

Bruce Graham, Jr.

FIRST CIRCUIT COURT,
STATE OF HAWAII
18 FD

2000 JAN -6 AM 9:34

D. SATO
CLERK


IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

In the Matter of the Estate of)	EQUITY NO. 2048
)	
BERNICE P. BISHOP,)	ORDER GRANTING PETITION
)	FOR THE ESTABLISHMENT OF
Deceased.)	A PROCEDURE FOR SELECTION
<hr/>)	OF FUTURE TRUSTEES; EXHIBIT "A"

ORDER GRANTING PETITION FOR THE ESTABLISHMENT OF A
PROCEDURE FOR SELECTION OF FUTURE TRUSTEES

On August 6, 1999, Robert Kalani Uichi Kihune, David Paul Coon, Francis Ahloy Keala, Constance Hee Lau and Ronald Dale Libkuman, Trustees under the Will and of the Estate of Bernice Pauahi Bishop, Deceased, filed a Petition For The Establishment Of A Procedure For Selection Of Future Trustees ("Petition"). A hearing on the Petition was held on December 17, 1999. Present were attorney Robert Bruce Graham, Jr. for Petitioners Trustees under the Will and of the Estate of Bernice Pauahi Bishop, Deceased, attorney Harry Yee for Henry Haalilio Peters, Deputy Attorney Generals

I do hereby certify that this is a full, true, and correct copy of the original on file in this office.



Clerk, Circuit Court, First Circuit
State of Hawaii

Dorothy D. Sellers and Daniel A. Morris appeared for the Attorney General as parens patriae, and Benjamin M. Matsubara, the Court appointed Master.

After considering the written submissions and the arguments of counsel, the Master's Report and accompanying exhibits, and the record and file herein, the Court states the following with regard to the Petition.

Under the Will of Bernice Pauahi Bishop ("Will"), the Justices of the Supreme Court of Hawaii are delegated the power to appoint the Trustees of the Estate of Bernice Pauahi Bishop, Deceased ("Trust Estate"). In pertinent part, Article Fourteenth of the Will states the following, "[trustee] vacancies shall be filled by the choice of a majority of the Justices of the Supreme Court."

Significantly, on December 20, 1997, four of the five incumbent Justices of the Supreme Court declared, in their individual capacities, that they "will not exercise the powers to appoint trustees to the Board of Bishop Estate granted by the will of Princess Bernice Pauahi Bishop." In a letter dated April 19, 1999, and filed in Equity No. 2048, Chief Justice Ronald T.Y. Moon, and Justices Steven H. Levinson, Paula A. Nakayama and Mario R. Ramil ("Four Justices") confirmed that they would no longer exercise the power to appoint trustees of the Board of Trustees of the Trust Estate.

The Court appointed Master, Benjamin M. Matsubara, met with Justice Robert G.

Klein on September 23, 1999, and has reported that Justice Klein concurs that a literal reading of the Will requires action by a "majority" of the Justices of the Supreme Court, and that as a result of the withdrawal by the Four Justices from the selection process, that Justice Klein acting alone would not constitute a "majority" for trustee appointment as required by the Will.

Based on the foregoing, the Court finds that the mechanism for trustee selection established in the Will has been rendered inoperable.

The mechanism has been rendered inoperable by the declaration of four of the five incumbent Justices of the Supreme Court that they would no longer exercise the appointment power granted to them under the Will.

The Court notes that the declaration of the the Four Justices is made in their individual capacities, respectively, and that the Four Justices are speaking only for themselves, and not for future Justices of the Supreme Court. The Four Justices left open the possibility that future Justices of the Supreme Court may choose to exercise the power granted to them under the Will to appoint trustees of the Board of Trustees of the Trust Estate.

In the event that a majority of future Justices of the Supreme Court choose to exercise the appointment power granted to them under the Will in their individual

capacities, the Court further finds that the selection mechanism established by the Will is valid and should be respected and followed.

The Court also finds and concludes that the Probate Court has the authority and jurisdiction to exercise the power of appointment and to establish a selection procedure because the selection mechanism established by the Will has been rendered inoperable by the declaration of the four Justices of the Hawaii Supreme Court. Hawaii Revised Statutes §§ 560:1-302, 560:7-201, 603-21.6 and 603-21.7.

The Court has carefully reviewed and considered the Master's Report On The Petition For The Establishment Of A Procedure For Selection Of Trustees, Filed August 5, 1999, filed on November 22, 1999, and the exhibits to the Master's Report. The Master's Report is well researched, thoughtfully prepared, reasonable and correct in its conclusions and recommendations.

Considering that the selection mechanism established by the Will has been rendered inoperable, the Court finds that the selection process recommended by the Master is consistent with the Will and in accordance with the statutory and inherent power of the Probate Court. It is significant to the Court that Bernice Pauahi Bishop acknowledged the ultimate power of the Probate Court to enforce the terms and conditions of her trust and that the Will has been submitted to Probate.

