

WILLIAM S. RICHARDSON SCHOOL OF LAW – REALIZING THE DREAM
AND KEEPING IT ALIVE – PART I

I. INTRODUCTION

The William S. Richardson School of Law celebrates its 50th anniversary in September of 2023. It is an auspicious time to reflect on the founders’ vision for the law school, the life experiences that motivated the founders to pursue such an ambitious goal, the challenges facing the law school in its early years and the many accomplishments and contributions of the law school, its faculty, and its graduates.

The William S. Richardson School of Law has not only accomplished each of its original goals but, in many ways, has exceeded expectations. Many minds and many hands have guided the law school’s remarkable journey over the last five decades. The law school in turn has provided leadership not only in the State of Hawaii but throughout the Pacific and has earned a reputation that is national and international in scope.

II. THE VISION OF THE FOUNDERS

Three individuals have been widely credited for founding the William S. Richardson School of Law. Although Governor John A. Burns, Chief Justice William S. Richardson and attorney Wallace S. Fujiyama came from quite different backgrounds, but they shared a common vision.

A. Greater Opportunities for Legal Education

The founders sought to establish a law school at the University of Hawaii that would provide opportunities for legal education to all the people of Hawaii, not just those affluent enough to afford the expense of private law schools on the mainland. Hawaii residents also faced great difficulty in gaining admission to state funded law schools on the mainland.¹ Chief Justice Richardson addressed the first incoming class at the opening of University of Hawaii School of Law²:

To me, and to the people of Hawaii, you represent no less than the realization of a dream. ... For too many years, I’ve seen Hawaii residents denied a legal education simply because of the crush of admissions has caused mainland school to discriminate in favor of

¹ Norman Meller, Hawaii Law School Study, *Hawaii Students Disadvantaged*, Rep. No. 3 to the Legislative Reference Bureau at 34, 35, 46 (1971); A. Jerome “Jerry” Dupont, *Admissions at the Law School during the First Decade*, at 102-104 (Chapter 8 of the yet to be published history of the law school, on file with the author) (In the 1960s, the Hawaii Bar had a very different ethnic composition from the state population as a whole. Chief Justice Richardson, while presiding over a swearing-in ceremony in the late 1960s, noticed that only one of the twenty or so inductees had been born or raised in Hawaii.); Carol S. Dodd, *The Richardson Years: 1966-1982* at 83 (The fullest opportunities must be given to the island youngster who does not have the means to go to the mainland for professional schooling.) (1985)

² In 1983, the name of the law school was changed to William S. Richardson School of Law.

their residents and against ours. Of those who take the bar exam each year in Hawaii, as few as five percent are local applicants....The founding of this law school means greater opportunity for our young people in particular and for the State in general. ³

B. “Geneva of the Pacific”

Governor Burns was a visionary who sought to take advantage Hawaii’s unique position in the middle of the Pacific:

Like King Kalākaua, he sought to turn Hawaii into the “*Geneva of the Pacific*” – the bridge between Asia and the Pacific Region and the United States Mainland. He envisioned for Hawaii a function that Switzerland does for Europe and for most of the world – a Hawaii that is a Pacific center for trade, commerce, finance, art, culture, and education. ⁴

Chief Justice Richardson encouraged the first incoming law class to acquire a solid foundation in their core legal studies and to become specialists in international law, law of the sea and the comparative laws of the countries of the Pacific and Asia. Chief Justice Richardson foresaw the need for lawyers with expertise in resolving conflicts regarding the environment, the preservation of the reefs, the contamination of the ocean, the exploitation of seabeds and territorial fishing rights. ⁵

In order to accomplish these lofty goals, Governor Burns, Chief Justice Richardson knew that nothing less than a first-rate law school would be needed to transform Hawaii from one dependent on low paying jobs in fields and factories to one based on higher education. Establishing a first-rate law school would require recruiting the best possible deans and faculty and attracting top students capable of passing the bar exam. ⁶

³ William S. Richardson’s Address to Incoming Class on September 4, 1973 at 1, 2 hereinafter “CJ’s Address to First Incoming Class,” <https://drive.google.com/file/d/1Q7qrVEKHLzTIlmUvzQspI1-T52G8jzU/view>.

⁴ Aura of Greatness at 1, 2, 167, 219 and 220; Video and Telephone interviews with Brendan P. Burns, (Apr. 2, 2023 and May 11, 2023); Samuel Crowningburg-Amalu, Jack Burns: A Portrait in Transition at 471 (1974) (With the sole exception of King Kalākaua, no leader in Hawaii has taken seriously any consideration of Hawaii as a center for all the many nations and peoples of the Pacific. And yet this was the logical position for Hawaii.); Stacey L. Kamehiro, Ho’oulu Hawai’i, The King Kalākaua Era, *Worlding the Kingdom of Hawaii: The Art of International Relations* at 80, 81 (2018) (Kalākaua was an internationalist who was the first head of state to circumnavigate the globe in 1881.).

⁵ CJ’s Address to First Incoming Law Class at 3, *supra*.

