

proceeding in the case. Panel appointments also help to ensure access to justice for indigent litigants in civil cases. It is a winning situation for everyone involved.

Scott Lee Gordon's Case

Within the span of fourteen days in 2016, Gordon was brutally assaulted on two occasions by two prison gang leaders and their associates in a Hawaii state prison. During the first assault, two gang leaders beat Gordon so severely that metal plates and screws were required to repair fractures in his jaw bones. Gordon asked to be separated from the two gang leaders who attacked him and their associates. Despite his request, Gordon was moved into a unit housing associates of one of the gang leaders. These gang members promptly confronted Gordon, violently attacked him with blows to his head and body, and threatened him with further harm if he told anyone about the source of his injuries. A second surgery was necessary to repair the damage caused to Gordon's jaw bones during the second assault while fractures were still healing from the first assault.

Based on these events, Gordon filed a complaint without the assistance of counsel alleging that various prison officials violated his civil rights and were negligent. Although Gordon identified several colorable claims, his case appeared to be in peril by the spring of 2019. By that point, Gordon, who was still unrepresented, had already moved to qualify an expert witness, for a preliminary injunction and protective order, and to compel discovery. These motions were all denied. The defendants moved for summary judgment, and Gordon's case seemed to be in jeopardy. Thompson and Miller changed all of that.

Game Changers

In the spring of 2019, the court referred Gordon's case to the Panel for the limited purpose of responding to the motion for summary judgment. Patricia McHenry, the Panel's Pro Bono Coordinator, got right to work. Just as she does with every matter referred to the Panel, McHenry reviewed the docket in Gordon's case, compiled all the key filings, and wrote a detailed summary of the case. McHenry provided copies of the key filings and her summary to the Panel's Pro Bono Liaison. The Pro Bono Liaison works to secure an attorney from the Panel to represent the litigant, taking into consideration the experiences and preferences of the attorneys. Jordon Kimura and Linda Farm currently share this role.

While she was an associate, Maile Miller learned about the Panel as a participant in the Hawaii Federal Trial Academy. Miller then approached Stephanie Thompson, a director at Starn O'Toole, about supporting the Panel. Thompson enthusiastically agreed. Thompson and Miller then stepped up

to represent Gordon. As Magistrate Judge Mansfield highlighted during the recognition ceremony, Thompson and Miller's involvement in Gordon's case was "game changing." They immediately recognized that Gordon's story was compelling. Because of this, Thompson and Miller felt strongly that they should see Gordon's case through to the end. They agreed to represent Gordon up to and including trial and any post-trial motions. Because of Thompson and Miller's efforts, the case never made it that far.

Judge Mansfield observed that Thompson and Miller explored both the possibility of settlement and further litigation "full bore." Over the course of a year, they pushed for discovery, opposed summary judgment, and simultaneously explored settlement. To their credit, Judge Mansfield noted, Thompson and Miller brought the same level of skill, diligence, and compassion on behalf of Gordon as they would have for any of their other clients. At the end of the day, the court denied the motion for summary judgment and the case settled. By then, Thompson and Miller had dedicated hundreds of hours to Gordon's case.

Gordon was extremely grateful and relieved by the resolution of his case. Gordon's appreciation was not solely based on the settlement award, however. According to Miller, the fact that Gordon "had someone in his corner was a huge moment for him, and he was so appreciative." For Thompson, working on Gordon's case was one of the most memorable experiences of her career. The Panel is "an amazing program that does great things for people who cannot do for themselves," she said.

How to be Involved

Attorneys and law firms interested in joining the Panel may fill out and send in the form letter provided in the Rules for Civil Pro Bono Panel for the United States District Court of the District of Hawai'i (which are located at www.hid.uscourts.gov under the "Court Resources" tab).

Honorees

Outstanding Pro Bono Service Award

Maile Miller, Starn O'Toole Marcus & Fisher
Stephanie Thompson, Starn O'Toole Marcus & Fisher

Pro Bono Service Coordinator Award

Linda Farm, Farm Benedict Sugihara LLLP
Jordon Kimura, McCorriston Miller Mukai MacKinnon LLP
Patricia McHenry, Cades Schutte LLP