The Attorney General's suggestion that the Judges of the Intermediate Court of Appeals of Hawaii select and appoint trustees of the Board of Trustees of the Trust Estate is illogical and unpersuasive.

In summary, the Attorney General would have individuals not identified in the Will or authorized by statute assume and exercise the power of appointment in a closed process. The Attorney General's proposal that Intermediate Court of Appeals Judges exercise the appointment power is (1) inconsistent with the Will because it would unnecessarily expand the class of individuals under the Will that have the power of appointment to include Intermediate Court of Appeals Judges, (2) contrary to provisions of the Hawaii Revised Statutes regarding jurisdiction of the Probate Court, and (3) would not promote confidence in the Judiciary, or ultimately, in the selected Board of Trustees of the Trust Estate.

The proposal of The Justices' Working Group that the Four Justices who have declared that they will no longer exercise the power of appointment under the Will be replaced by retired Justices of the Hawaii Supreme Court is also unpersuasive for the same above stated reasons. The suggestion that the Four Justices assign their proxies to Justice Klein is unsuitable because the Master has reported that Justice Klein has stated his position that a single Justice of the Supreme Court does not constitute a

"majority" for the purposes of trustee selection under the Will.

Based on the foregoing, and considering the unprecedented circumstances described in the Master's Report, the Court grants the Petition and approves and adopts the Proposal For A Selection Process For Future Trustees presented at pages 27 to 38 of the Master's Report On The Petition For The Establishment Of A Procedure For Selection Of Trustees, Filed August 5, 1999, filed on November 22, 1999 ("Selection Process"). The Court's adoption and implementation of the Selection Process is premised upon the present inoperability of the selection mechanism established by the Will.

The Court's adoption of the Selection Process does not establish a new permanent selection process. Rather, the Selection Process was considered and adopted by the Court because the trustee selection mechanism established by the Will is inoperable. In the event that a majority of future Justices of the Supreme Court choose to exercise the appointment power granted to them under the Will in their individual capacities, the mechanism established by the Will should be followed and the Selection Process adopted by the Court may be set aside.

As part of the Selection Process, the Master recommends that the Court appoint a committee comprised of a minimum of seven (7) persons to assist the Court in

identifying qualified individuals to fill vacant trustee positions and to select finalists for vacant trustee positions ("Committee").

In pertinent part, "Committee members shall be appointed to assist the Probate Court based upon their demonstrated character, integrity, and commitment to the purpose and intent of Pauahi's legacy, the Hawaiian community, and the community at large" and "[e]ach Committee member shall be familiar with and sensitive to (1) the history and role of the Trust Estate relative to the Hawaiian community and the community at large, and (2) Pauahi's legacy and her vision for the future of Hawaiian children." Master's Report at pages 27-28 and 30.

The Court finds that each of the following individuals is well qualified to serve as a member of the Committee to assist the Court in the Selection Process: Winona Beamer, Roy Leonard Benham, Kenneth F. Brown, Melody K. MacKenzie, Colbert M. Matsumoto, Allan A. Smith and Kelvin H. Taketa. Copies of resumes pertaining to the foregoing individuals are attached to this Order as Exhibit "A".

Based on the foregoing, the Court hereby appoints Winona Beamer, Roy Leonard Benham, Kenneth F. Brown, Melody K. MacKenzie, Allan A. Smith, Colbert M. Matsumoto and Kelvin H. Taketa to serve as members of the Committee and to assist the Court in the Selection Process on the terms and conditions stated in the Master's Report. All of the members of the Committee are committed to their community and to promoting educational opportunities for Hawaiian children.

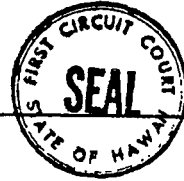
The aforesaid members of the Committee shall serve in accordance with Rules 28 and 113 of the Hawaii Probate Rules and until further order of the Court.

The Committee may petition the Court upon an expedited basis for further instructions or modifications of this Order.

DATED: Honolulu, Hawaii _____ JAN 06 2000



JUDGE KEVIN S.C. CHANG



Nona Beamer - Hawaiiana Personified



Every culture has their elders. Those people that have earned the respect of their community through years of research, teaching, and keeping alive the spirit of their people. In Hawaii, the elders are known as *kūpana*, and none is more deserving of such respect than Nona Beamer.

Through the ^{years} years, Nona has become recognized as a historian for her work in documenting the nearly 240 different styles of *hula* in the history of Hawai'i. Her mastery of chant, dance, music and storytelling has touched the hearts of many, and her nearly 40 years of teaching at the Kamehameha schools for children of Hawaiian ancestry has helped re-plant the seed of pride among the Hawaiian people. She has authored several books, directed many theater events, and is often requested as a lecturer and technical advisor on Hawaiian history. There have been several documentaries done about Nona Beamer and her Family. In 1996, she released her first CD entitled *The Golden Lehua Tree*, a collection of stories and music from the Heart of Hawai'i's Beamer Family.

