, class of 1994, LLM, Yale University Law School, 1999, associate with the Environmental and Cultural Resources Law Practice Group of Alston Hunt Floyd & Ing, Honolulu; Adjunct Professor, School of Law.

PROFESSOR JOHN L. BARKAI, who has both an MBA and JD from the University of Michigan, joined the faculty of the School of Law in 1978. Professor Barkai directs the clinical program and teaches Alternative Dispute Resolution (ADR), Evidence, and Prosecution Clinic. He is active in the legal community, serving as President of the Board of Directors of the Neighborhood Justice (Mediation) Center, past Chair of the ADR Section of the Hawai‘i State Bar, and past President of the Legal Aid Society of Hawai‘i. Professor Barkai has also served as a consultant to the Hawai‘i Judiciary, the Supreme Court of the Federated States of Micronesia, the State Court of Kosrae, and the Minister of Justice for Papua New Guinea.

ADJUNCT PROFESSOR BARKAI

ADJUNCT PROFESSOR DOUGLAS A. CODIGA, a 1994 graduate of the School of Law’s Environmental Law Program, obtained an LLM degree from the Yale Law School in 1999, where he studied environmental law and international law. He also holds a master’s degree in religion, with a specialty in environmental ethics and Asian religions. He is an associate with Alston Hunt Floyd & Ing in Honolulu. As an ELP adjunct professor, he has co-taught Ecosophy and the Law with Professor Jarman, and taught Wildlife and Natural Resources Law, International Environmental Law, and Legal Methods Seminar.

PROFESSOR WILLIAMSON

B.C. CHANG received his JD from the University of California, Berkeley. Born and raised in Hawai‘i, he teaches Native Hawaiian Rights, Legal Aspects of Water Resources Control, Jurisprudence, and Conflict of Laws. He has served as principal investigator on research projects examining water rights in Hawai‘i, American Samoa, and the Federated States of Micronesia, and as a special deputy attorney general representing the Chief Justice of the Hawai‘i Supreme Court in the McBryde water rights case. He is recognized both nationally and internationally for his scholarship on native Hawaiian issues. Professor Chang visited Hiroshima University as part of the School of Law’s faculty exchange program and University of Western Australia at Perth under the Fulbright exchange program. From 1989 to 1990, he worked as a special assistant to U.S. Senator Daniel Inouye on kanaka maoli (native Hawaiian) rights.

ADJUNCT PROFESSOR WILLIAMSON

ADJUNCT PROFESSOR CARL C. CHRISTENSEN has a PhD in Zoology from the University of Arizona, graduated cum laude from Harvard Law School and obtained an LLM in Environmental and Natural Resources Law, magna cum laude, from the Northwestern School of Law of Lewis & Clark College. He co-teaches Administrative Law with Alan Murakami. Prior to attending law school, Adjunct Professor Christensen was a research zoologist at Bishop Museum in Honolulu, specializing in native land snails of the Pacific Islands. In 1991, he joined the Native Hawaiian Legal Corporation, a non-profit law firm in Honolulu that provides legal services to native Hawaiian clients statewide on issues relating to Hawaiian rights, including quiet title, land use, statutory entitlements, traditional and customary rights, and water issues.

ADJUNCT PROFESSOR CHRISTENSEN

ADJUNCT PROFESSOR PATRICK W. HANIFIN, who earned an MPP from the John F. Kennedy School of Government, Harvard University and a JD, cum laude, from Harvard Law School, teaches Environmental Compliance and Regulated Industries, emphasizing Hawai‘i environmental law from the corporate perspective. Adjunct Professor Hanifin is a partner with Im, Hanifin & Parsons. Born and raised in Hawai‘i, he worked for the New England Legal Foundation, a non-profit law firm representing primarily landowner and business interests in Boston, Massachusetts for nine years as a staff attorney. He returned to Hawai‘i in 1995, practicing for several years with Cades Schutte Fleming and Wright before recently forming his own firm. He is the Hawai‘i representative for the Pacific Legal Foundation.

ADJUNCT PROFESSOR HANIFIN

HONORABLE DAVID A. EZRA, who received his JD from St. Mary’s University, is Chief Judge of the Federal District Court in Hawai‘i and has served on the bench since 1988. Judge Ezra has taught the Federal Courts course at the School of Law for many years. Honolulu Weekly recently commented that “Chief Judge David Alan Ezra has ruled upon some of the most important cases in modern Hawaiian history,” ranging from environmental law to education, constitutional issues, and Hawaiian rights.

