

**COUNCIL OF THE COUNTY OF MAUI**  
**POLICY COMMITTEE**

March 7, 2008

**Committee**  
**Report No.**

08-40

Honorable Chair and Members  
of the County Council  
County of Maui  
Wailuku, Maui, Hawaii

Chair and Members:

Your Policy Committee, having met on February 19, 2008, makes reference to County Communication No. 07-12, from the Council Chair, regarding requests for authorization of special counsel submitted by the Department of the Corporation Counsel.

By correspondence dated February 12, 2008, the Department of the Corporation Counsel requested consideration of a proposed resolution entitled "AUTHORIZING ADDITIONAL COMPENSATION OF SPECIAL COUNSEL ASHFORD & WRISTON, FOR ALAN M. ARAKAWA, IN ASGHAR R. SADRI V. JAMES H. APANA, AN INDIVIDUAL; ET AL.; CIVIL NO. CV 07-00109 SOM-BMK". The purpose of the proposed resolution is to authorize \$20,000 in additional compensation for Ashford & Wriston as special counsel in the case for a total compensation of \$95,000.

Your Committee notes that this case includes allegations of violations of the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. §1961 et. seq. and the Civil Action for Deprivation of Rights Act, 42 U.S.C. §1983.

Your Committee further notes that the Council authorized initial compensation of this matter by Resolution No. 07-55 in an amount not to exceed \$75,000.

At its meeting, your Committee met with the Corporation Counsel and two Deputy Corporation Counsel.

There was no public testimony.

A Deputy Corporation Counsel provided a brief overview of the case. She explained that Ashford & Wriston represents former Mayor Alan Arakawa, while the remaining County defendants named in the lawsuit are represented by other special counsel. She noted that the County has currently expended a total of \$148,130.35 for all special counsel in this case, and Ashford & Wriston is the only special counsel who has exceeded the compensation amount authorized by the Council. She explained that the

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need for additional compensation is a result of Ashford & Wriston acting as lead counsel in the case to avoid duplication of work by the other special counsel.

The Deputy Corporation Counsel further explained that there are outstanding invoices totaling \$8,999.60 from Ashford & Wriston. She assured your Committee that the Department did not expect to make any further requests for additional compensation after this request. She further indicated that the Department is hopeful that total outstanding costs will be less than the additional \$20,000 requested.

Your Committee noted that the case recently settled and the compensation requested for special counsel is separate from the authorized settlement amount.

Your Committee notes that resolutions amending the authorized compensation of special counsel should be adopted by a two-thirds vote of the Council, pursuant to Section 3-6.6 of the Revised Charter of the County of Maui (1983), as amended.

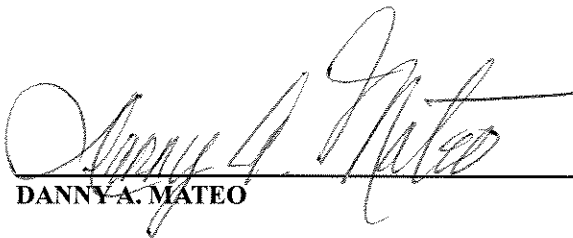
Your Policy Committee RECOMMENDS that Resolution No. \_\_\_\_\_, attached hereto, entitled "AUTHORIZING ADDITIONAL COMPENSATION OF SPECIAL COUNSEL ASHFORD & WRISTON, FOR ALAN M. ARAKAWA, IN ASGHAR R. SADRI V. JAMES H. APANA, AN INDIVIDUAL; ET AL.; CIVIL NO. CV 07-00109 SOM-BMK" be ADOPTED.

Adoption of this report is respectfully requested.

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JO ANNE JOHNSON Member

# Resolution

No. \_\_\_\_\_

AUTHORIZING ADDITIONAL COMPENSATION OF SPECIAL COUNSEL  
ASHFORD & WRISTON, FOR ALAN M. ARAKAWA,  
IN ASGHAR R. SADRI V. JAMES H. APANA, AN INDIVIDUAL; ET AL.;  
CIVIL NO. CV 07-00109 SOM-BMK

WHEREAS, the Council alone is authorized to retain or employ special counsel upon a resolution passed by a two-thirds vote; and

WHEREAS, by Resolution No. 07-55, adopted on April 10, 2007, the Council determined that there is a real necessity to retain Ashford & Wriston as special counsel to represent Alan M. Arakawa, former Mayor, in Asghar R. Sadri v. James H. Apana, an individual; James Takayesu, an individual; John Min, an individual; Richard Minatoya, an individual; Alan Arakawa, an individual; and Brian T. Moto, an individual, Civil Number CV 07-00109 SOM-BMK, with total compensation in this matter not to exceed \$75,000.00; and

WHEREAS, Ashford & Wriston acted as lead counsel and participated in extensive settlement negotiations; and

WHEREAS, the Corporation Counsel has requested authorization to raise the compensation limit for the employment of special counsel Ashford & Wriston by an additional \$20,000.00 to complete settlement and conclude this case; now therefore,

BE IT RESOLVED by the Council of the County of Maui:

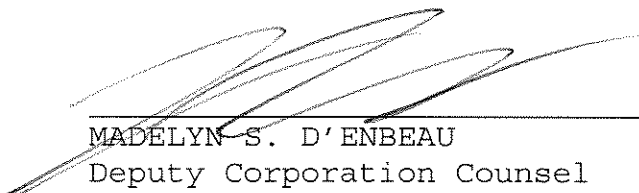
1. That Council hereby approves and authorizes the increase

**Resolution No.** \_\_\_\_\_

of compensation for the employment of special counsel Ashford & Wriston by \$20,000.00 for a total of up to \$95,000.00; and

2. That certified copies of this resolution be transmitted to the Mayor, the Corporation Counsel and the Director of Finance.

APPROVED AS TO FORM AND LEGALITY:



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MADLYN S. D'ENBEAU  
Deputy Corporation Counsel  
County of Maui