The fascinating history of Nona's family can be traced back to the 15th century, to such distinguished *kūpana* as Ahikamāi Kī'eki'e, queen of the island of *Hawaii*, one of the *kapu* (sacred) twins born of Kameiamoku, favored wife of Kamehameha Nui. In traditional Hawaiian society, *ali'i* (royalty) such as these recognized that sounded words possess *mana* (spiritual power). They encouraged musical expression as a way to preserve information and communicate with one another and the gods.

Nona's long standing association with Kamehameha schools had an interesting start. When the school was first formed, Hawaiian culture, dance, chant, music and language were strictly forbidden. Nona was expelled twice for dancing during her years there as a student. Through her efforts as both a student and a teacher, Kamehameha schools became transformed into a platform for Hawaiian students to learn of their history, learn about their language, and experience their culture.

Throughout her illustrious career, Nona has been the recipient of many prestigious awards, including a Guggenheim Grant for study at Bernard College, appointment to the Hawaiian Entertainment Hall of Fame, Delegate to the Native Hawaiian Study Commission (Appointed by President Ronald Reagan), Hawai'i Association for Education of Young Children for Contributions in Culture and the Arts to the Children of Hawai'i, Tusitala Award (honoring Robert Louis Stevenson), David Malo Award - Outstanding Hawaiian of the Year by the Rotary Club of West Honolulu, Recognition by the Hawaiian Legislature as a member of the Beamer Family for contributions to Hawaiian Music, and a *Na Hoku Hanohano* Award (Hawaiian Grammy) for Lifetime Achievement in Hawaiian Music.

'Auntie' Nona was the first to record *hula* by Labanotation (a technique that provides a means of simultaneously combining precise movement with precise rhythm notation). This work was documented by the Library of Congress. She has been a leader in the documentation of chant and dances through the years, and still today, continues her research.

Winona 'Nona' Beamer was born in Honolulu, HI on August 15, 1923 to Francis Pono Beamer and Louise Leicmalama W. Beamer. She attended the Kamehameha school for Girls in Honolulu, then continued her education at Colorado Women's College, Bernard College, and Columbia University. Today she resides beneath Kīlauea in the rain forest near Pahoa on the big island of Hawai'i. Semi-retired, she continues to be in demand for teaching, performances, and personal appearances.

Sharonope Music P.O. Box 589 Felton, CA 95018 Tel: 408-465-9130 Fax: 408-465-9131 E-Mail: mbkirk@bc.edu.com

" EXHIBIT A "

12/7/11
Maui

Fax to: Ken Matsubara (ph # 539-9101)
538-3840

From: Nona Beamer
808 1245
Paheo, Hawaii
96778
ph-965-7647

Nona K. Decha Beamer

Hawaiian mother

Retired Kamehameha Teacher

Longtime advocate of education

for Hawaii's keiki
Raised in Hawaii:

Nihoa, Hilo, Waianan

Educated in Hawaii:

Kapalama Elementary School

Kamehameha School for girls

University of Hawaii - Manoa

Educated on the mainland

Colorado Woman's College

Barnard & Columbia Univ. New York City

Foresees this selection committee
as an honor for the people

& the world
to bind us together
more lovingly

in Aloha!

WB

ROY LEONARD BENHAM

246 Opitihiko Way, Honolulu, Hawaii, 96825 - (808) 306-0801

PERSONAL DATA

BORN: April 19, 1923, Kahuku, Oahu, T. H.
WIFE: Jacqueline K. Booth Benham
DAUGHTERS: Sarah Kaniaulono Benham
Christine Kalamikapu Gove
GRANDSON: Christopher Kalamianaole Little
MOTHER: Rae Kamiki Benham (deceased)
FATHER: William Asher Benham (deceased)
SISTERS: Eula Piliame Sugarman
Eloise Linahaunpuakekoolau Povich
BROTHERS: Clayton William Benham
Howard Kalani Benham

EDUCATION

Kahuku Elementary School	1929 - 1935
Kamehameha School for Boys	1935 - 1941
Berea College (Kentucky) }	1941 - 1948
San Mateo J.C. (California) }	U.S. Navy,
University of Hawaii }	WWII
University of California, Berkeley	1948 - 1949
DEGREE:	Major, Art Minor, History

OTHER EDUCATION

Teacher's Certification, U. H.	1955
Harvard Business Seminar, U. H.	1975
Berkeley Fed. Mgmt. Conf., U. C. Berkeley	1980

CAREER

Summer Student Employee, Kahuku Plantation	1939 & 1940
Summer Student Employee, Libby's Cannery	1941
Teacher, Kamehameha School for Boys	1949 - 1956
Pan American Airways	1956 - 1957
Federal Government Civilian Employee	
U.S. Army, Hawaii, Training Officer	1956 - 1960
Dept. of Army, DCSPER, Field Representative	1960 - 1962
U.S. Army, Pacific, Personnel Management Specialist	1962 - 1964
Dept. of Army, DCSPER, Field Representative	1965 - 1968
U.S. Army, Europe, Personnel Management Specialist	1968 - 1972
U.S. Army, Presidio of S.F., Personnel Officer	1972 - 1976