⁶ Edward A. Mearns, Jr. and Malcolm L. Stein, The School of Law, University of Hawaii: Its Feasibility and Social Importance at 23 (The immediate purpose of the law school should be to provide the best possible professional education for qualified men and women who wish to enter the legal profession.) (1969); Video interview with David L. Callies, Prof. emeritus of the

Chief Justice Richardson impressed on the first incoming law class the fact that the reputation of the law school and the future of Hawaii depended on their success as lawyers.

Despite its frustrations, law remains a vital, attractive profession. In Hawaii, it has supplied us with the pre-ponderant amount of our leaders and policymakers. As they helped to shape Hawaii, you can shape its future. As you progress, so should this school. I hope it will excel, that it will not be run-of-the-mill, that it will keep the law alive, that it will think in terms of the future and what can be.⁷

John A. Burns is credited with many accomplishments in his years as governor from 1962 to 1975 which are commonly referred to as “The Burns Years.” He often said that he would consider his governorship to be a failure if he had not succeeded in building the law school and the medical school at the University of Hawaii.⁸

C. Civic Leadership, Service to Underserved Communities and Diversity

The founders envisioned a law school that would recruit and train lawyers, born and/or raised in Hawaii, who were likely to choose careers in public service and public interest instead of careers in private industry that merely paid well. Among the objectives of the new law school were “the training for public leadership” and “the provision of legal services to lower income groups.”⁹

Governor Burns viewed Hawaii’s ethnic and cultural diversity as its most valuable asset. He sought to open the doors to economic opportunity for every person living in Hawaii. His dream was to build in Hawaii, with contributions from all of its constituent ethnic groups, an “Athens of the Pacific” that would be that “shining light of service to the Pacific Region and to Asia.”¹⁰

In order to achieve the goal of diversity in the Hawaii Bar, policies of inclusion, as opposed to policies of exclusion, would have to be adopted by the executive, legislative and judicial branches of State government. In other words, without the support of civic leaders who

William S. Richardson School of Law, retired (Chief Justice Richardson emphasized on a number of occasions that establishing a first-rate law school was a top priority.) (Apr. 9, 2023)

⁷ CJ’s Address to First Incoming Law Class at 4, 5, *supra*; See also Interview with David Callies, *supra*.

⁸ *Aura of Greatness* at 120, 164, 165; Video interview with Brendan Burns (Apr. 2, 2023)

⁹ A. Jerome “Jerry” Dupont, *Admissions at the Law School During the First Decade, supra* at 103-104; Programs in Legal Education at the University of Hawaii including A Proposal for the Establishment of a School of Law at 4 (Publisher University of Hawaii; no author attribution) (1972); Hawaii Law School Study, *supra* at 47 (1971).

¹⁰ Brendan P. Burns, *An Aura of Greatness, A Reflection on Governor John A. Burns* at 7, 8 and 10 (2014) hereinafter “*Aura of Greatness*.”

were committed to the goal of equal opportunities for everyone, irrespective of race and/or income, diversity would remain an impossible dream.

III. PROFILES OF THE FOUNDERS

A. John A. Burns (1909 – 1975)

John Anthony Burns' background would make him an unlikely co-founder of the law school and the medical school at the University of Hawaii. His early years certainly did not presage his instrumental role in winning Statehood for Hawaii as its Delegate to Congress nor his serving as Governor of Hawaii from 1962 to 1974.

Burns was born the eldest of four into a military family in the rural town of Assiniboine, Montana. Both of his parents were of Irish descent. His family moved to Honolulu when he was four. From age nine, Burns was raised in Kalihi, Honolulu by a single parent, his mom Anne Florida Burns. During his pre-teen and teen years John Burns was “always getting into trouble” and he was anything but a good student. He once played hooky for 58 days. He did not graduate from high school until age 21. Despite the shortcomings of his early life, John Burns came to view education as the great equalizer. Prior to graduating from high school, Burns dropped out two times and did a one year stint in the United States Army from which he discharged early for drinking and his inability to conform to military discipline. He enrolled at UH in Manoa but did not last a year before quitting school a third time when he met his wife Bea Burns. They married in 1931.¹¹

After getting married, John Burns struggled to find a steady employment and he travelled back and forth from Hawaii to California. In 1934, at age 25, Burns finally settled into a career with the Honolulu Police Department where he eventually rose to the position of captain.¹²

In early 1941, with the prospect of war with Japan looming on the horizon, the 31-year old HPD captain was given an assignment that would alter the trajectory of his life. His official duties as head of HPD's Espionage Bureau was to spy on Americans of Japanese Ancestry (AJA) and to report his findings to the FBI and the U.S. military. That assignment would prove prescient in several respects. *Id.*

Burns, in his position as head of the Espionage Bureau, vouched for loyalty of many in the AJA Community. Consequently, Hawaii's AJAs saw far fewer of their numbers sent to internment camps when compared to West Coast AJAs. The relationships that Burns forged with the AJA community during the WWII years helped him to build the coalition that would eventually lead to the success of the Democratic Revolution of 1954 which turned the economic and political power structure of Hawaii on its head. Further, as head of the Espionage Bureau, Burns used his frequent and regular contact with AJAs to encourage them to sign up with the

¹¹ Aura of Greatness at 13-18; Video interview with Brendan Burns, *supra*.

