

**ALAN B. BURDICK**

*Attorney at Law*



**Employment**

- Achievements** Three jury trials (first one solo); numerous bench trials; preparation of numerous appellate briefs in Hawaii and federal courts, including U.S. Supreme Court; 35 years of experience in Hawaii courts and other jurisdictions (over 25 in Hawaii).
- January 2016 to Present** Staff attorney for Rep. Karl Rhoads, Chair, House Judiciary Committee, Hawaii State Legislature (appointment for 2016 session)
- October 2011 to September 2015** Administrator for Research, Planning and Resource Development in the Office of Community Services (OCS) in the Department of Labor and Industrial Relations, State of Hawaii. Responsible for helping to assure quality, compliance, and integrity of State and Federal anti-poverty programs administered by OCS, and for development of new programs. Responsibilities included: compliance with the Hawaii State Procurement Code and quality control to ensure office's compliance with multiple Federal statutes and regulations; legislative advocacy during four sessions; represented OCS in interagency task forces and meetings on language access, immigrants, office safety, and legal services.
- January 2006 to September 2011** Independent legal work as sole practitioner, largely concentrating in complex civil litigation, insurance coverage work for insured persons and entities, and personal injury litigation, either directly or as consultant for other attorneys. Part-time work with Gerard A. Jervis, Esq., Kailua, Hawaii, until July 2007. Consultancy work on insurance coverage issues for insured persons and for insurance carriers, for Tom, Petrus & Miller, co-counsel work on insurance coverage for Winer, Meheula & Devens, and other law firms. Short-term work for Motooka, Yamamoto & Revere (2007) on condominium cases, and for Andrew A. Agard, Esq., on personal injury cases.
- August 2002 to December 2005** Of Counsel to Bronster Crabtree & Hoshibata (now Bronster Fujichaku Robbins), Honolulu, Hawaii: Commercial litigation, including environmental, insurance coverage, trust, and employment cases. Co-counsel in successful appeal in *Baldonado v. The Way of Salvation Church*, 118 Hawaii 165, 185 P.3d 913 (App. 2008), holding that a church that incorporated under Hawaii's Non-Profit Corporation Act was required to comply with statutory protections of dissenting members, notwithstanding ecclesiastical abstention doctrine; and in jury trial and on appeal in *Porter v. Hu*, 116 Hawaii 42, 169 P.3d 1019 (App.



2007), relating to unjust enrichment as an equitable claim overlying claims at law, attorneys' fees, and other complex issues.

December 2001 to August 2002

Resumed practice as sole practitioner: personal injury cases for plaintiffs and defendants; general civil litigation and insurance coverage work for certain insurers. This practice included consultancy work for, and co-counsel arrangements with, other attorneys and law firms.

February 1997 to December 2001

Of Counsel to Bickerton Saunders & Dang (now Bickerton Lee Dang & Sullivan), Honolulu, Hawaii: practice concentrating on civil litigation in areas of personal injury, general commercial litigation, consumer rights, first amendment, attorney malpractice, whistle-blower employment cases, etc. In addition, I continued my solo practice in a few Micronesian cases, including as co-counsel in *People of Satawal v. M/V Oceanus, et al.*, in the FSM Supreme Court, a class action arising from environmental damages to a key coral reef on Satawal Island that was favorably settled, and the settlement funds applied to a community-based trust for environmental remediation, health, and education.

November 1993 to January 1997

Part-time sole practitioner and part-time Of Counsel, Law Offices of Melvin Y. Agena (and predecessor, Agena & de Werd), Honolulu, Hawaii: concentrating in plaintiffs' personal-injury and insurance-coverage cases, and other civil litigation, as well as part-time independent-contractor work for other attorneys.

November 1987 to November 1993

Attorney at Law, self-employed sole practitioner, Honolulu, Hawaii: Concentrating in plaintiffs' personal-injury and insurance-coverage cases, public-interest and other civil litigation. Also, general civil litigation in the Federated States of Micronesia and the Republic of the Marshall Islands, concentrating in real-property litigation. Co-counsel representing the preservationist plaintiff organization at trial and on appeal in *Sandy Beach Defense Fund v. City & County of Honolulu*, 70 Hawaii 480, 777 P.2d 244 (1989), a suit to enforce the public's right to vote in a referendum on development in environmentally sensitive areas, which was ultimately successfully settled to protect the world-renowned Sandy Beach area of Oahu from adjacent development of luxury housing. Co-counsel and plaintiff at trial and appellate levels in *Burdick v. Takushi*, 524 U.S. 428 (1992), an unsuccessful attempt to establish a right guaranteed under the First Amendment for write-in voting, rejected by the U.S. Supreme Court on a 6-3 vote, despite prior favorable rulings in the California Supreme Court and the U.S. Court of Appeals for the Fourth Circuit. Co-counsel for local community association in extended bench trial and on appeal in successful litigation for accretion of their beachfront property, *In re Application of Banning*, 73 Hawaii 297, 834 P.2d 724 (1992).