ROY LEONARD BENHAM

CAREER

U.S. Army, Hawaii, Civilian Personnel Director	1976 - 1980
RETIRED	1980
DOE Hawaiian Studies Program, Kupuna	Current

ACTIVITIES

Elected Trustee to Office of Hawaiian Affairs	1980 - 1982
Candidate for Hawaii State House of Representatives	1982, 84, 88
Democratic Party of Hawaii, Member	Current
Precinct President	Current
Prince Kuhio Hawaiian Civic Club, President	1980
Aloha Week Parade Chairperson	1979, 80, 81
American Cancer Society, District Chairperson	1981 - 1982
Haw'a. Business/Prof. Assn./ Native Haw'a. C of C	1978-1996
Association of Hawaiian Civic Clubs, Director	1985
Neighborhood Board Member, Hawaii Kai	1979-1983
Kamehameha Day Celebration Commission	1979
Kamehameha Alumni Association, President	1979-80, 97-
Japanese Chamber of Commerce	Current
Honolulu Zoological Society, Member	Current
U.C. Alumni Association, Hawaii, Member	Current
Bishop Museum Association, Member	Current
American Society of Retired Persons, Member	Current
Benevolent and Protective Order of Elks, Member	Current
Northern California Fed. Personnel Council, President	1975
Friends of Iolani Palace, Member	Current
Kawaihoo Church, Member	Current
Board of Trustees, Chairperson	1994 - 1995
Kapiolani Comm. College Comm. Advisory Committee	Current
Kamehameha Schools Advisory Council	1980 - 1982
Environmental Council, State of Hawaii	1995 - 1997
Hui Ima Advisory Council for Haw'a. Svcs., Chairperson	1997
Na Pua a Keali Pauahi, Director	1997 - 1998
Native Hawaiian Education Council	1997 - 1998
Native Hawaiian Constitutional Convention Delegates	Current

KENNETH F. BROWN

Personal

Born in Honolulu, October 28, 1919
Married to Honolulu-born Joan Schaefer
Father of Laura, Frances and Bernice

Education

Punahou and Hotchkiss Preparatory
Princeton University - Magna Cum Laude, B.A. Architecture,
Phi Beta Kappa, 1941

Business and Profession

Architect, F.A.I.A.
Chairman of the Board, Ainamalu Properties, Inc.; Mauna
Lani Resort, Inc.; Oceanic Cablevision, Inc.

Political Experience

Hawaii State Senate, Seventh Senatorial District, 1968-1974
Assistant Majority Floor Leader; Chairman of Committee
on Ecology, Environment and Recreation

Community Service (Current)

Chairman, Friends of the Future
Member of Senior Advisory Council, the Japan-America
Society of Honolulu
Vice Chairman, Hawaii Maritime Center
Member of Board of Governors, Boys & Girls Club of Honolulu
Trustee, HUGS (for Hawaii's seriously ill children)
Director, Tokyu Foundation
Chairman, WAIAHA Foundation
Director, Hawaii Nature Center
Member of Advisory Council, Ocean Policy Institute
Chairman, East-West Center Foundation
Director, Oceanic Cablevision Foundation
Chairman, Francis H. I. Brown Foundation
Chairman, John A. Burns Foundation
Chairman, Marimed Foundation
Director, Hawaii Health Foundation
Director, Polynesian Voyaging Society

5/20/99

(Cont.d)

Honors, Awards, Recognition

- April, 1983 -- Chosen outstanding Hawaiian businessman of 1983 by the Hawaiian Business/Professional Association
- May, 1985 -- Received honorary degree of Doctor of Science from Pacific University in Oregon
- May, 1986 -- Honored as Hawaii's Humanitarian of the Year by the Hawaii Red Cross
- May, 1987 -- Received Honorary Doctor of Humanities degree from the University of Hawaii. Also delivered the commencement address
- Dec., 1987 -- Received Na Po'okela Award, Year of the Hawaiian
- Feb., 1988 -- Honored as "Living Treasure" by the Honpa Hongwanji Mission of Hawaii
- May, 1989 -- Honored (also Mrs. Brown) by the Hawaii Nature Center for their commitment to the conservation of Hawaii's culture
- March, 1991 -- Honoree of the Hawaiian Civic Club of Honolulu 1991 Holoku Ball
- Jan., 1992 -- Received the Charles Reed Bishop Medal from Bishop Museum. This is an annual award given to two individuals who best represent the vision and integrity of Charles Reed Bishop, founder of Bishop Museum. Mr. Brown received it for his support of the Museum over many years, serving on the Board since 1982, and holding the position of Chairman for two years
- Dec., 1992 -- Honored (also Mrs. Brown) by Historic Hawaii Foundation as Kama'aina of the Year at their annual Winter Benefit
- May, 1993 -- Inducted into the Hawaii Golf Hall of Fame
- Sept., 1994 -- Ambassador of Aloha in Aloha Festival Floral Parade
- March, 1995 -- Honored by the University of Hawaii School of Architecture in recognition of his many accomplishments, the Kenneth F. Brown Asia Pacific Culture and Architecture Design Award was presented to five winners of architectural projects at the First International Symposium on Asia Pacific Architecture held in Honolulu
- May, 1995 -- Delivered the keynote address at the University of Hawaii School of Architecture Commencement Ceremony