¹² Aura of Greatness at 18-30.

U.S. military. The valor and sacrifices of the 442nd regimental combat unit and the 100th Battalion played a significant role in Hawaii winning statehood in 1959. ¹³

B. William S. Richardson (1919 – 2010)

William Shaw Richardson was born in Honolulu of Chinese, Native Hawaiian and Euro-American ancestry. When asked about the circumstances of his childhood, his mother would answer directly, “We were poor, like many families of our day.” ¹⁴

Although the Richardsons were not wealthy, they had a rich heritage. Bill Richardson was a descendent of Alapa’i Nui, a high chief who ruled Hawaii Island in the 1700s. His grandfather, Colonel John Keone Likikine Richardson, was a leading figure in support of Queen Liliu’okalani and in the opposition to the overthrow of the Kingdom of Hawaii. ¹⁵

Richardson served in the U.S. Army during World War II. Following his military service, he used the G.I. Bill to obtain his college degree from the University of Hawaii at Manoa and his law degree from the University of Cincinnati College of Law. He served as chair of the Democratic Party of Hawaii from 1956 to 1962. From December of 1962 through April 1966, he served as Lieutenant Governor under John A. Burns. From 1966 through 1982, he served as Chief Justice of the Hawaii Supreme Court. *Id.*

Chief Justice Richardson’s tenure as Chief Justice of the Hawaii Supreme Court was distinguished by landmark decisions that recognized as precedent Hawaii’s unique cultural and legal history dating back to the Kingdom of Hawaii. The Richardson Court held that the public’s interest in the natural environment may limit or prohibit commercial development of sensitive areas, including coastlines and beaches. The Richardson Court also held that the public has a right of access to Hawaii’s beaches, and that new land created by lava flows belonged to the state, not to nearby property owners. Perhaps the most well-known of Chief Justice Richardson’s rulings arose out of a dispute between two large sugarcane plantations on Kauai.

¹³Aura of Greatness at 73-83 (In one particularly costly campaign, the rescue of the Lost Battalion, AJA soldiers suffered a kill ratio of 3 to 1 - three AJA soldiers died for each one who survived. It just so happened that the soldiers of the Lost Battalion were from Texas. When Burns, a Democrat, was a delegate to Congress, he befriended two of the most powerful men in Congress. Lyndon Johnson was Majority Leader of the Senate and Sam Rayburn was Speaker of the House. Johnson and Rayburn, both Democrats from Texas, declared the AJA soldiers to be honorary Texans. The two Congressional leaders were instrumental in Hawaii’s successful bid for statehood.); Video interview with Brendan Burns, *supra*.

¹⁴ Carol S. Dodd, *The Richardson Years: 1966-1982* at 84 (1985).

¹⁵ https://en.wikipedia.org/wiki/William_S._Richardson.

Much to the surprise of the big landowners, the Hawaii Supreme Court ruled that the water over which they were fighting belonged to neither of them but to the State of Hawaii.¹⁶

C. Wallace S. Fujiyama (1925 - 1994)

Wallace Sachio Fujiyama, an American of Japanese Ancestry (AJA), was a Honolulu attorney who was a major proponent for the establishment of a law school at the University of Hawaii (UH). From 1966 through 1982, Wally, as he was commonly known, held a number of influential positions: Member of the Ethics Committee of the Hawaii State Bar Association (HSBA), President of the Hawaii Trial Lawyers Association, HSBA President, and Member of the UH Board of Regents.¹⁷

It was Wally's personal experience with racial discrimination as an AJA after entering the Hawaii bar in 1954 that motivated him to help bring about a new order, one that opened doors for Hawaii's AJA and other non-white ethnic groups in the field of law.¹⁸

At the urging of Bill Richardson, Wally applied to and was accepted at Richardson's alma mater, the University of Cincinnati College of Law. Wally studied hard and became a member of the Law Review. He was inducted into the prestigious Order of The Coif. He graduated at the top of his class, with the highest GPA ever achieved at that law school. As of Wally's passing 40 years later, in March of 1994, that record still stood. While at law school, Wally wrote law review articles on corporate law and tax law. He saw himself as having a promising future as a corporate lawyer.¹⁹

With his impeccable credentials, Wally confidently submitted his resume to one of the top Honolulu law firms. At his interview, Wally was subjected to a perfunctory interrogation, the answers to which would have been apparent to anyone who actually read his resume - that Wally had in fact graduated well into the top 10% of his class, was on Law Review and had written several Law Review articles. The interview concluded with the firm's assurance: "We will call you." Forty years later, Wally quipped sarcastically: "I'm still waiting for that call." The big firm instead had hired someone from the mainland.²⁰

Wally's 1954 experience with racial discrimination in the legal profession was not unusual. In fact, exclusion on the basis of race by the "big name" law firms was the norm. In

¹⁶ https://en.wikipedia.org/wiki/William_S._Richardson; Carol S. Dodd, *The Richardson Years: 1966-1982* at 55-66, 71-76 (1985).

