

# STARN · O'TOOLE · MARCUS & FISHER

A L A W C O R P O R A T I O N

*Fierce Warriors, Innovative Dealmakers*

Starn O'Toole Marcus & Fisher is a leader among Hawaii's law firms, recognized for its expertise in real estate law, commercial transactions and complex commercial litigation in Hawaii, the US mainland and internationally. The firm's intellectual power, mental strength and toughness generate winning strategies, strong negotiations and innovative settlements for clients. Above all, the firm's passion for excellence and responsive client service has earned an international reputation for extraordinary client results. Accolades include:

**Top "AV Preeminent® Rating" - *Martindale-Hubbell®***

**"Top Listed" among Hawaii law firms, *US News & World Report-Best Lawyers® Best Law Firms*  
24 Practice Areas**

**Eight Named "Lawyers of the Year" - *Best Lawyers in America®***  
*More "Lawyers of the Year" than any other Hawaii Law Firm (2014, 2015)*

*Administrative/Regulatory Law*  
*Appellate Practice*  
*Banking & Finance Litigation*  
*Bet-The-Company Litigation*  
*Business Organizations*  
*Corporate Law*  
*Government Relations Law*  
*Mortgage Banking Foreclosure Law*  
*Product Liability Litigation*

**Ten Best Lawyers® – *Best Lawyers in America®***  
*Named in 29 Practice Areas*

**Six Lawyers Selected to the "Top 25" Lawyers in Hawaii, *Super Lawyers® List***  
*More "Top 25" lawyers than any other Hawaii Law Firm (2011, 2014)*

**Ten Hawaii *Super Lawyers®* & Three "Rising Star"-*Super Lawyers®***  
*Business Litigation – Real Estate Law*

**Lawyer Named "Star" by *Chambers USA Directory of Leading Lawyers for Business***  
*Business Litigation*

**Eight Lawyers Ranked by *Chambers USA Directory Leading Lawyers for Business***  
*Business Litigation – Real Estate Law*

**Lawyer Named "Top 250 Women in Litigation"-*Benchmark Litigation***  
*(2011-2014)*

**Six Lawyers Named "Litigation Stars" and One "Future Star" by *Benchmark Litigation***  
**Three Lawyers Named "Appellate Stars" by *Benchmark Appellate***  
**Two Lawyers Named "Plaintiff Stars" by *Benchmark Plaintiff***  
*Highly Recommended Law Firm*

**"Lifetime Achievement Award" Recipient by *Pacific Edge Magazine***

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# STARN · O'TOOLE · MARCUS & FISHER

A L A W C O R P O R A T I O N

***AV Preeminent® Rating By Martindale-Hubbell®***  
*Law Firm Rated AV®*  
*13 Lawyers Rated AV®*

Peter Starn, Terence J. O'Toole, Kenneth B. Marcus, Duane R. Fisher, Sharon V. Lovejoy,  
Trevor A. Brown, Ivan M. Lui-Kwan, Norman H.Y. Cheng, Mark J. Bennett, Andrew J. Lautenbach,  
Judith Ann Pavey, Stephanie E.W. Thompson, Christine N. Ohira

***US News & World Report - Best Lawyers in America®, Best Law Firms***  
*24 Practice Areas*

Administrative/Regulatory Law	Litigation - Environmental
Antitrust Law	Litigation - Real Estate
Appellate Practice	Litigation - Trusts & Estates
Arbitration	Mergers & Acquisitions Law
Business Organizations	Mortgage Banking Foreclosure Law
Commercial Litigation	Real Estate Law
Construction Law	Closely Held Companies and Family Businesses Law
Corporate Law	Legal Malpractice Law - Plaintiffs
Government Relations Practice	Personal Injury Litigation - Plaintiffs
Litigation - Antitrust	Product Liability Litigation - Plaintiffs
Litigation-Banking & Finance	Land Use & Zoning Law
Litigation-Construction	Medical Malpractice Law - Plaintiffs

***Best Lawyers in America®-“Lawyer of the Year”***  
*More “Lawyers of the Year” than any other Hawaii Law Firm (2014, 2015)*