- Sept., 1996 -- Received Kaonohi Award from Papa Ola Lokahi, in recognition of his significant contribution to Hawaiian health
- Jan., 1997 -- Received the David Malo Award from the Rotary Club of West Honolulu. This Award, given yearly, recognizes and honors a person of Hawaiian Ancestry whose accomplishments and life exemplify the ideal of high achievement and community service for the betterment of the world.
- Nov., 1997 -- Received Certificate of Recognition from the Council of the City and County of Honolulu for his dedication and commitment to Hawaii and its people.
- Dec., 1997 -- Received the Gordon W. Bradley Humanitarian Award from the American Institute of Architects, Honolulu Chapter, in recognition of his exemplary service to the community.
- Dec., 1997 -- Honored by The Queen's Health Systems family with a bronze plaque, displayed at The Queen's Medical Center, to commemorate his service to Queen's and the people of Hawaii.
- Oct., 1998 -- Honored by March of Dimes Chapter of the Pacific with the National Lifetime Achievement Award at the 1998 Governor's Ball. This Award is presented to individuals whose lives and philosophies have been instrumental in establishing the necessary community resources, both human and financial, to help communities improve their quality of life and the continuing development of the human spirit.
- Feb., 1999 -- Resolutions passed by the State of Hawaii Senate and House of Representatives honoring Kenneth Brown upon his retirement as Chairman of The Queen's Health Systems.

MELODY KAPILIALOHA MACKENZIE

579 Kane'apu Place
Kailua, Hawai'i 96734
(808) 262-6301

e-mail: kaneapu@worldnet.att.net

WORK EXPERIENCE

February 1992 to
October 1999

Executive Director, Hawaiian Claims Office,
Department of Commerce and Consumer Affairs,
State of Hawai'i

Executive director of division within DCCA providing administrative and legal support to the Hawaiian Home Lands Trust Individual Claims Review Panel. The Claims Review Panel received and reviewed claims by individual Hawaiian Home Lands' beneficiaries for trust breaches arising from an act or omission of a state official. Duties included staff hiring and supervision, coordination of staff work product, budget preparation, formulating legislation and presenting testimony, and sitting as a Hearings Officer to receive evidence and make recommendations to the Panel on individual claims. Responsible for establishing procedures and drafting the administrative rules to implement and administer the claims review process.

October 1986 to
February 1992

Senior Staff Attorney, Native Hawaiian Legal Corporation

Senior staff attorney in non-profit organization providing legal services to the Hawaiian community. Caseload responsibilities included federal and state court litigation on the ceded lands trust and Hawaiian religious claims on public lands, quiet title litigation, management of complex class action lawsuits, and research and writing on all aspects of Native Hawaiian rights.

August 1987 to
July 1991

Per Diem District Court Judge, District Court of the First
Circuit, State of Hawaii

Appointed by Chief Justice of Hawaii Supreme Court to serve as a per diem judge handling small claims, traffic cases, civil matters involving amounts under \$10,000, and misdemeanor criminal trials.

October 1982 to
September 1986

Executive Director, Native Hawaiian Legal Corporation

Chief executive of non-profit corporation providing legal services to the Hawaiian community. Funding received from the Office of Hawaiian Affairs and the federal Legal Services Corporation. Responsible for program administration including budgetary matters, compliance with state and federal funding requirements, resource allocation, coordination of staff work product, training, fundraising, personnel, staff supervision, and community relations. Maintained full caseload as staff attorney.

December 1980 to
September 1982

Staff Attorney, Native Hawaiian Legal Corporation

Developed factual and legal arguments for Hawaiian reparations in report to the Native Hawaiians Study Commission (NHSC). Extensively researched and wrote portion of NHSC minority report on ceded lands. Advised OHA on fiduciary responsibilities and was a consultant to OHA on specific issues relative to public land trust. Other responsibilities included land title litigation and kuleana access cases.

October 1978 to
November 1980

Administrative Law Clerk to Chief Justice William S. Richardson, Hawaii Supreme Court

In addition to regular law clerk duties, responsibilities included drafting a law review article on the administration of the Hawaii judiciary, working on implementing legislation for the intermediate court of appeals, writing speeches for the Chief Justice, and acting as liaison between the Administrative Director of the Courts and the Supreme Court law clerks.