ADJUNCT PROFESSOR EZRA

B. BARKAI

CARL C. CHRISTENSEN

HONORABLE DAVID A. EZRA

PATRICK W. HANIFIN

E. BARKAI

CARL C. CHRISTENSEN

HONORABLE DAVID A. EZRA

PATRICK W. HANIFIN

BARKAI

CHRISTENSEN

EZRA

HANIFIN

Affiliated Faculty:
Experienced Teachers, Practitioners, and Community Leaders
ADJUNCT PROFESSOR 
ALAN MURAKAMI, who has an MA in Economics from the University of Hawai‘i and a JD from the University of California at Davis, is Litigation Director of the Native Hawaiian Legal Corporation (NHLC) and co-teaches Administrative Law with Carl Christensen. He began his legal career with the Legal Aid Society, managing the Moloka‘i and Waiana‘e offices, and joined NHLC in 1983. He is active in community affairs, serving on the Boards of the Rural Community Assistance Corporation and the Japanese-American Citizens League. He chairs the state’s Community Based Economic Development Advisory Council. He served as a member of the Legislature’s Water Code Review Commission from 1992 until 1995.

ADJUNCT PROFESSOR 
JOHN OKI, who earned his JD from Georgetown University Law Center, began teaching Hazardous Waste Law in spring 1999. Formerly corporate counsel for Pfizer Inc. (New York and Connecticut) in charge of its national Superfund work for ten years, he currently is in private practice in Honolulu, where he handles environmental and intellectual property cases. He is also an expert on environmental law issues in the Pacific Rim, including Japan and Korea.

ADJUNCT PROFESSOR 
PAUL SULLIVAN, who received his JD from Harvard University, has served as Command Counsel for the Pacific Division, Naval Facilities Engineering Command at Pearl Harbor since 1982. His practice concentrates on real estate, business and commercial law, government contracting, and environmental law. He began teaching at the School of Law in fall 1998, offering Environmental Law and the Military. His article “Customary Revolutions: The Law of Custom and the Conflict of Traditions in Hawai‘i” recently appeared in the University of Hawai‘i Law Review.

PROFESSOR ALISON 
RIENER visited the School of Law in the 2000-01 academic year as the George M. Johnson Visiting Professor. Professor Riesen is Director of the Marine Law Institute at the University of Maine School of Law and is a prominent expert in marine resource protection, fisheries, ocean pollution, coastal land use, and international maritime relations. While visiting at the School of Law, she taught Domestic Ocean and Coastal Law, a seminar on Fisheries Law, and legal writing. Professor Riesen consults for state and federal agencies, is the faculty advisor to the law student-edited Ocean and Coastal Law Journal, is an active participant in national and international discussions of marine policies, and is co-author of a leading casebook on ocean and coastal law. In 1999, she was selected as a Pew Fellow in Marine Conservation, the only law professor ever to receive this honor.

PROFESSOR DAN 
TARLOCK, a Distinguished Professor of Law and Co-Director of the Program in Environmental and Energy Law at the Chicago-Kent College of Law, Illinois Institute of Technology in Chicago, visited the School of Law in spring 2001, teaching property law and legal writing. An internationally recognized expert in environmental law and the law of land and water use, he is the author of the treatise Law of Water Rights and Resources and co-author of four casebooks on water resources and environmental law. Professor Tarlock is a frequent consultant to local, state, federal and international agencies, as well as private groups and law firms, and is an elected member of the American Law Institute.

PROFESSOR WILLIAM H. 
RODGERS, Stimson-Bullitt Professor of Law at the University of Washington School of Law and leading national scholar in environmental law, was the School of Law’s George M. Johnson Visiting Professor in the fall 1995 semester. In addition to teaching the environmental law survey course and torts, Professor Rodgers shared his expertise with a wide variety of audiences throughout the islands. He took a special interest in the challenges facing native Hawaiians, drawing upon his experience representing Native American tribes to enrich the dialogue and law on native Hawaiian issues.

PROFESSOR CAROL ROSE, the Gordon Bradford Tweedy Professor of Law at Yale University and renowned scholar in property law, held the School of Law’s Wallace S. Fujiyama Distinguished Visiting Professorship of Law in 1992. Her property law class was such a success that the law students voted her their graduation speaker in 1995.

