

Chief Justice William S. Richardson

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A Beloved Teacher Whose Vision Had No Boundaries

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- 1949- Collaborated with John A. Burns in organizing underserved communities to obtain political standing to provide equality of rights and opportunities for all of the people of Hawaii.
- 1956-Served as Chair of the territorial and state Democratic Party.
- 1960-Served as the first State Delegate to the Democratic National Convention.
- 1962-1966-Served as Lieutenant Governor under Governor John A. Burns.
- 1966-1982-Served as Chief Justice of the Hawaii Supreme Court.
- 1973-University of Hawaii Law School, later named the William S. Richardson School of Law, opens.
- 1983-1992-Served as Trustee of the Kamehameha Schools/Bishop Estate.
- September 28, 2007-Recipient of the American Judicature Society Herbert Harley Award.

On his passing, Hawaii's major newspaper Star Advertiser referred to Chief Justice Richardson as a "LEGAL GIANT... The most towering figure in Hawaii's legal system in the past century, William S. Richardson put into law the principle that the islands are unique in historically requiring that natural resources be shared by the general public. 'The western concept of exclusivity is not universally applicable in Hawaii,' Richardson wrote in one of the powerful opinions during his 16 years as head of the state Supreme Court. The vision emerged from a part-Hawaiian who rose from a meager upbringing to political activism and a legal career that stands alone in achievement in Hawaii." Although attributed to Chief Justice Richardson, the quote regarding the western concept of exclusivity was actually written in a Hawaii Supreme Court decision in 1995 by Justice Robert Klein a former law clerk of Chief Justice Richardson.

In awarding the Herbert Harley Award to Chief Justice Richardson, the American Judicature Society printed on the plaque bestowing its highest state honor, "Few people have advocated and contributed to the state of the judiciary in Hawaii as Chief Justice Richardson. While chief justice, he authored a plethora of decisions in the areas of shore line boundaries, beach access, water rights and konohiki (headman of an ahupua'a land division under the chief) rights, which still make a lasting impact today. Chief Justice Richardson impacted the citizens of Hawaii with his vision of a law school. That school has provided access to legal education and to the law profession for many Hawaii residents. Most importantly, his demeanor exemplifies judicial temperament, and his character serves as a model for behavior to others in the legal community and beyond."

Chief Justice Richardson was a beloved teacher whose vision had no boundaries. His teachings were about delivering justice in Supreme Court opinions which respect the rights of all of Hawaii's people, about how to bring about change to improve people's lives through trust,

perseverance and compassion, about how to impact society in very significant ways with genuine humility, and about how to interact with people on a personal level to enable all to retain dignity.

Chief Justice Richardson created very major societal impacts through his Supreme Court opinions, and through his establishment of the law school at the University of Hawaii. Both activities involved major change which most people fear. He was blessed with a rare gift immersed in genuine humility which enabled him to comfort affected constituencies through a sea of change. Simply stated, people trusted him and were moved by his compassion.

On the Supreme Court, he was just one of five justices. He needed to convince the majority of the court that it was necessary to change precedent, because the established precedent in certain areas of the law were not workable and not appropriate for the changes taking place in Hawaii. Professor Jon Van Dyke from the William S. Richardson School of Law commented that circumstances in Hawaii had changed and the Chief Justice found unworkable certain precedents which were decided by judges who had little connection to Hawaii and all of whom were placed on the Supreme Court by governors appointed from Washington. All had little awareness of Hawaii's indigenous culture and the law operating in Hawaii prior to western contact. Chief Justice Richardson employed his scholarship of and connection to native Hawaiian principles to persuade the majority of the court. His writings persuaded the majority that native Hawaiian principles predating western contact were operative, and that justice would be served through opinions which resulted in preservation of natural resources for the common people in the areas of shore line boundaries, beach access, water rights and konohiki rights.

Establishment of the William S. Richardson School of Law is another activity which highlighted Chief Justice Richardson's genius in managing change to create greater societal good. Prior to the establishment of the law school, the large majority of Hawaii's bar strongly opposed the creation of the law school. The State Legislature was reluctant to fund it. The Chief Justice's mastery of diplomacy and perseverance eventually prevailed. Today, the law school with values rooted in Hawaii is a vehicle which has made a major footprint in enriching the delivery of justice in Hawaii. The law school's graduates make public policy as legislators and highly placed government officials. Currently, 13 members of the Hawaii State Legislature, three senators and 10 representatives, are Richardson graduates. The President of the State Senate, the Lieutenant Governor, Honolulu's Acting Mayor, Hawaii County's Mayor, and Council Chairs for Hawaii County and for Honolulu are Richardson graduates. The Richardson law school graduates deliver justice as judges. Currently, 28 Richardson graduates serve as full time judges, 25 in Hawaii including two on the Intermediate Court of Appeals. Sixty eight Richardson alumni have served as judges including administrative law judges and per diem judges. Three hundred forty Richardson graduates enforce the law as government attorneys for the United States, State of Hawaii and the respective counties. Richardson graduates serve as county prosecutors for Kauai County and for Maui County. They are among the best trained lawyers in Hawaii's private firms. All of these graduates were students at the school established by the beloved teacher whose vision had no boundaries.