July 1978 to
September 1978

Committee Clerk to the Committee on the Executive, 1978 Constitutional Convention

Responsible for committee operations including preparing hearing notices, coordinating hearings and meetings, and organizing proposals and testimonies. Also drafted committee proposals, wrote committee reports and floor speeches in support of committee proposals, and aided other committees in writing their proposals and committee reports.

April 1977 to
June 1978

Law Clerk to Chief Justice William S. Richardson

Responsibilities involved analyzing briefs, statutes and prior judicial decisions and preparing legal memoranda and draft opinions for the court. Also researched and wrote a special report discussing proposed amendments to the judicial article of the state constitution.

PERSONAL

Born: July 27, 1948, Honolulu, Hawaii.

Education:

May 1976 Juris Doctor, William S. Richardson School of Law.
Attended Antioch Law School in Washington D.C., transferred to complete degree at William S. Richardson School of Law.

June 1970 B.A. *cum laude*, in Religious Studies/Anthropology,
Beloit College, Beloit, Wisconsin.

Admitted to
Practice Law: United States Court of Appeals for the Ninth Circuit.
United States District Court for the District of Hawaii.
Hawaii State Bar.

1976 to present Halau Mohala 'Ilima, student and 1989 kumu hula graduate.

ORGANIZATIONS AND OTHER EXPERIENCES

1980 to present Hawaii State Board of Bar Examiners, currently Chair of the Applications Review Committee.

1999 Board of Directors, Hawai'i Justice Foundation.

1994 to 1998 Appointed by Chief Justice Moon to the Board of Directors, Judiciary History Center.

1992 Founding member, Native Hawaiian Bar Association.

Spring 1984 and 1985 Adjunct Professor of Law, William S. Richardson School of Law: Co-taught Native Hawaiian rights class covering areas such as land tenure system and evolution of private property rights, creation and development of the Hawaiian Homes program, ceded lands, and water rights.

SPEECHES AND PRESENTATIONS

June 1999 Panelist, Native Hawaiian Convention, "Statehood and Hawaiian Rights."

May 1997 Presenter, Ho'omalua Ma Kualoa, "Protection of Native Hawaiian Religious Rights under Federal and State Law."

January 1995 Faculty, Hawaii Institute of Continuing Legal Education, Kamehameha Schools/Bishop Estate Conference on Native Hawaiian Land Rights, Eminent Domain, and Regulatory Takings, "Native Hawaiian Land Rights."

December 1994 Panelist, Native Hawaiian Bar Association, Symposium on Hawaiian Sovereignty, "Hawaiian Customs and Traditions - Fundamentals Every Lawyer Should Know."

December 1993 Faculty, Hawaii Institute for Continuing Legal Education, Symposium on Recent Developments in Land Use Law, "Pele Defense Fund, PASH and Native Hawaiian Rights."

PUBLICATIONS AND ARTICLES

1993 Review of Native Lands and Foreign Desires by Lilikala Kame'eleihiwa in Hawaiian Journal of History, Vol. 27.

1993 "1893-1993: Overthrow, Annexation and Sovereignty," Hawaii Bar Journal, January 1993.

- 1992 *The Lum Court and Native Hawaiian Rights*, 14 U. Haw. L. Rev. (Summer 1992). An article discussing the Hawaii Supreme Court's treatment of Native Hawaiian rights issues.
- 1991 Editor, *Native Hawaiian Rights Handbook* (1991). Substantial contributor and overall editor of book analyzing case law, legislation, and public policies relating to Hawaiians in areas ranging from the Hawaiian land trusts and self-determination to religious and customary rights.
- Review of Native American Estate: The Struggle over Indian and Hawaiian Lands, in The Contemporary Pacific (Spring 1991).

HONORS AND AWARDS

- 1992 Award by Na Loio no na Kanaka for commitment to advancing Hawaiian rights and justice.
- 1991 Commendation by Governor John Waihee on publication of the *Native Hawaiian Rights Handbook*
- Resolution by 1991 Hawai'i State Senate in recognition of contributions as an attorney, advocate, and scholar in advancing the rights of Native Hawaiians.
- 1989 Commendation by Governor John Waihee on graduation as a kumu hula.
- 1983 Recognition by Alu Like, Inc., for Outstanding Service to Hawai'i.
- 1982 Commendation by the Office of Hawaiian Affairs for contributing to the betterment of all Hawaiians.

REFERENCES AVAILABLE UPON REQUEST

COLBERT M. MATSUMOTO
1022 Bethel Street
Honolulu, Hawaii 96813
Phone: (808) 545-8132
Fax: (808) 545-8170

EMPLOYMENT HISTORY:

- 1999 - present Chairman & CEO, Island Insurance Company, Ltd.
- 1994 - 1998 Director & Secretary-Treasurer, Matsumoto LaFontaine & Chow,
Attorneys at Law, A Law Corporation.
- 1981 - 1994 Director, Fujiyama, Duffy & Fujiyama, Attorneys at Law, A Law
Corporation.
- 1980 - 1981 Associate Attorney, Gill, Park & Park, Attorneys at Law.
- 1978 - 1980 Self-employed, Law offices of Colbert M. Matsumoto.