¹⁷ T. Michael Holmes, *Wallace S. Fujiyama and the University of Hawai'i: 1974-1982* at 181-185 hereinafter "Holmes' Wally Interview."

¹⁸ James Duffy, *Eulogy Presented at the Funeral Service for Wallace Sachio Fujiyama* at 5, 6 (March 13, 1994) (on file with its author) hereinafter "Duffy Eulogy."

¹⁹ Duffy Eulogy at 4, 5 *supra*.

²⁰ Holmes' Wally Interview at 184, *supra*.

the half dozen law firms over 50 years old at the time, all the attorneys were Caucasian and they never had an Asian or Polynesian partner or associate.²¹

Wally was undoubtedly aware that it was highly unlikely that he would have been hired by any big-name law firm. He later characterized his application as an attempt to “storm the fortress.”²² Although Wally found employment elsewhere, he never forgot the discriminatory treatment he had received. He spent his career taking on what he viewed as the Caucasian elite establishment whom he considered to be pompous and arrogant.²³

George R. Ariyoshi passed the Hawaii bar in 1952 and served as Governor of Hawaii from 1974 to 1986. Ariyoshi explained how the race-based exclusionary hiring practices of the big firms adversely affected career opportunities for non-white minorities:

If you are part of [the Big Five] group, opportunities were open, but if not, you could work up to a certain level, but never be able to rise higher, irrespective of your talents and abilities.... In the law practice, I saw a few large firms getting most of the large company business, but independents were left out.”²⁴

Wally Fujiyama used his extensive influence in joining forces with Governor Burns and Chief Justice Richardson to establish a law school where all of Hawaii’s people including those who were not members of the Caucasian elite could receive a first-rate legal education that might lead to a successful legal career.

IV. MOVEMENTS FOR SOCIAL JUSTICE - 1954 to 1972

The post-World War II era was marked nationally by political activism including the civil rights movement which coincided with several landmark United States Supreme Court decisions against discrimination based on race. Brown v. Board of Education struck down the “separate but equal” doctrine as unconstitutional. That was followed by other rulings which struck down segregation in public accommodations and state laws banning interracial marriage. In 1964, Congress passed the Civil Rights Act of 1964 which explicitly banned all discrimination based on race, including racial segregation in schools, businesses, and in public accommodations. The Voting Rights Act of 1965 restored and protected voting rights by authorizing federal oversight

²¹ Leigh-Wai Doo, *The Local and World Context in the School’s Formative Period*, Chapter 3, at 50 (unpublished manuscript on the history of the law school, on file with the author) (Leigh-Wai Doo was a founding faculty member and the first Assistant Dean of the law school.); Jerry Dupont, *Admissions at the Law School During the First Decade*, *supra* at 103-104.

²² Holmes’ Wally Interview at 183, *supra*.

²³ Duffy Eulogy at 6, *supra*.

²⁴ Aura of Greatness, Forward by George R. Ariyoshi at 1, 2, *supra*; Interview with Brendan Burns on May 16, 2023.

of registration and elections in areas with historic under-representation of minority voters. The Fair Housing Act of 1968 banned discrimination in the sale or rental of housing.²⁵

Brendan Burns, John Burns' grandson and biographer, recounts his grandfather's encounter with an executive of one of the Big Five companies while he was in the Honolulu Police Department in the 1930's.

The man told him "Jack, you gotta admit that certain people are born to run the lives of others." ... Disgusted at the man's prejudicial attitude, my grandfather replied to him: "I don't gotta admit nothing. I sure don't gotta admit that. As a matter of fact, I'll deny it."²⁶

Brendan Burns also relates the recollections of his late father, Judge James S. Burns, son of Governor Burns:

During this time period [pre-1954], racism especially towards Asians in the Territory by the Caucasian elite was pervasive. "The discrimination against Asians including Filipinos was severe," explains my father. "Asians were treated as second-class citizens; they had substantially less opportunities for education and employment." *Id.* at 88.

Americans of Japanese Ancestry, returning home after WWII, were not content to accept their pre-war status as second-class citizens. They were determined to be treated as equals. Many took advantage of the G.I. Bill and went to college. Some of those veterans went on to law school.²⁷

When John Burns left the police department in 1946 to start a career in politics, a prominent Republican law maker offered to back Burns in the next election if he would run as a Republican. Burns said, "No thanks, I'm not interested." Burns said that he intended instead to build the Democrats into the majority party. The prominent Republican law maker then told Burns that "that could never be done." Burns responded that "it won't be for a lack of trying." *Id.* at 89.

By the early 1970's, Representative Patsy Mink and her colleagues in Congress led the charge to create equal rights for girls and women in high school and college athletics. By 1972, Title IX became the law of the land.²⁸

The mid-1970s saw the rise of cultural awareness and pride among Native Hawaiians. This era became known as the Hawaiian Renaissance. In March of 1975, the Polynesian

²⁵ Civil Rights Timeline, <https://www.loc.gov/exhibits/civil-rights-act/legal-events-timeline.html>.

²⁶ *Aura of Greatness* at 86, *supra*.

²⁷ *Aura of Greatness* at 90, *supra*; Hawaii Law School Study, *supra* at 45.