Lawyer of the Year (2014)	Peter Starn	Administrative/Regulatory Law
Lawyer of the Year (2011)	Terence J. O'Toole	Bet-The-Company Litigation
Lawyer of the Year (2012)	Terence J. O'Toole	Banking & Finance Litigation
Lawyer of the Year (2014)	Terence J. O'Toole	Appellate Practice
Lawyer of the Year (2015)	Terence J. O'Toole	Banking & Finance Litigation
Lawyer of the Year (2016)	Kenneth B. Marcus	Business Organizations
Lawyer of the Year (2015)	Duane R. Fisher	Corporate Law
Lawyer of the Year (2014)	Sharon V. Lovejoy	Banking & Finance Litigation
Lawyer of the Year (2015)	Sharon V. Lovejoy	Mortgage Banking Foreclosure Law
Lawyer of the Year (2015)	Ivan M. Lui-Kwan	Government Relations Practice
Lawyer of the Year (2015)	Mark J. Bennett	Appellate Practice
Lawyer of the Year (2016)	Mark J. Bennett	Bet-The-Company Litigation
Lawyer of the Year (2013)	Judith Ann Pavey	Banking & Finance Litigation
Lawyer of the Year (2014)	Judith Ann Pavey	Product Liability Litigation

***Recognized by Best Lawyers in America®***

Peter Starn

Administrative/Regulatory law  
Business Organizations  
Construction Law  
Corporate Law  
Leisure & Hospitality Law  
Real Estate Law

*Recognized by Best Lawyers in America®*

Terence J. O'Toole	Appellate Practice Arbitration Bet-The-Company Litigation Commercial Litigation Litigation-Banking & Finance Litigation-Construction Litigation-Mergers & Acquisition Litigation-Real Estate
Kenneth B. Marcus	Business Organizations Leisure & Hospitality Law Mergers & Acquisitions Law Real Estate Law
Duane R. Fisher	Real Estate Law Construction Law Corporate Law
Sharon V. Lovejoy	Appellate Practice Arbitration Commercial Litigation Litigation-Banking & Finance Litigation-Construction Litigation-Real Estate Mortgage Banking Foreclosure Law
Trevor A. Brown	Business Organizations Closely Held Companies and Family Businesses Commercial Litigation Commercial Transactions/UCC Law Corporate Law Litigation-Trusts and Estates Mortgage Banking Foreclosure Law Real Estate Law Litigation-Real Estate
Ivan Lui-Kwan	Administrative/Regulatory Law Government Relations Practice
Mark J. Bennett	Antitrust Law Antitrust Litigation Appellate Practice Bet-The-Company Litigation Commercial Litigation Government Contracts Litigation-Environmental Litigation-Insurance
Judith Ann Pavey	Commercial Litigation Legal Malpractice Law Litigation-Banking & Finance Medical Malpractice Law Personal Injury Litigation Product Liability Litigation
Andrew J. Lautenbach	Real Estate Litigation

**“Top 25” Lawyers in Hawaii, Super Lawyers® List**  
*More “Top 25” attorneys than any other Hawaii Law Firm, (2011, 2014)*

Terence J. O’Toole	Business Litigation	2011
Duane R. Fisher	Real Estate Law	2014
Kenneth B. Marcus	Real Estate Law	2011-2012, 2014
Trevor A. Brown	Business Litigation	2015
Mark J. Bennett	Business Litigation	2011-2016
Judith Ann Pavey	Business Litigation	2016

***Selected to the Hawaii Super Lawyers® List***

Peter Starn	Real Estate Law
Sharon V. Lovejoy	Business Litigation
Norman H.Y. Cheng	Real Estate Law
Andrew J. Lautenbach	Business Litigation
Stephanie E.W. Thompson	Business Litigation, Rising Star
Orian J. Lee	Business Litigation, Rising Star
Mateo Caballero	Business Litigation, Rising Star

***Chambers USA Leading Lawyers For Business***  
*Litigation, Firm, Band “1”*  
*Real Estate Law, Firm, Band “2”*  
*Corporate Commercial Firm, Band “2”*

***“Star”, Chambers USA Leading Lawyers for Business***

Terence J. O’Toole	Litigation/General Commercial
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***Recognized by Chambers USA Leading Lawyers For Business***

Peter Starn	Real Estate
Kenneth B. Marcus	Real Estate
Duane R. Fisher	Real Estate
Norman H.Y. Cheng	Real Estate
Peter Starn	Corporate Commercial
Kenneth B. Marcus	Corporate Commercial
Sharon V. Lovejoy	Litigation/General Commercial
Mark J. Bennett	Litigation/General Commercial
Judith Ann Pavey	Litigation/General Commercial