PROFESSOR DAVID SIVE, often referred to fondly as the “grandfather of modern environmental law,” was the Law School’s Distinguished Visiting Professor in fall 1987. Drawing upon his experience as a partner in the New York law firm of Sive, Paget and Reisel and his years of teaching at a variety of law schools, Professor Sive taught the environmental law survey course and administrative law.
Certificate in Environmental Law

The certificate is available only to University of Hawai‘i law students. In order to qualify for a certificate, a student must:

1. meet the general JD graduation requirements;
2. successfully complete
   • Administrative Law (Law 561)
   • Environmental Law (Law 582);
3. successfully complete a minimum of 8 credits from the following:
   • Domestic Ocean and Coastal Law (Law 592)*
   • Environmental Compliance and Regulated Industries (Law 512)*
   • Environmental Litigation Seminar (Law 529)*
   • Hazardous Waste Law (Law 540)*
   • International Environmental Law (Law 528)*
   • International Ocean Law (Law 593)*
   • Land Use Management and Control (Law 580)
   • Legal Aspects of Water Resources & Control (Law 588)*
   • Topics in Environmental Law (Law 527)*
   • Wildlife and Natural Resources Law (Law 503)*;
4. successfully complete one of the following:
   • Constitutional Law II (Law 534)
   • Native Hawaiian Rights (Law 581)
   • Negotiation & Alternative Dispute Resolution (Law 508)
   • Remedies (Law 539)*
   • Federal Courts (Law 571);
5. maintain a cumulative grade point average of 2.0 or better in the above Certificate courses (which may not be taken on a credit/no credit basis);
6. successfully complete a two credit-hour approved externship (e.g., EarthJustice Legal Defense Fund, Environmental Division of the State Attorney General’s Office);
or,a two credit-hour directed study that produces a paper on some aspect of environmental or natural resources law under the supervision of one of the environmental law faculty or Second-Year Seminar on an approved environmental topic;
or,be a member of the Environmental Law Moot Court Team.

* indicates alternate year course
v=variable credit

Courses

Courses in the curriculum, and their content and credit hours, are subject to change.

Administrative Law:
Law 561 (3)
This course covers the legal regime applicable to federal, state and local agency decision-making and the role of the courts in reviewing agency decisions through study of the federal and Hawai‘i’s Administrative Procedure Acts and the case law arising under them.

Constitutional Law II:
Law 534 (3)
A continuation of Constitutional Law I with special emphasis on problems of due process and freedom of speech. This course also examines the division of powers between the states and the nation, powers of Congress, the commerce clause, and governmental immunities. Pre: Constitutional Law I (Law 533).

Domestic Ocean and Coastal Law:
Law 592 (3)*
Examination of the history of the U.S. and Hawai‘i’s sea use law; comprehensive coverage of modern issues concerning the use of the sea including special Hawaiian problems.

Environmental Compliance & Regulated Industries:
Law 512 V(1–3)*
Modern businesses and industries are heavily regulated by a myriad of federal and state environmental laws. Ensuring compliance with these important and complex laws is a critical function of corporate law today and can have far-reaching positive impacts on the environment. Conversely, failure to comply with these laws and their accompanying regulations can lead to serious civil and criminal penalties. This course covers in depth the environmental regulatory structure that impacts businesses and explores the fascinating compliance issues that arise under the statutes, regulations and case law.

Environmental Law:
Law 582 (3)
The explosion of environmental laws since the early 1970s has dramatically impacted business, government, and private individuals. The tentacles reach into almost all areas of law: from bankruptcy to tax, from land transactions to corporate structuring. This course introduces students to a smorgasbord of federal environmental laws, with an emphasis on pollution control, including the Clean Water Act (CWA), Clean Air Act (CAA), National Environmental Policy Act (NEPA), Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and its amendments (SARA), and the Resource Conservation and Recovery Act (RCRA). This course provides the fundamentals for those interested in pursuing environmental law careers, as well as students wishing to get a taste of one of the “hottest” areas of the law.

Environmental Litigation Seminar:
Law 529 (2)*
Seminar on the techniques, law and strategy involved in federal and state court environmental litigation.

Federal Courts:
Law 571 (3)
An examination of the jurisdiction and law-making powers of the federal courts, including standing issues, the appellate jurisdiction of the Supreme Court, the federal-question and diversity-of-citizenship jurisdiction of the federal district courts, the immunities from suit in the federal courts possessed by governmental entities and officers, intervention by federal courts in state proceedings, and choice of law in the federal courts. Particular emphasis is placed on relevant Federal Rules of Civil Procedure. Pre: Constitutional Law I (Law 533).
Hazardous Waste Law: Law 540 (2) *

The course covers three federal statutes and their associated regulations and case law: the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA or Superfund), the Resources Conservation and Recovery Act (RCRA), and the Emergency Planning and Community Right-to-Know Act (EPCRA). In addition, the Hawai‘i counterparts to these laws are examined. The course covers not only “black letter” law, but also the policies behind the laws and the impacts these laws have had on communities, individuals, and businesses.

International Environmental Law: Law 528 (3)*

Study of the international regulation of activities and processes used to prevent environmental degradation and to preserve resources of environmental value.