- April 1982 to November 1987 Associate, Goodsell, Anderson, Quinn & Stifel, Honolulu, Hawaii: Concentrating in insurance-coverage litigation for insurers and in personal-injury defense litigation. This period included two temporary assignments to supervise the translations of the Pohnpei State Constitution into Pohnpeian from English and reconciliation of textual discrepancies, as staff counsel to the Pohnpei State Constitutional Convention.
- July 1978 to April 1982 Staff Counsel, Commission on Future Political Status and Transition, Government of the Federated States of Micronesia, Pohnpei, FSM: Assisted the new Micronesian government in transition to a new political status: writing legislation to establish new government agencies; negotiations with Trust Territory and U.S. Interior Department on transfer of property and functions of Trust Territory to FSM government and other transition matters; negotiating with Comsat and other telecommunications corporations, and work with United Nations Development Program, for establishment of new telecommunications system; senior editor of new Federated States of Micronesia code of laws. Worked directly with Bailey Olter (later FSM President), Petrus Tun (later FSM Vice President), and Anton Amaraich (later FSM Supreme Court Chief Justice).
- August 1972 to July 1978 Attorney, Micronesian Legal Services Corporation, Pohnpei, FSM: Concentrating in land-title litigation for Micronesians and homesteading policies.
- June 1967 to August 1969 Peace Corps Volunteer, Micronesia: Teacher of English as a Second Language; community-development organizer; senior editor, Ponapean [Pohnpeian] – English dictionary

### **Teaching and Other Professional Advancement Services**

- January 2007 Presenter and writer of paper at continuing legal education seminar, “Pacific Rim Conference on Natural Resource Damages,” presented in Honolulu, Hawai`i, by Law Seminars International of Seattle, Washington.
- Spring 2006  
Spring 2004 &  
Spring 2002 Adjunct Professor, William S. Richardson School of Law, University of Hawaii: teaching course on Pacific Island Legal Systems emphasizing conflicts between custom and modern law; land tenure; human rights issues; state formation and disintegration; and economic development and resource issues.
- Summer 1997 Lecturer, University of Mississippi Law School Sea Grant Program at University of Hawaii at Manoa: Taught part of course on Pacific Islands law, concentrating on issues relating to political status and transformation of land rights and land-use rights.

- 1989                   Presenter at continuing legal education seminar, “How to Evaluate and Settle Personal Injury Claims in Hawaii,” sponsored by Professional Educational Systems, Inc., of Eau Claire, Wisconsin, in Honolulu, Hawai`i.
- 1988                   Presenter at continuing legal education seminar on “Current Issues in Hawaii Auto Insurance,” sponsored by Professional Educational Systems, Inc., Eau Claire, Wisconsin, in Honolulu, Hawai`i.

**Education**

- Juris Doctor ■■■■■     Boalt Hall School of Law, University of California at Berkeley. Managing Editor of the *Environmental Law Quarterly*, 1971-72.
- B.A. ■■■■■             Yale University, New Haven, Connecticut

**Publications**

- 2007                   “Litigation and Valuation of Natural Resource Damages in Micronesia and the South Pacific,” for continuing legal education seminar, “Pacific Rim Conference on Natural Resource Damages,” published by Law Seminars International, Inc., Seattle, Washington. Advancing arguments in favor of holistic valuation of all damages to the environment and the affected human population, rather than merely the economic damages.
- 2006, 2004, & 2002     Compilations of course materials for Pacific Island Legal Systems course. (average 600 pages in each edition); Materials covering traditional law and land tenure, changes in land use, development, urbanization, public health.
- 1989                   “Insurance Considerations in Personal Injury Litigation in Hawaii,” in How to Evaluate and Settle Personal Injury Claims in Hawaii, Professional Educational Systems, Inc., Eau Claire, Wisconsin.
- 1988                   “An Overview of Hawaii’s Motor Vehicle Insurance Law,” in Current Issues in Hawaii Auto Insurance, Professional Educational Systems, Inc., Eau Claire, Wis.
- 1988                   “The Constitution of the Federated States of Micronesia,” in Law, Politics, and Government in the Pacific Island States (Y.H. Ghai, ed., Institute of Pacific Studies, University of the South Pacific, Fiji)
- 1986                   “The Constitution of the Federated States of Micronesia,” 8 U. of Hawai`i L.J. 419 (a different article)
- 1982                   Editor, Code of the Federated States of Micronesia

**Bar and Court Admissions**

States: Hawai'i [REDACTED]; also: California [REDACTED]; Massachusetts [REDACTED].

Federal Courts: DC Hawai'i, DC Northern Mariana Islands, Ninth Circuit, U.S. Supreme Court.

Other Courts: Trust Territory of the Pacific Islands [REDACTED]; Commonwealth of the Northern Mariana Islands [REDACTED]; Federated States of Micronesia [REDACTED]; Republic of the Marshall Islands [REDACTED]

**References** Additional references on request

Hon. Edward C. King, Chief Justice Emeritus, Supreme Court of the Federated States of Micronesia;  
Former part-time U.S. Magistrate Judge, District of Hawai'i. [REDACTED] [REDACTED]

**Office Skills**

Microsoft Word; Excel; Outlook; Word Perfect