***“Top 250 Women in Litigation in the United States”, Benchmark Litigation, (2011-2014)***

Sharon V. Lovejoy	Litigation Star
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***Benchmark Litigation***  
*Highly Recommended Firm*

Terence J. O’Toole	Litigation Star
Mark J. Bennett	Litigation Star
Trevor A. Brown	Litigation Star
Andrew J. Lautenbach	Litigation Star
Judith Ann Pavey	Litigation Star
Stephanie E.W. Thompson	Future Sta

***Benchmark Appellate***  
*Highly Recommended Firm*

Terence J. O'Toole  
Sharon V. Lovejoy  
Mark J. Bennett

Appellate Star  
Appellate Star  
Appellate Star

***Benchmark Plaintiff***  
*Highly Recommended Firm*

Terence J. O'Toole  
Judith Ann Pavey

Plaintiff Star  
Plaintiff Star

***2014 "Lifetime Achievement Award" Pacific Edge Magazine***

Ivan M. Lui-Kwan

# STARN · O'TOOLE · MARCUS & FISHER

A L A W C O R P O R A T I O N

## FIRM OVERVIEW

Starn O'Toole Marcus & Fisher is a leader among Hawaii's real estate and business law firms, recognized for its expertise in real estate law, commercial transactions and complex commercial litigation in Hawaii, the US mainland and internationally.

Firm transactional and litigation attorneys often join forces in complex commercial matters that require both business law and litigation experience. The firm's intellectual power and mental strength and toughness generate winning strategies, strong negotiations and innovative settlements for clients. Above all, the firm's attorneys have a passion for excellence and responsive client service, earning the firm an international reputation for extraordinary client results.

Starn O'Toole Marcus & Fisher has earned *Martindale-Hubbell's*® highest AV Preeminent® rating, given by our legal peers for achieving the highest standards of professional ethics, excellence and legal ability. Our Hawaii litigation attorneys and transactional team have been selected to the "Top 25", Hawaii *Super Lawyers*® list in the practice areas of business litigation and real estate law. Firm attorneys have been recognized as *Best Lawyers in America*®, "Lawyers of the Year" in Honolulu, in both transactional and litigation practice areas, having more "Lawyers of the Year" than any other law firm in Hawaii, in 2014 and 2015.

Our firm is Top-Listed by *US News & World Report-Best Lawyers in America*® "Best Law Firms" in 24 practice areas:

Administrative/Regulatory Law	Mergers & Acquisitions Law
Antitrust Law	Mortgage Banking Foreclosure Law
Appellate Practice	Real Estate Law
Arbitration	Closely Held Companies and Family Businesses Law
Business Organizations	Legal Malpractice Law - Plaintiffs
Commercial Litigation	Litigation - Antitrust
Construction Law	Litigation - Trusts & Estates
Corporate Law	Personal Injury Litigation - Plaintiffs
Government Relations Practice	Product Liability Litigation - Plaintiffs
Litigation-Banking & Finance	Land Use & Zoning Law
Litigation-Construction	Medical Malpractice Law - Plaintiffs
Litigation-Real Estate	
Litigation-Environmental	

## A LITIGATION POWERHOUSE

Starn O'Toole Marcus & Fisher's litigation powerhouse has extensive experience, including significant jury and non-jury trial work, in complex commercial litigation encompassing business, corporate, contract and accounting issues related to Hawaii real estate development, corporate ownership and management, the hotel and hospitality industry, environmental matters, construction claims, lender liability, class actions and personal injury matters.

Our respected team of Hawaii litigation attorneys have trial expertise before State and Federal courts in Hawaii and the US mainland, including the US Supreme Court, and has served as litigation general counsel before courts in foreign jurisdictions.

When clients are faced with complex commercial issues concerning matters in Hawaii and beyond, the firm's attorneys are amongst a handful of select "go-to" lawyers.

## **OUR TRIAL APPROACH & ATTORNEYS**

Victory in the legal environment means triumph: economic satisfaction, a win-win agreement, or sometimes, just being proclaimed right.

The importance of the path to victory—strategies, players, and desired outcomes — make the selection of the legal trial team critical for success. The job is to design a road map that considers each twist and turn that may be presented. The experience and intellectual brainpower of the client's trial attorneys often accounts for the outcome of litigation by crafting each strategic move on the battlefield along the way.

