



RESOLUTION

RETAINING THE LEGAL SERVICES OF MCCORRISTON MILLER MUKAI & MACKINNON, LLP AS SPECIAL COUNSEL TO REPRESENT DEFENDANT MAX JOHN SWORD IN A MATTER ENTITLED UNITED STATES V. DONNA YUK LAN LEONG, ET AL., CRIMINAL NO. CR21-00142 LEK (USDC).

WHEREAS, MAX JOHN SWORD ("SWORD") is a named Defendant and has tendered his defense and requested legal representation in the matter entitled United States v. Donna Yuk Lan Leong, et al., Criminal No. CR21-00142 LEK (USDC) ("the Action"); and

WHEREAS, pursuant to the Revised Charter of the City and County of Honolulu 1973 (2017 Edition) ("RCH") Section 5-203, "[t]he corporation counsel shall serve as the chief legal adviser and legal representative of all agencies, the council and all officers and employees in matters relating to their official powers and duties"; and

WHEREAS, pursuant to RCH Section 5-204.3, "[w]here the corporation counsel has been disqualified, special counsel may be retained by any officer or employee in matters relating to the official powers and duties of such officer or employee"; and

WHEREAS, the Department of the Corporation Counsel has determined that there is a real and identifiable conflict of interest which prohibits it from representing SWORD in the Action; and

WHEREAS, based upon the foregoing, it is necessary to appoint and retain Special Counsel to represent and defend SWORD in the Action; and

WHEREAS, McCorriston Miller Mukai & MacKinnon LLP possesses the specialized legal knowledge and expertise to defend SWORD as Special Counsel in the Action; now, therefore,



RESOLUTION

BE IT RESOLVED by the Council of the City and County of Honolulu that:

1. Pursuant to RCH Section 5-204.3, the City Council authorizes the appointment and retention of McCorriston Miller Mukai & MacKinnon LLP as Special Counsel to represent SWORD in the Action; and
2. The total sum to be expended to pay Special Counsel shall not exceed One Hundred Thousand dollars (\$100,000.00), but this amount may be increased by the Council if it is satisfied with the justification made upon the recommendation of the Corporation Counsel for an increase in the stated maximum amount; and
3. Special Counsel may be paid monthly for its services, provided that it submits to the Department of the Corporation Counsel an itemized monthly statement reflecting the specific services rendered, together with the total number of hours billed for the specific services at one-tenth of an hour, and the Department of the Corporation Counsel reviews and approves the statements before any payments may be made by the City; and
4. The Director of Budget and Fiscal Services is authorized to execute a contract with McCorriston Miller Mukai & MacKinnon LLP for the legal representation of SWORD in the Action; and



RESOLUTION

BE IT FINALLY RESOLVED by the Council that the Clerk be and is hereby directed to transmit copies of this Resolution to the Department of the Corporation Counsel and to the McCorriston Miller Mukai & MacKinnon LLP, 500 Ala Moana Boulevard, Five Waterfront Plaza, Suite 400, Honolulu, Hawaii 96813.

INTRODUCED BY:

 (32)

DATE OF INTRODUCTION:

APR 12 2023

Honolulu, Hawaii

Councilmembers

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

RESOLUTION 23-53

Introduced: 04/12/23 By: TYLER DOS SANTOS-TAM - BY REQUEST Committee: EXECUTIVE MATTERS AND LEGAL AFFAIRS (EMLA)

Title: RETAINING THE LEGAL SERVICES OF MCCORRISTON MILLER MUKAI & MACKINNON, LLP AS SPECIAL COUNSEL TO REPRESENT DEFENDANT MAX JOHN SWORD IN A MATTER ENTITLED UNITED STATES V. DONNA YUK LAN LEONG, ET AL., CRIMINAL NO. CR21-00142 LEK (USDC).

Voting Legend: * = Aye w/Reservations

04/04/23	EMLA	Reported out for adoption.
		CR-88
		6 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, TULBA, WEYER
		3 ABSENT: SAY, TUPOLA, WATERS

04/12/23	INTRO	Introduced.
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04/19/23	CCL	Committee report and Resolution were adopted.
		9 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA, TUPOLA, WATERS, WEYER

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.



GLEN I. TAKAHASHI, CITY CLERK



TOMMY WATERS, CHAIR AND PRESIDING OFFICER