²⁸ *Patsy Takemoto Mink, American Politician*, <https://www.britannica.com/biography/Patsy-Takemoto-Mink>.

Voyaging Society launched Hōkūle‘a, a double hulled canoe which soon sailed to all corners of Polynesia and later around the world.²⁹

The Richardson School of Law had its beginning in 1973 but the forces that led to the creation of the law school had their roots in social justice movements dating back to the mid-1950s.

V. WINNING LEGISLATIVE SUPPORT - 1966 to 1972

In 1966, Chief Justice Richardson began spearheading the drive to establish a law school at the University of Hawaii. It was not until 1971, five years later, that he and Governor Burns were able to persuade the Hawaii State Legislature to pass a bill to provide the funds to start a law school.³⁰

In 1971, Allen Hoe was a young legislative aide to Senator Francis A. Wong. One day, Sen. Wong told Hoe that the governor had requested his presence at a meeting that afternoon. Hoe was surprised at the governor’s request. When he entered the Governor’s office, he chose a seat in the back row, hoping to avoid being noticed.³¹

After discussing a few other matters, Governor Burns turned to senators who were undecided about funding the law school. Several of these senators were WWII veterans who had used the G.I. Bill to go to law school on the mainland. The governor said: “We need to get the law school funding done, you guys had your opportunity to go to law school, I believe our young veterans like Allen who served in Vietnam, should have the same opportunity as well, here in Hawaii.” *Id.*

On May 28, 1971, the legislature passed by a single vote in the Senate, on the last day of the session shortly after midnight, the bill to fund the hiring of a law school dean who would then explore the alternatives for the physical facility for the law school and recruit law professors.³²

VI. COMPOSITION OF FIRST LAW CLASS – 1973

As of 1970, persons self-identifying as Native Hawaiian comprised 9.3% of Hawaii’s population but were underrepresented at only 2% of the Bar. Persons of Filipino descent which

²⁹ *Hawaiian Renaissance*, https://en.wikipedia.org/wiki/Hawaiian_Renaissance; *Hōkūle‘a*, <https://en.wikipedia.org/wiki/Hōkūle‘a>.

³⁰ Act 146, 1971 Sessions Laws of the State of Hawaii; <https://law.hawaii.edu/about-us/about-william-s-richardson/timeline/>.

³¹ Interview with Allen Hoe on March 30, 2023.

³² *Id.*; Act 146, 1971 Sessions Laws of the State of Hawaii; <https://law.hawaii.edu/about-us/about-william-s-richardson/timeline/>.

comprised 12.4% of Hawaii's population in the 1970 census were even more underrepresented at less than 1% of the bar. Persons of Samoan descent had no representation at all.³³

From the very first entering class in 1973, the Richardson law school moved the needle of diversity and inclusion towards a fairer reflection of Hawaii's mix of ethnic groups. Twenty one of the 53 members, 32% of the first law class, were Caucasian compared to the 1970 census figure of 39.2%. One member of the incoming class was half Japanese, half Caucasian, 1.9% of the incoming class. The next largest ethnic group, Americans of Japanese ancestry, made up 16 of the 53 class members, or 30.2% compared to 28.3% of the 1970 population. Seven of the 53 entering class were Hawaiian or Part-Hawaiian, with the addition of one transfer bringing the number to eight, comprising 15% of the first class. Six of the incoming class were Chinese, or 11.3%, compared to the 6.8% of the 1970 census population. Two members of the incoming class were Korean, 3.9%, compared to 1.25% in the 1970 census. Of the incoming class, one was Samoan, one was Filipino and one was Micronesian, each representing 1.9% of class composition.³⁴

According to Jerry Dupont, who was on the first admissions committee in 1973, the similarities between the composition of the first entering class and Hawaii's population was not the result of deliberate manipulation. It was a matter of statistical coincidence or just blind luck.³⁵

The law school's admissions policy of embracing diversity has had a generational impact. State Senator Jarrett Keohokalole, a Native Hawaiian Richardson law graduate, was inspired to become a lawyer and to run for public office because he saw Gov. John Waihee, a Native Hawaiian member of the first graduating class, on TV when he was a youngster.³⁶

VII. FISCAL UNCERTAINTY AND CHALLENGES - 1973 to 1995

In 1972, David A. Hood was appointed the first Dean and Director of Legal Education for the University of Hawaii. With minimal funding for its first year of operations, the law school was initially relegated to a single 550 sq. ft. wooden structure in a former rock quarry on Lower Quarry Road. A few other temporary portable wooden buildings were trucked in and elevated on posts to avoid the mud below when it rained. The quarry was hot, dusty and noisy. In the early to mid-1970s, there was constant construction in the quarry. Lower Campus Road

³⁴ Interviews with Allen Hoe on April 21 and May 16, 2023; <https://www.census.gov/library/stories/state-by-state/hawaii-population-change-between-census-decade.html>.

³⁵ Interview with Jerry Dupont on April 1, 2023.