Starn O'Toole Marcus & Fisher's litigation attorneys take the fight for every client as if it were their own battle. To be responsible and involved is a hallmark of the law firm, which is built on the power of its people.

The firm's Hawaii litigation attorneys are recognized by *Best Lawyers in America*®, *Chambers and Partners USA Directory of Leading Lawyers for Business*, *The Bar Register of Preeminent Lawyers*™, selected to Hawaii *Super Lawyers*® list, *Benchmark Litigation*, *Benchmark Appellate*, *Benchmark Plaintiff*, and *Martindale-Hubbell*®.

All Starn O'Toole Marcus & Fisher's litigation Directors are rated AV Preeminent®, *Martindale-Hubbell's*® highest possible rating, given to them by their peers for achieving very high ethical standards and professional ability.

### Directors

**Terence J. O'Toole** has been named a *Best Lawyers in America*®, "Lawyer of the Year" in Honolulu multiple times, selected to the "Top 25," Hawaii *Super Lawyers*® list, and named a "Star" by *Chambers and Partners USA Directory of Leading Lawyers for Business* and *Benchmark Litigation*.

**Sharon V. Lovejoy** has been selected for inclusion by *Benchmark Litigation's* "Top 250 Women in Litigation in the United States"(2011-14). Ms. Lovejoy has been named a *Best Lawyers in America*®, "Lawyer of the Year" in Honolulu twice, selected to the Hawaii *Super Lawyers*® list, in *Benchmark Appellate* and *Benchmark Litigation*, in *Chambers and Partners USA Leading Lawyers for Business*, and is a Fellow of the Litigation Counsel of America and the Federal Bar Foundation.

**Trevor A. Brown** has been recognized by *Best Lawyers in America*® in nine litigation and transactional categories, selected to the "Top 25" Hawaii *Super Lawyers*® list, named a Litigation Star by *Benchmark Litigation*, and has served as Chair of the Litigation Section of the Hawaii State Bar Association.

**Mark J. Bennett** has been named a *Best Lawyers in America*®, "Lawyer of the Year" in Honolulu, selected to the "Top 25" Hawaii *Super Lawyers*® list, is in *Chambers and Partners USA Directory of Leading Lawyers for Business*, is a former Hawaii State Attorney General, and is a Fellow of the American College of Trial Lawyers.

**Judith Ann Pavey** has been named a *Best Lawyers in America*®, “Lawyer of the Year” in Honolulu, selected to the “Top 25” Hawaii *Super Lawyers*® list, in *Chambers and Partners USA Leading Lawyers for Business*, and a Litigation Star by *Benchmark Plaintiff*. Ms. Pavey is a member of the American Board of Trial Lawyers, American Association of Justice and the American Inns of Court. Ms. Pavey practices and is recognized for her work in both commercial and personal injury litigation matters.

**Andrew J. Lautenbach** has been named to the *Best Lawyers in America*® list, selected to the Hawaii *Super Lawyers*® list and named a “Litigation Star” by *Benchmark Litigation*. Mr. Lautenbach is rated AV Preeminent®, *Martindale-Hubbell's*® highest rating possible for his skill and integrity, and serves as a Director on the Board of the Hawaii Chapter of the Federal Bar Association.

Senior Litigation Counsel

**Stephanie E.W. Thompson** has been selected to Hawaii *Super Lawyers*® list, as a “Rising Star” and named a “Future Star” by *Benchmark Litigation*. Ms. Thompson is rated AV Preeminent®, *Martindale-Hubbell's*® highest rating possible for skill and integrity, and served as the 2015 Chairperson of the Litigation Section of the Hawaii State Bar Association.

**Orian J. Lee** has been selected to Hawaii *Super Lawyers*® list, as a “Rising Star”. Mr. Lee is a seasoned litigator whose practice focuses on complex civil litigation in state and federal courts, as well as in alternative dispute resolution forums. Mr. Lee’s experience spans all stages of litigation, including extensive argument and briefing before trial and appellate courts.

**Mateo Caballero** has been selected to Hawaii *Super Lawyers*® list, as a “Rising Star”. Mr. Caballero concentrates his practice in the areas of complex commercial litigation and administrative Law. He is admitted to the New York State, the District of Columbia, and Hawaii Bar Associations.