International Ocean Law: Law 593 (2) *

Examination of many legal issues that affect ocean resources. This course focuses on governance of living and non-living resources, environmental protection, and boundary delimitation.

Land Use Management and Control: Law 580 (3)

This is a survey course in public control of private use of land: how do state, local, and federal agencies regulate the land development process? Special emphasis is on constitutional issues (exclusionary zoning, regulations and exactions that may be “takings” of property under the federal Constitution), growth management, and innovative techniques such as impact fees, development agreements, and planned unit development. The course also covers zoning, subdivision and housing codes, state and regional land control statutes, together with those aspects of eminent domain, environmental, and public land management law affecting the use of private land.

Legal Aspects of Water Resources & Control: Law 588 (2) *

The course covers the legal aspects of water and water rights with primary focus on Hawai‘i. Topics include: Native Hawaiian water rights, pre-McBryde case law, McBryde and post-McBryde developments, water pollution, ground water designation, institutional relationships, and various types of allocation systems.

Native Hawaiian Rights: Law 581 V(3)

The purpose of this course is to examine the status and evolution of the rights of Native Hawaiians to the land and its usufructs. Areas of study include the relationship of the rights to possession and use of the land vested in the Monarchy, the chiefs, and native tenants prior to the imposition of a Western legal system defining land tenure; the effect of the Great Mahele of 1848; the erosion of native land rights through adverse possession, land court registration, and quiet title litigation; the Hawaiian Homes Commission Act; and the recently revived question of land reparation. Finally, the course analyzes the potential for utilizing native rights based on statute, custom, and use to fashion new and expanded rights to land and its usufructs.

Negotiation and Alternative Dispute Resolution: Law 508 V(2)

Lawyers negotiate settlements in almost all their cases. This class presents a “hands-on,” skill-building approach to the newest ideas, as well as centuries-old techniques, about the skills lawyers will use most often in their practice-negotiation. The class also examines the rapidly developing field of alternative dispute resolution (ADR) including mediation, facilitation, arbitration, and court-annexed ADR.

Remedies: Law 539 V(2) *

This course principally examines both practice aspects and theoretical underpinnings of equitable remedies. Frequently, compensatory damages cannot adequately protect clients or provide them with the relief they need. Topics include temporary restraining orders, preliminary and permanent injunctions, restitution and unjust enrichment, specific performance, and equitable defenses such as unclean hands, laches, and estoppel. Practice issues concerning appeal, jury trials, and the relationship of equity to law are also explored.

Topics in Environmental Law: Law 527 V(3)*

This course is designed as an entry-level environmental law course. Rather than cover the breadth of environmental law, the course focuses more narrowly on specific topic areas which will vary from year to year, depending upon current developments and issues in environmental law in Hawai‘i and nationwide. Topics in the past have included Hawaiian environmental law, environmental law and the military; wildlife law, and toxic waste issues.

Wildlife and Natural Resources Law: Law 503 V(1–3)*

Hawai‘i’s wildlife and other natural resources are among the most endangered in the world. By exploring the compelling stories of Hawai‘i’s imperiled ecosystems, this seminar provides a unique lens through which to view the pressing national and global legal and policy issues related to species preservation and resource conservation and management. The course examines the federal, state, and local legal scheme that governs use and protection of resources, from the endangered humpback whale to energy planning.

DUAL DEGREE PROGRAM OPPORTUNITIES

Law students may take advantage of our dual degree program to pursue their J.D. and another graduate degree/certificate concurrently. Under this program, a certain number of credits for one degree/certificate may be counted toward the requirements for the second degree/certificate.

GRADUATE CERTIFICATE IN OCEAN POLICY

This certificate program combines studies in ocean policy and sciences of the sea to provide an understanding of the natural environment, the technology that allows exploration and exploitation of that environment, and social factors that influence those environments.

The program ties Asian, mainland U.S. coasts, and Pacific island nations under the Marine Options Program in the School of Ocean and Earth Science and Technology.

MASTER OF URBAN AND REGIONAL PLANNING

The Department of Urban and Regional Planning (DURP) offers a fully accredited Master of Urban and Regional Planning (MURP) degree and two certificates in planning: one for students with professional experience and another for students enrolled in an academic program other than planning at the University of Hawai‘i. The MURP program takes a multi-disciplinary approach to planning education that emphasizes research, professional practice, and community involvement. It focuses on Hawai‘i, the U.S., and the Asia Pacific Region. For further information, contact Karl Kim, Chair and Professor, DURP, UH Mānoa, 2424 Maile Way, Social Sciences Building, Room 107, Honolulu, HI 96822 and check DURP’s web site: www.durp.hawaii.edu.
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