³⁶ *Diversity and Experience: Do They Matter? Talk Story with Host, John Waihee with guest Senator Jarrett Keohokalole*, <https://thinktechhawaii.com/diversity-and-experience-do-they-matter-talk-story-with-john-waihee/> (July 27, 2021)

was regularly trafficked by large trucks and other motorized equipment. One of the larger temporary buildings, towards the Music School, was sandwiched between the H-1 Freeway off ramp and Lower Campus Road. It was subjected to near-constant noise. Large trucks loudly downshifting on the H-1 off ramp would next be heard roaring down Lower Campus Road. It was so noisy that the American Bar Association evaluation team, visiting the law school in winter of 1974, reported that “they could not hear all of what was being said by the professors nor virtually anything from the students.”³⁷

In 1974, the American Bar Association granted provisional accreditation to the law school on a yearly basis but withheld permanent accreditation until the law school could demonstrate that it had the support of the legislature to build a permanent structure. It took nearly 10 years for the permanent structure to be built.³⁸

Funding for keeping the law school open had to be renewed by the State Legislature each year in the early years and was not guaranteed. In 1980, several law students appeared before the legislature to ask for funding for the next school year. Legislators decided to heed their pleas and funded the law school for another year. One student’s testimony portrayed who they were: “We are not sons and daughters of doctors, real estate tycoons, professors or bankers.... most of us are the first in our families to pursue a college education.”³⁹

Again in the spring of 1981, 2L and 3L students went door to door in the legislature to meet with lawmakers, to ask for the funding to keep the law school operating for another year. Fortunately, funding for the 1981-1982 school year was again approved by the Legislature.⁴⁰

The library half of the two-building law school complex was completed in 1982 and the ABA soon conferred permanent accreditation on the law school.⁴¹

In 1993, there were budgetary concerns and the legislature considered closing the law school, even though the law school permanent building had been built and permanent ABA accreditation had been obtained eleven years earlier.⁴²

³⁷ A. Jerome “Jerry” Dupont, *The Law School’s First Decade, Doing Time in the Quarry, Building the Law School’s Temporary Quarry Campus*, *supra* at 1-5; Leigh-Wai Doo, *The Local and World Context in the School’s Formative Period*, Chapter 8, *supra* at 102; Interview with Jerry Dupont on May 16, 2023.

³⁸ <https://law.hawaii.edu/about-us/about-william-s-richardson/timeline/>.

³⁹ Carol S. Dodd, *The Richardson years: 1966 – 1982*, at page 102 (1985).

⁴⁰ The author was one of the Class of 1982 law students who went door-to-door at the State Legislature in the spring of 1981.

⁴¹ <https://law.hawaii.edu/about-us/about-william-s-richardson/timeline/>.

⁴² Ka Leo O Hawai’i, *UH Law School May Lose Accreditation* (October 10, 1994) (Dean Jeremy Harrison planned to meet with President Mortimer over concerns regarding financial resources).

Kenneth Mortimer was appointed UH President in 1993. Mortimer had a reputation for cutting budgets, and he was brought in to find places where money could be saved. His plan was to close the law school as well as the John A. Burns School of Medicine.⁴³

In order to expedite closing the law school, President Mortimer's ousted Law School Dean Jeremy Harrison in November of 1994, telling Harrison to resign or be fired. Dean Harrison refused to resign and was removed as Dean. Dean Harrison's firing was followed by no significant Dean search. Assistant Dean Larry Foster was appointed as Interim Dean. *Id.*

Supporters of the law school petitioned the University and rallied support in the newspapers. A solution was finally reached in 1995 when the law school administration submitted a plan to increase the tuition incrementally over time so that the law school would be more self-supporting. The in-state tuition in 1995 was only \$1,200 a year for Hawaii residents and \$3,900 for out-of-state and foreign students. Fortunately, the tuition increase turned the tide and the law school remained open. The John A. Burns School of Medicine followed the lead of the law school and also managed to survive the Mortimer years.⁴⁴

VIII. AALS MEMBERSHIP; PROGRESS IN DIVERSITY; SUCCESS OF GRADUATES; CIVIC LEADERSHIP; PUBLIC SERVICE (1988 – 2022)

On January 6, 1989, the law school was accepted for membership in the Association of American Law Schools (AALS). AALS membership represented recognition by the teaching profession of the law school's academic quality. The AALS was particularly impressed with the quality and quantity of research and publications of the law faculty. By 1989, the law school had also hosted several United States Supreme Court Justices as Jurists-in-Residence as well as law professors from China, Japan, Australia, and the Federated States of Micronesia who taught courses or gave presentations at the law school. The law school, in January of 1989, also co-hosted the annual meeting of the Asia-Pacific Lawyers Association which was attended by 400 lawyers from the Pacific, Asia and Europe.⁴⁵

The incoming class of 1988 tied the law school's record for the highest number of females admitted at 55% and Native Hawaiians at 24%. Eighty five percent of the student body

⁴³ Interviews with A. Jerome "Jerry" Dupont on April 1, 2023 and May 15, 2023.