The Chief Justice's law clerks are among the most passionate disciples of this master teacher. These law clerks, who were his paddlers in that historic 16 year journey known as the

Richardson Years, embraced an 'olelo no'eau composed by one of the Chief Justice's law clerks and his kumu hula wife. The proverb expresses to the Chief Justice our deep affection for him as he passed to the spiritual world. "Mahalo (appreciation) e kaupili (beloved friend) haku (lord, master, chief, teacher) o (of) palena'ole (without boundaries) ka 'ike (knowledge)."

In our annual law clerk gatherings to celebrate the Chief Justice's birthday, he would frequently tell us in his gentle manner the criteria he used in selecting us as his law clerks. "I was looking for people who would come back to Hawaii (many of us were graduates from mainland law schools because he was 10 years through his 16 tenure as chief justice before the William S. Richardson School of Law had its first graduation class) to make Hawaii a better place for Hawaii's people." He would then go on to comment on how pleased he was about the contributions made by his law clerks. Some are judges...U.S. District Court Judge, two Supreme Court Justices, Circuit Court Judge, Family Court Judge, and District Court Judges. Some are elected officials...Congressman, Acting Mayor for Honolulu, and State Legislators. Some are dedicated government officials at the State of Hawaii Department of Health, at the U.S. Attorney's Office and at the State Attorney General's Office. Some are accomplished educators...professors at the William S. Richardson School of Law and at Hawaii Pacific University. Some have been senior managers of large organizations like The Queen's Health Systems and Kamehameha Schools, and others are highly successful entrepreneurs. Many are very sophisticated private law practitioners...some in smaller practices, and others in large law firms as senior partners.

Although very different as individuals, these law clerks have a common bond...all were taught at the knee of their master teacher, and all are committed to the teachings of their beloved friend to make Hawaii a better place for the people of Hawaii. All have been impacted by the teachings of their kaupili haku. One law clerk, a U.S. District Court Judge, commented that not a day goes by that she does not think of the Chief Justice and his teachings. When she served as Chief Judge of the U.S. District Court, in resolving personnel matters she frequently reflected on how the Chief Justice would have handled the matter...he was the master in how to deal with people which always resulted in all retaining dignity.

For his 80th birthday about 10 years ago, the law clerks drafted personalized messages to the Chief Justice often referring to cases each worked on. The following are some of those messages.

"What I recall with greatest fondness are your smile and twinkling eyes, and your compassion. Law school drills us on analysis and argument, but you reminded me of the human dimension of cases, particularly for the ordinary citizen."

"I am still striving to follow your wonderful way of making people feel comfortable and cared about."

"By watching you and how you treat others with love and respect, I return that love and respect...You will always be my model husband, father, statesman and friend."

“His teachings do live on
In those who know him well
He gave the base it’s up to us
Our stories we need tell”

“Your guidance to us as law clerks and genuine caring about many people and issues of public importance still have a compelling influence upon me. You continue to inspire our best efforts to define the law and be mindful of the need for a compassionate yet rational justice.”

“You taught me the value of practical insight, sensitivity to the things that make Hawaii special and the value of close relationships. I will keep these with me forever.”

“To be pono is to master the art of happiness. The Dalai Lama preaches that one’s purpose in life is to eliminate the suffering of others and to make life better for others. To act toward advancement of a better life for others creates a state of happiness for ourselves. CJ, you have made life better for so many others. You have definitely brought happiness into their lives and our lives. Mahalo nui for showing us the path to be pono!”

“In Hawaiian tradition, birthdays and other special occasions were often celebrated by a mele or chant. This mele is written for Chief Justice William S. Richardson and honors his legacy as a leader and jurist.”

“The Sotomura decision represented the CJ at his finest: an opportunity to integrate Native Hawaiian principles with Western common law...”

“Still, I sometimes wonder whatever happened to the person, Candy Clark. Did she turn her life around, get off the streets, have kids, find happiness? Or is she still there, an aging hooker, caught up in drugs and abuse, living at the bottom. I hope for her the former but, regardless, she will always have one thing: an obscure decision in 65 Hawaii with her name on it saying that we all, no matter what station in life, are entitled to some basic protection and dignity, and we will collectively assure it. I owe that reflection to CJ.”

“Sodetani and the earlier McBryde case are examples of decisions that showcase the willingness of the court, under the leadership of C.J. Richardson, to define customary rights and incorporate them into case law. The philosophy of preserving beach access, scarce resources and fragile customs permeates the cases of that day.”

“Your personal legacy to me was to enable and inspire me to make a commitment to a career in the Judiciary, and to carry on the Richardson tradition of public service.”

“You almost never directly criticized--you simply sent the opinion back for further development. In fact, I remember one opinion being sent back three times before I finally realized that maybe my thinking wasn't so brilliant after all.”

“Thank you for your confidence in me and your support throughout the years. I cannot conceive of a greater way to have begun my legal career. My clerkship with you has been the most significant factor in my decision to choose judging and in the appointments which followed.”

“That skill also involved knowing how far any new idea could be taken. Because those decisions had not only an intellectual base, but a ‘people’ base, those decisions will stand the test of time.”

“I don't know if I actually produced any decent work for you, but I know you gave me a priceless gift. You are an example of how to be a wonderful human being and make a positive difference in the world. It has been almost thirty years since I met you and I have not encountered anyone else with your ability to inspire people to do their best.”

Chief Justice Richardson was truly a beloved friend and master teacher...Mahalo e kaupili haku o palena 'ole ka 'ike.