

RESUME OF
CHARLES H. HURD

201 Merchant Street, Suite 1500
Honolulu, Hawaii 96813

A. EDUCATIONAL HISTORY

- 1967 **University of Southern California**
Los Angeles, California
- B.A., Political Science, magna cum laude
- Phi Beta Kappa; honors program in Political Science
- 3.68 cumulative grade point avg. (4 yrs) while working 15-20 hours per week, to put myself through college
- President, Blackstonian Pre-Law Society
- 1971 **University of California**
(Boalt Hall)
Berkeley, California
- J.D.
- Law Review, Research Editor
- Research assistant to Prof. William T. Laube, Professor of contracts, sales and sales financing, and debtors' rights and creditors' remedies (two years).
- For one semester (4/1969-8/1969), I served on active duty in the United States Army for an Army Reserve commitment; honorable discharge: 4/1975.
- American Jurisprudence awards for achievement in contracts and criminal law (highest grades in first year class).

B. COURTS AND CURRENT PRACTICE

- Hawaii and California Supreme Courts;**
- U.S. Court of Appeals (Ninth Circuit); and**
- U.S. District Courts (Hawaii, No. and Central Cal. And Nevada)**
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I have practiced law continuously for almost thirty years, since I concluded two judicial clerkships in Hawaii. From October 1971 through September 1972, I clerked for Judge Herbert Y.C. Choy, U.S. Court of Appeals, Ninth Circuit (at his chambers in Honolulu); and in October and November 1972, I clerked for Judge Samuel P. King, U.S. District Court, District of Hawaii. From 1974 through 1975, I worked in San Francisco, California, thereafter continuously in Hawaii. In 1976, I started work in Honolulu with a ten lawyer firm, then known as Damon, Shigekane, Key & Char. I worked there twelve years, of which seven and a half were as a partner. I left in October 1987 to found my own firm, which is now Hurd & Luria.

Most of my work has been litigation in the following fields:

1. **TRUST, PROBATE AND REAL PROPERTY.** Disputes involving interpretation of deeds and leases, latent defects of property condition or title (e.g., an eroding seawall), breaches of duty by professionals (real estate brokers, trust officers, etc.) and several cases involving breaches of fiduciary duty owed to elder persons, with alleged incapacity to form the necessary legal intent to make binding conveyances, gifts or testamentary dispositions.
2. **COMMERCIAL.** Variety of contractual and financial disputes, including intra-corporate battles between shareholders of small corporations, breach of warranty for defective goods, ERISA investment fraud and secured transactions.
3. **EMPLOYMENT AND LABOR.** Variety of arbitration and court claims over terms of employment and remedies, including ERISA and non-competition.
4. **INSURANCE.** Coverage issues, seeking to arrange the defense of litigation for insureds and then handling the insured defense; litigation concerning negligent practices in insurance brokerage and adjustment claims.
5. **CONSTRUCTION.** Dispute resolution in court, arbitration and ADR for owners, architects, subcontractors and material suppliers.

On the non-litigation side of my practice (about ¼ of my work), I have counseled individuals, as well as businesses, in a wide variety of problem-solving jobs. I have advised and formed dozens of corporations, partnerships and limited liability companies. For example, I negotiated and counseled the amicable dissolution of a partnership, followed by the formation of a new corporation and, after a year's time, merger with another related corporation owned by others. At times, I have also advised individuals about potential investments in either real estate or an on-going business; and occasionally, I have participated in drafting and reviewing estate-planning documents.

C. SIGNIFICANT RECENT LITIGATION

1. ***Harold Kon, et al. v. Tetsuya Goto, U-Me Enterprises, Inc. dba "U-Me Tours" et al.,***
U.S. District Court, District of Hawaii, Civil No. 96-00340 HG

Class action ERISA suit for former employees and participants in a tour bus company's 401(k) Plan, which had been depleted by Plan fiduciaries, who were also company owners and executives. Settlement with these executives, who have paid partial compensation. Judgment granted on June 24, 1998 for \$460,000 plus interest and fees, against primary defendants and the corporation, based on

Court-appointed Receiver's report following early restraining orders. I worked closely with the U.S. Dept. of Labor Pension Welfare and Benefits Admin. In Pasadena, CA.

2. ***Von Holt, Valma A. Trustee of the Herman von Holt Trust, adv. The Thacher School;***
First Circuit Court, State of Hawaii, Probate Spec. Proceeding No. 94-0055

In May 1994, Mrs. Von Holt, the widow of a prominent Honolulu banker came into our office, complaining that she was being represented by an attorney who seemed to be losing a series of pretrial battles of this litigation to remove her as trustee of Mr. Von Holt's charitable remainder trusts and to surcharge her to pay the trust over \$2 million. We took over and quickly found that the previous attorney had committed serious malpractice. Within five months, we had a judgment against the previous attorney for \$2,100,000.00 and the Hawaii Supreme Court had disbarred the man from practicing law.