⁴⁴ Ka Leo O Hawai'i, *UH Law School May Lose Accreditation* (October 10, 1994); David P. McCauley, Letter to the Editor Honolulu Advertiser, *Harrison Helped Law School* (January 4, 1995); Gregory L. Lui-Kwan Editorial Honolulu Advertiser, *Law School Needs Leadership* (December 1994); Interviews with Jerry Dupont on April 1, 2023 and May 15, 2023; May 10, 2023 email from Ellen Rae Cachola, Richardson School of Law Librarian (Resident and non-resident tuition from 1991 to 1996).

⁴⁵ William S. Richardson School of Law Annual Report – 1988 – 1989 at i-v, https://drive.google.com/drive/folders/1jdjyZW8GUXqpbhDw_KjsJsOHj3GIlb-z; May 11, 2023 email from Pat Mau Shimizu, Executive Director of the Hawaii State Bar Association (Richardson Law grads comprise 34% of the practicing lawyers make up 50% of the lawyers working in the Hawaii State government.)

were Hawaii residents and nearly 50% came from the University of Hawaii undergraduate system. Richardson Law School had also attracted students from Stanford, Berkeley, Harvard, Yale, Michigan, Boston University, Rice, UCLA and other top ranked schools. *Id.*

The Richardson law school admissions policies likely played a role in increasing the Native Hawaiian presence in the Hawaii Bar from 2% in 1970 to 7.1% in 2022. The latter figure can be compared to 2020 census count of 10.8% of persons self-identifying as Native Hawaiian. Similarly, the percentage of Filipinos in the Hawaii Bar increased from less than 1% in 1970 to 3.1% in 2022. In the 2022 State Judiciary Diversity Report, 19% of the State Court Judges self-identified as Native Hawaiian or part Native Hawaiian and 6% self-identified as Filipino. In 2000, the Filipino population in Hawaii was estimated at 22.8%.⁴⁶

The 1988-1989 report of the law school fairly characterized its influence in the Hawaii Bar to be “dramatic and pervasive.” Richardson law graduates had found their way to the top ranks of government agencies, large law firms and public interest agencies. Many had become name partners in small and medium firms, and many had opened their own solo practices. First time placement of new graduates continued to be impressive with 95% of the class of 1988 finding employment by October 1988.⁴⁷

While law schools across country had been increasingly concerned about the ever-rising numbers of students electing private practice over public interest and government service, Richardson continued to demonstrate the opposite trend. Thirty two percent of the class of 1988 chose positions in public interest law or government service. Additionally, 26% of 1980 graduates received federal and state judicial clerkships, an increase over 6% over 1987 which was a previous record high. Those were among the highest percentages in the nation. *Id.*

In 2022, statistics maintained by the Hawaii State Bar Association’s indicate that although Richardson law graduates comprised only 34% of the Hawaii Bar, they provided 50% of all of the governmental legal workforce needs in the State of Hawaii.⁴⁸

Over the years, Richardson law graduates have also been elected to the highest offices in the State. They have served in the offices of the governor, lieutenant governor and mayors of the City and County of Honolulu, the County of Maui and the County of Hawaii. Richardson law

⁴⁶Hawaii State Bar Association Member Demographics, <https://hsba.org/images/hsba/Misc/2022%20Bar%20Statistics%20and%20Summaries.pdf>; Hawaii’s Filipino population in 2000, <https://hawaii.edu/cps/hawaii-filipinos.html#:~:text=Taken%20together%2C%20Filipinos%20and%20part-Filipinos%20constitute%2027%2C728%20or,slightly%20more%20than%20the%20Hawaiian%20and%20part-Hawaiian%20population>; Hawaii State Judiciary, *Diversity in the Judiciary* (May 25, 2023), <https://www.courts.state.hi.us/wp-content/uploads/2022/06/Judicial-Diversity-Data.pdf>.

⁴⁷ William S. Richardson School of Law Annual Report – 1988 – 1989 at i-v, *supra*.

⁴⁸ May 11, 2023 Email from Pat Mau Shimizu, Executive Director of the Hawaii State Bar Association.

graduates have also been elected to Congress, the State Senate, the State House of Representatives and the Honolulu City Council, the Maui County Council and the Hawaii County Council.⁴⁹

IX. STATUS OF RICHARDSON WOMEN GRADUATES - 2022

Any evaluation of progress in diversity and inclusion in the Hawaii Bar must address the status of women. According to historic statistics maintained by the American Bar Association, in the period of 1950 through 1970, only 3% of the lawyers in the United States were women. By 1980, that percentage had increased to 8%. In 1991, that number increased to 20%. By 2000, the number had jumped to 29%.⁵⁰

The law school's first Dean David Hood recruited the law school's first faculty and assigned to them the responsibility of selecting the 53 individuals who would become the first UH law class.⁵¹ According to Jerry Dupont, a member of first faculty, there were 300 to 400 applicants for the 53 positions. Dean Hood insisted that the review process eliminate all potential for gender discrimination. The selection process resulted in female students comprising 32% of the first class. By the third class, the entering class of 1975 the percentage rose to 50% where it has remained ever since.⁵²