EDUCATION:

University of California at Berkeley, Boalt Hall School of Law, J.D. - 1978

University of San Francisco, B.A., *magna cum laude* - 1974.

CURRENT AFFILIATIONS:

- 1999 - Present Director, Island Insurance Company, Ltd.
- 1998 - Present Director, City Bank, Ltd.
- 1997 - Present Director, Hawaiian Host, Inc.
- 1994 - Present Director, National Mortgage & Finance Company, Ltd.
- 1995 - Present Member, Board of Land and Natural Resources, State of
Hawaii
- 1991 - Present Member, Japanese American Citizens League - Honolulu
Chapter. (Past President and Director).
- 1989 - Present Member, National Asian Pacific American Bar Association,
Honolulu Chapter. (Hawaii Chapter organizer and founding
President - 1989-92).

1978 - Present Member, Hawaii State Bar Association.
1984 - Present Member, Defense Research Institute.
1990 - Present Member, Hawaii Defense Lawyers Association.
1979 - Present Director & Secretary, Daihonzan Chozen-ji - International Zen Dojo.
1997 - Present Member, Jikoen Hongwan-ji Mission
1995 - Present Member, Japanese Cultural Center of Hawaii
1995 - Present Member, Japanese American National Museum

PERSONAL INFORMATION:

Born: January 17, 1953, Lanai City, Hawaii

Wife: Gail S. Matsumoto

Children: Two

ALLAN A. SMITH
4007 Mapu Place
Lihue, HI 96766

(808) 245-3678 (business)

EDUCATION

University of Hawaii at Manoa - BACHELOR OF SCIENCE in
Agricultural Economics (January 1968)

Kamehameha Schools - Honolulu, Hawaii (1957-63)
St. Theresa Grade School - Kekaha, Kauai, Hawaii (1951-57)

Others: Stanford University - Stanford, California -
completed the Stanford Executive Program (July
1991)

Zenger-Miller Management Course - (1980)

Rotary International - Group Study Exchange Team
Member, Mexico (1977)

International Career Management Institute - (1973)

Dale Carnegie Course - (1970)

General Building/General Engineering Contractor's
License, Responsible Managing Employee (RME) -
ABC 13921

Real Estate License - RS 40886 (Active)

MARRIED - Linda L. T. Smith - Principal, Kauai High &
Intermediate School

PROFESSIONAL EXPERIENCE

GROVE FARM COMPANY, INCORPORATED - VICE PRESIDENT AND CHIEF
OPERATING OFFICER

AMFAC, INC. - JANUARY 1968 TO AUGUST 1987
The Lihue Plantation Co., Ltd. - FIELD SUPERINTENDENT
(January 1981 - August 1987)

The Lihue Plantation Co., Ltd. - IRRIGATION SUPERINTENDENT
(July 1978 - January 1981)

Kekaha Sugar Co., Ltd. - MECHANICAL OPERATIONS SUPERINTENDENT
(January 1975 - July 1978)

The Lihue Plantation Co., Ltd. - SUPERVISORY POSITIONS (June
1969 - January 1975)

Amfac, Inc. - AGRICULTURAL TRAINEE (January 1968 - June 1969)

BUSINESS/COMMUNITY ASSOCIATIONS

Kamehameha Alumni Association - Life Member
Kamehameha Schools Association of Kauai - President (1982-84)
Waimea Foreign Church - Member
Governor's Task Force on Streamlining Land Use Application
Process for Housing Construction in Hawaii (Act 227) -
Member (1992 - Present)

Kauai Chamber of Commerce - Board Member and Economic
 Development and Energy Committee Chairperson (1992 -
 Present)
 Kauai Economic Development Board - Agricultural Committee
 Chairperson (1991 - Present); Secretary (1992);
 President Elect (1994)
 Na Ala Hele Trails and Access Advisory Board - Vice President
 and Member (1991 - 1993)
 Parents in Support of Raider Students (P.A.I.R.S. - Kauai High
 School's Parent Organization) - Board Member (1989 -
 Present); President (1991 - 1993)
 School/Community Based Management (SCBM) Task Force - Member
 (1991 - Present)
 Project Ke Au Hou Task Force (Kauai Department of Education) -
 Member (1992 - Present)
 Kauai Farm Bureau - Member (1987 - Present)
 Contractors Association - Member (1987 - Present)
 Hale Opiu, Inc. - Board Member (1986 - 1993)
 Mayor's Task Force on Traffic - Member (1985-86)
 Hawaiian Sugar Technologists - Member, Board of Governors
 (1982, 1986)
 Wailua/Kapaa Development Plan Committee - Member (1985)
 Lihue Airport Technical Advisory Committee - Member (1984)
 Kekaha Community Association - President (1975-77)
 The Queen's Health System - Community Council Member (1994)
 Central Pacific Bank - Advisory Board Member (1994 - Present)
 University of Hawaii Foundation's Committee on Community
 Colleges - Member (1994)
 Queen's Medical Center - Trustee (1994 - Present)
 Agribusiness Development Corporation - Director (1994 -
 Present)
 Rural Economic Transition Assistance - Hawaii - Oversight
 Committee Member (1995 - Present)