## **HAWAII REAL ESTATE ATTORNEYS, BUSINESS FOCUSED**

Starn O’Toole Marcus & Fisher’s real estate and business law attorneys are known for sophisticated case analysis and innovative business solutions for complex matters. Our attorneys have significant experience in real estate development and transactions, hotels, hotel management agreements, corporate finance, international transactions, secured transactions, mergers and acquisitions, construction law and complex commercial matters, in Hawaii, US and internationally.

The firm’s impressive skill and experience in strategic case planning, ingenious solutions and powerful negotiations in all aspects of complex real estate transactions has opened many doors for domestic and international clients, and have helped many navigate Hawaii’s complex land use and permitting laws.

## **OUR TRANSACTIONAL APPROACH AND ATTORNEYS**

Starn O’Toole Marcus & Fisher transactional attorneys have an innate talent for critical thinking through each complex commercial matter. What’s more, they excel in solving the pieces of a puzzle, examining the players, unraveling the details of agreements and handshake deals, to identify the keys that will give the client the clear advantage.

In today’s complex competitive environment, firm transactional attorneys shine when approaching the deal table. Strong, experienced and prepared for endless possible moves and counter-moves, firm attorneys drive for exceptional results for every client whether they are a family owned business or an international corporation.



Our transactional attorneys are recognized by *Best Lawyers in America*®, *Chambers and Partners USA Directory of Leading Lawyers for Business*, *The Bar Register of Preeminent Lawyers*™ and selected to the *Hawaii Super Lawyers*® list.

All transactional Directors are rated AV Preeminent®, the highest rating possible given by *Martindale-Hubbell*®, a distinction given by our legal peers for achieving the highest standards for professional skill, ethics and integrity.

#### Directors

Law firm founder, **Peter Starn**, has been named a *Best Lawyers in America*®, “Lawyer of the Year” in Honolulu, selected to the *Hawaii Super Lawyers*® list, in *Chambers and Partners USA Directory of Leading Lawyers for Business*, and is recognized for his expertise in real estate and corporate law, with a particular focus on the hotel and resort industry. Mr. Starn is a former Naval Aviator and a board member of the Pacific Aviation Museum, Pearl Harbor.

**Kenneth B. Marcus** has been named a *Best Lawyers in America*®, “Lawyer of the Year” in Honolulu, selected to the “Top 25” *Hawaii Super Lawyers*® list, in *Chambers and Partners USA Directory of Leading Lawyers for Business* and is a member of the International Society of Hospitality Consultants (ISHC). Mr. Marcus has structured numerous successful hotel management agreements and authored the Hawaii State Bar Association Real Estate Manual chapter.

**Duane R. Fisher** is co-founder of the firm, has been named a *Best Lawyers in America*®, “Lawyer of the Year” in Honolulu, selected to the “Top 25” *Hawaii Super Lawyers*® list, in *Chambers and Partners USA Directory of Leading Lawyers for Business* and is recognized for his expertise in real estate, corporate and construction law.

**Trevor A. Brown** is recognized by *Best Lawyers in America*® for both business and litigation matters. Mr. Brown has been selected to the “Top 25” *Hawaii Super Lawyers*® list, and named a “Litigation Star” by *Benchmark Litigation*. Mr. Brown is often called upon to work on client matters that require business and litigation strategy.

**Ivan M. Lui-Kwan** has been named a *Best Lawyers in America*®, “Lawyer of the Year” in Honolulu, rated AV Preeminent® by *Martindale-Hubbell*®, is the Ambassador to the US for the Maori King Tuheitia, and National Board Member of The American Judicature Society. He is Past Chairman of the Honolulu Authority for Rapid Transportation (HART) Board. Mr. Lui-Kwan was the recipient of the “2014 Lifetime Achievement Award” given by *Pacific Edge Magazine*.

**Norman H.Y. Cheng** is Managing Director of the firm. Mr. Cheng is in *Chambers and Partners USA Directory of Leading Lawyers for Business*, selected to *Hawaii Super Lawyers*® list, and is rated AV Preeminent®, *Martindale-Hubbell's*® highest rating possible for his skill and integrity. Mr. Cheng practices in the area of real estate law, and is on the board of the Iolani Schools Alumni Association.

#### Senior Real Estate Counsel

**Christina N. Ohira** concentrates her practice in the areas of real estate and commercial transactions, and has received *Martindale-Hubbell's*® highest possible “AV®” rating for her legal skill and integrity.