The admission of women at Richardson is noteworthy but what can be said of the success of its women law graduates? One indicium of success and leadership of women in the legal profession is the number of women in the Hawaii State Judiciary. As of 2022, 49% of the full-time judges in the State of Hawaii judiciary were women (36 female, 38 male judges). Of that figure, Richardson women law graduates outnumbered non-Richardson women law graduates by a ratio of 2 to 1. That is quite an astonishing accomplishment considering the fact that Richardson law graduates make up only about 34% of the Hawaii Bar.⁵³

⁴⁹ Gov. John D. Waihee III, Lieut. Gov. James R. "Duke" Aiona, Jr., Mayor Kirk W. Caldwell, Mayor William P. "Billie" Kenoi, Mayor Richard T. Bissen, Jr., Congresswoman Colleen Hanabusa, State Senators Carol Fukunaga, Brian T. Taniguchi, Maile S. L. Shimabukuro and Jarrett K. T. Keohokalole, Representatives Cynthia H. H. Thielen, Scott K. Saiki, Della Au Belatti, Linda E. Ichiyama, Scott Y. Nishimoto, Mikah P. K. Aiu, Ernesto Montemayor "Sonny" Ganaden, Scot Z. Matayoshi, to name a few.

⁵⁰ ABA Profile of the Legal Profession 2022, *Women in the Legal Profession*, <https://www.abalegalprofile.com/women.php>.

⁵¹ Dupont remained on the law school's admission committee for nine years and served as the law school's first librarian and later as acting dean of the law school.

⁵² Interviews with Jerry Dupont on April 1, 2023 and thereafter.

⁵³ Hawaii State Bar Association Member Demographics, <https://hsba.org/images/hsba/Misc/2022%20Bar%20Statistics%20and%20Summaries.pdf>; May 11, 2023 Email from Pat Mau Shimizu, Executive Director of the Hawaii State Bar Association.

In the appellate courts, the Hawaii Supreme Court and the Hawaii Intermediate Court of Appeals, 55% of the Justices and Judges are currently women. Of the six women judges on the Hawaii appellate courts, four are Richardson law graduates.⁵⁴

Several conclusions can be drawn from the above statistics. First, the William S. Richardson School of Law has consistently surpassed the national average in educating and graduating women lawyers. Second, Richardson women law graduates have far outperformed women law graduates from other schools in the State of Hawaii Judiciary. Third, the appointment of Richardson women graduates to the State Judiciary has not been limited to District Court and Circuit Court positions. Richardson women law grads hold the same 2 to 1 ratio in the Hawaii appellate courts as they do in the lower courts. *Id.*

The above statistics appear to bode well for the fair treatment of women in Hawaii, not only in the law but in society generally. That is not to say that all is well for women in the law in Hawaii and on the mainland. The ABA reports, that nationally, women earn only 95% of what their male counterparts do in the practice of law.⁵⁵

X. NATIONAL RANKING AND LEADERSHIP IN DIVERSITY - 2023

The William S. Richardson School of Law remains among the top 100 law schools in the nation, as reported in the 2023 rankings of graduate schools by *U.S. News & World Report*. It continues its years of recognition by the publication as ranking among the top tier law schools out of 192 law schools accredited by the American Bar Association (ABA).⁵⁶ Released January 31, the education service company's annual rankings list recognized the Richardson Law School among the nation's top 10 law schools in multiple categories: #2 for "Most Diverse Faculty," #4 for "Most Chosen By Older Students," and #8 for "Best for State and Local Clerkships." Out of 168 schools, fewer than 45% appear on one or more lists.⁵⁷

The William S. Richardson School of Law was ranked in 15 categories, jumping 7 points to 91st in the country for its full-time program, which was ranked 98th in the 2022 rankings of law programs. The Evening Part-Time program rose 7 points as well, placing 21st out of 69 schools in the part-time law category. The biggest gain was in the business/corporate law category,

⁵⁴ Hawaii State Judiciary, *Diversity in the Judiciary* (May 25, 2023), <https://www.courts.state.hi.us/wp-content/uploads/2022/06/Judicial-Diversity-Data.pdf>.

⁵⁵ ABA Profile of the Legal Profession 2022, *Women in the Legal Profession*, <https://www.abalegalprofile.com/women.php>.

⁵⁶ The Princeton Review, <https://www.princetonreview.com/college-rankings/best-colleges>; *Richardson Ranked Among Top Law Schools in 2023*, <https://law.hawaii.edu/> (Mar. 29, 2023).

⁵⁷ *Richardson Ranked Among Top Law Schools in 2023*, <https://law.hawaii.edu/> (Feb. 6, 2023).

jumping 8 spots to 103rd place from 111th place in 2022. Richardson's environmental law program remained in the top 30, placing 26th out of 180 schools in the nation and tying with the law schools at Yale University and the University of Minnesota. *Id.*

REALIZING THE DREAM AND KEEPING IT ALIVE – PART II

Part II of Realizing the Dream and Keeping It Alive will outline the William S. Richardson School of Law's many innovative programs, and the significant scholarship, accomplishments and contributions of its faculty, students and graduates. As Chief Justice Richardson had hoped at its opening, the law school has thrived, excelled and looks to a vibrant future.⁵⁸

⁵⁸ See footnote 7, *supra*.