2/2/99

KELVIN H. TAKETA

PROFESSIONAL EXPERIENCE:

July 1998 - Present

President/Chief Executive Officer
Hawai'i Community Foundation

- The Hawai'i Community Foundation is a public charity which strives to improve and enrich the lives of the people of Hawai'i through its grantmaking, advisory services to donors and partners, and leadership on key issues in the community. The Foundation is governed by a 24-member Board and has a 40-person staff and permanent assets of over \$260 million.
- The President/CEO is responsible for building and maintaining the Hawai'i Community Foundation as a leading, high-impact philanthropic organization that inspires people to seek out its services and support its programs and initiatives. The President/CEO works closely with the Board of Governors to define the vision, mission, policies, strategies and values of the Foundation and leads the staff and volunteers in carrying them out.

December 1994 - June 1998

Vice-President/Executive Director, Asia/Pacific Region

The Nature Conservancy, Asia/Pacific Regional Office - Honolulu, Hawaii

- Senior executive in charge of all programs and activities for the region, which included conservation programs in Hawaii, Micronesia, the South Pacific, Indonesia and China, government relations with U.S. agencies, multi-lateral and regional agencies and government aid and private sector alliances in Japan, Hong Kong, Taiwan and Singapore. During his tenure, the Asia/Pacific Region was the fastest growing regional program of The Nature Conservancy with offices in 19 locations spread across 14 time zones, and a program budget of \$11 million in FY98.
- Primary responsibilities included key strategic issues such as community enterprise development, recruitment of volunteer and staff leadership, private fundraising and alliances with major institutions such as the World Bank. The Conservancy was recognized throughout the region for its work in community-based resource management, capacity building in local organizations, nonprofits and government agencies and regional policy and resource development programs.

June 1989 - December 1994

Vice President/Director, Hawaii and Pacific Programs

The Nature Conservancy, Asia/Pacific Regional Office - Honolulu, Hawaii

- Served as chief executive of The Nature Conservancy of Hawaii. Led staff, trustees and key constituents through a major strategic planning process and launched a series of new initiatives including a State government matching fund for private land management, a broad-based coalition to address alien species introductions and the establishment of community-based management partnerships on Maui and Molokai.
- Beginning in 1990, led the development of the Asia/Pacific program from initial evaluation and strategic planning, through acquisition of initial start-up funds, establishment of field offices and partnerships to provide technical assistance to local governments, NGOs and communities and development of regional support programs.

October 1987 - June 1989

Vice-President / Director of Resources

The Nature Conservancy, Headquarters Office - Arlington, Virginia

- First Director of Resources Division with responsibility for fundraising, membership, government relations, communications and public relations functions for the organization. Reorganized operating departments to better integrate the division and guided it through a period of rapid growth and expansion, including record growth in revenue and membership.

September 1980 - October 1987

Executive Director, Field Representative

The Nature Conservancy of Hawaii - Honolulu, Hawaii

- Beginning as field representative for two years, coordinated all real estate, government and community relations activities for the newly established state program. Built strong alliances with private landowners, local communities, state and federal government agencies, and scientific institutions. Promoted in 1982 to Executive Director, led the organization through a period of major growth and the development of a comprehensive state program for the conservation of Hawaii's biological diversity.
- Over the decade of the 1980s (Kelvin retained senior management responsibilities for the Hawaii program during his tenure as Director of Resources), the program completed two major capital campaigns raising over \$13 million as membership grew from 300 in 1980 to over 8,000 in 1990; helped protect more than 40,000 acres, including the establishment of 8 new preserves and launched a series of cooperative initiatives with the state and federal government and scientific institutions across the United States.

EDUCATION:

Admitted to the Bar, State of Hawaii - 1980

University of California, Hastings College of the Law, Juris Doctor - 1980

Colorado College, Bachelor of Arts, English - 1977

AWARDS / OTHER ACTIVITIES:

Conservation Service Award, *U.S. Department of Interior* - 1983

Conservation Award, *Chevron Corporation* - 1988

Former Board Member / First Chairman of the Environment Committee; *Hawaii Visitors Bureau*

Board Member and Audit Committee Member, *Hawaiian Electric Industries*

Board Member, *Hawaiian Electric Industries Power Corporation*

Board Member and Executive Committee member, *Sustainable Conservation* (non-profit)

Trustee, *Ho'okupu Fund* (non-profit)

Past volunteer work includes strategic planning facilitator for non-profit organizations, including

Makiki Environmental Education Center (now *Hawaii Nature Center*), *Historic Hawaii*

Foundation, *Palau Conservation Society* and *Sustainable Conservation*

Publications and references available on request.