In the primary litigation defending the trustee's actions from alleged wrong-doing, we conducted intensive discovery and motions practice over a two-year period, resulting in settlement without trial on terms dictated by the trustee. In the course of the litigation, Mrs. Von Holt also succeeded in ousting a bank, as the institutional personal representative of her husband's estate. The bank had taken office because of malpractice in the preparation of Mr. Von Holt's codicil, appointing his widow as his estate personal representative. Allegations of undue influence and fraud have been refuted in a semi-public manner, thereby restoring the reputation of the widow and trustee.

3. ***Nagano, et al. v. Aetna Life Insurance & Annuity Company, Inc., et al.;***
U. S. District Court, District of Hawaii, Civil No. 85-0211

This action for fraud against an Aetna management executive and the insurance comp[any followed eh conviction of a professional "scam artist", John Michael Ledbetter, for racketeering and interstate transportation of stolen property. The Aetna executive ha recklessly vouched for the criminal, in a loan deposit "scam".

After first suing the criminal and other members of his group and determining that they were all judgment proof, a second action was filed against Aetna and the executive, on behalf of five Honolulu businesses which had been defrauded by Ledbetter. The case was tried without a jury before U.S. District Judge Harold M. Fong, who had convicted and sentenced Ledbetter. Judge Fong issued a 35-page set of findings of fact, conclusions of law and an order for judgment against defendants in the sum of \$463,000.00 Post judgment negotiations resulted in the settlement for a confidential figure, higher than the judgment amount. (Judge Fong had used a very conservative measure of damages, which was asserted to be reversible on appeal.)

D. RECENT MEDIATION EXPERIENCE AND TRAINING

1. Pepperdine Univ. Law School training as a Mediator (Summer 2001)
2. Mediation Center of the Pacific Certificate (January 22, 2003)

E. PUBLICATIONS

1. Hawaii Institute for Continuing Legal Education, "Legal Capacity To Do Legally Binding Acts [under Hawaii law]" (12/3/96 CLE course materials). I have used these materials to present seminars on legal standards for assessing capacity of elderly clients and parties.
2. Note, Strict Liability To The Bystander, ____ Calif. L. Rev. 335 (1970); California Law Review, University of California, Berkeley (Boalt Hall)
3. Article, "A Matter of Conscience For The California Consumer", Hastings Law Journal, University of California, San Francisco (1972)

F. PROFESSIONAL AND COMMUNITY ACTIVITIES

Volunteer Mediator, Mediation Center of the Pacific (2001 – present)
Director, Legal Aid Society of Hawaii (1987 - 2000)
President (1997 and 1998)
Member, Executive Committee (1989 - 1998)
Member, Financial Committee (1996 – present)

Leadership Council, Southern Poverty Law Center (1983 – present)
(Montgomery, Alabama)
(Klanwatch and Teaching Tolerance projects)

Amnesty International (1976 - present)
ABA, Section on Individual Rights (1973 - present)

F. PERSONAL

Married to Susan M.M. Lee for twenty-two years with one son, Christopher, age 20 years (junior at Brandeis Univ., near Boston, MA). We own our home in Kailua, a suburb of Honolulu. My wife and I share a gardening hobby. I enjoy reading, mostly in history.

G. REFERENCES

Please contact only after first notifying me:

1. Paul Alston, Esq.
Alston Hunt Floyd & Ing
ASB Tower, Suite 1800
1001 Bishop Street
Honolulu, Hawaii 96813
Tel: (808) 524-1800

2. Hon. Steven H. Levinson
Supreme Court of Hawaii
417 South King Street
Honolulu, Hawaii 96813
Tel: (808) 539-4735

3. Hon. Herbert Choy
U.S. Court of Appeals, 9th Cir.
PJKK Federal Building
P. O. Box 50127
Honolulu, Hawaii 96850
Tel: (808) 541-1801



THE MEDIATION CENTER OF THE PACIFIC, INC.

Providing Mediation Services to the Community Since 1979

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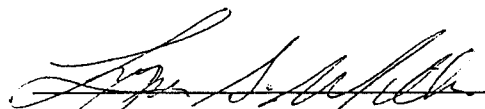
Congratulations on successfully completing all training requirements during your one-year apprenticeship with The Mediation Center of the Pacific. Through your hard work and persistence you have completed (60) hours of training courses, (10) required mediation cases with a senior mediator, been observed mediating by both staff and training team members, and successfully completed an Evaluation of your basic skills as follows:

- *Demonstrated capacity for consistent non-judgmental, neutral, empowering behavior;*
- *Demonstrated understanding of and willingness to comply with the Center model of mediation and Center standards for mediators and mediation;*
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- *Demonstrated the ability to help parties shape clear agreements.*

EXECUTIVE DIRECTOR
Tracey S. Wiltgen

Now, therefore you have attained the status of Active Mediator with all attendant rights and privileges as outlined in the Mediator Handbook.

Congratulations! And thank you for your continued support of seeking peaceful resolution to disputes, community service, and to The Mediation Center of the Pacific.


Lynn S. Miller, Director of Training


22 January 2003
On this date


Charles H. Hurd

has successfully completed a
60-hour course in mediation
and
Volunteer Apprenticeship Program



The Mediation Center of
the Pacific, Inc.


Executive Director, Tracey S. Wiltgen


Director of Training, Lynn S. Miller

January 22, 2003
Date