

Director
totoole@starnlaw.com
(808) 537-6100

Education:
UC Berkeley Law
J.D. (1971)
Ecology Law Quarterly

University of Santa Clara
B.A., English Literature (1967)

Federal Court Clerkship:
Law Clerk to the Honorable Martin Pence, Chief Judge, United States District Court, District of Hawaii(1971-72)

Areas of Practice:
Complex Commercial and Construction Litigation

Professional Activities:
Licensed in Hawaii, California(Inactive) & District of Columbia(Inactive)
President, Federal Bar Association, Hawaii Chapter 2006-07
Lawyer Representative, Ninth Circuit Judicial Conference 2005-07
Lawyer Delegate, USDC Annual Conference 2003-05
Adjunct Professor, University of Hawaii Law School 1977
Adjunct Professor "Construction Law", University of Hawaii School of Architecture 1977-82
Seminar panelist on conferences in California, Hawaii and Singapore involving complex litigation, construction claims and disputes and mold litigation

TERENCE J. O'TOOLE

Hawaii litigation lawyer Terence O'Toole is a Director of the Starn O'Toole Marcus & Fisher law firm. Mr. O'Toole leads the litigation team with over 50 years experience in the area of commercial and complex litigation.

Mr. O'Toole is one of the most highly awarded trial litigators in the State of Hawaii. When betting the company is on the line, Mr. O'Toole is often referred to as *the* "go-to guy" for the most complex litigation matters, representing prominent Hawaii and mainland companies doing business in the state. The legal community describes him as a congenial, straight-talker and firm members would say he is the very best at everything.

Starn O'Toole Marcus & Fisher founder Peter Starn and Mr. O'Toole met as associates at a large Honolulu law firm in the 1970s. After Mr. Starn went out on his own in 1994, he brought Mr. O'Toole to develop and lead the litigation team with Sharon Lovejoy. Today the litigation team is described as "a closely knit unit that can put a lot of firepower in the field in a hurry; often called in late in the day to take a high-stakes case to trial."

Recognition

Acknowledged as a leading Hawaii commercial litigation attorney, Mr. O'Toole has been lead counsel in jury and non-jury trials in federal and state courts in California and Hawaii; and he has represented multi-national companies on claims and litigation matters arising out of other venues in the Pacific Rim. He has also handled numerous arbitrations under the auspices of the American Arbitration Association and similar organizations.

Mr. O'Toole has been recognized by ***The Best Lawyers in America®, as a "Lawyer of the Year"*** in Honolulu in the practice areas of ***Bet-The-Company (2011, 2019, 2023)***, ***Banking & Finance Litigation (2012, 2015, 2024)***, ***Appellate Practice (2014, 2018, 2022, 2024)***. He is also recognized by ***The Best Lawyers in America®;*** in ("Appellate Practice", "Arbitration", "Bet-The-Company", "Commercial Litigation", "Construction Litigation", "Banking & Finance Litigation", "Mergers & Acquisitions","Real Estate Litigation", "Mass Tort/Class Action-Plaintiffs", "Land Use & Zoning Litigation" and "Eminent Domain & Condemnation Law").

Mr. O'Toole has been recognized by ***Chambers and Partners USA Leading Lawyers for Business*** as a "***Star"*** each year since 2012, and one of the top

Leading Lawyers in Band 1 Litigation for commercial litigation.

Mr. O'Toole was also selected for inclusion to the ***"Top 25", 2011* & 2020 Hawaii *Super Lawyers*®** list and selected to the **Hawaii *Super Lawyers*®** list each year since 2008 in the practice area of Business Litigation.

Mr. O'Toole is also recognized as a **"Hall of Fame"** recipient and **Local Litigation Star by *Benchmark Litigation, Benchmark Appellate*** and ***Benchmark Plaintiff.***

Trial Experience

Although Mr. O'Toole's practice includes a full range of Hawaii litigation matters, his primary area of emphasis is trial work involving real estate litigation, hospitality industry related litigation, construction claims and disputes, lender liability and international claims and litigation.

Examples of Mr. O'Toole's work include:

Eminent Domain Litigation. The firm represents HART in multiple ongoing eminent domain matters on behalf of HART's buildout of Honolulu's multi-billion dollar light rail rapid transit system.

The firm currently represents HART in a large eminent domain lawsuit that involves a portion of HART's Rail line and Station that will traverse a portion of Downtown Honolulu, Kakaako and adjacent areas, some land owners have sought nine figure damages.

Clayton Antitrust Ace Litigation. The firm represents plaintiffs in ongoing antitrust litigation prohibiting the acquisition of Hawaiian Airlines Inc. by Alaska Airlines, Inc. and Alaska Air Group, Inc.

Construction Claims and Disputes. Represented owners/developers, national and international architectural, engineering and construction firms in building failure, environmental issues, construction deficiency and delay damage claims in California, Hawaii and the Pacific Basin.

The firm currently represents HART in a nine-figure construction dispute brought by one of HART's prime contractors.

Major Sex Abuse Litigation. The firm currently represents several institutions in the defense of large scale sexual abuse litigation.

Insurance Coverage Litigation. Represent AIG subsidiaries in a coverage action regarding the claims made against the State of Hawaii, the Hawaii Employer-Union Health Benefits Trust Fund, et al., in the case styled James Dannenberg, et al. v. State of Hawaii, et al., Civil No.06-1-1141 (JPC), in the First Circuit Court,

State of Hawaii.

Breach of contract and declaratory relief action arising out of AIG – National Union Fire Insurance Company of Pittsburgh, Pa's denial of coverage to Aloha Petroleum, Ltd. in connection with two separate but related climate-change-related lawsuits brought against it by the City and County of Honolulu and the Honolulu Board of WaterSupply and by the County of Maui.

Hotel & Hospitality Industry Litigation. Represented local, national and international companies involved in the hotel and hospitality industry, including owners and operators of hotels and resorts. Representation has included disputes involving owner-operator agreements and consumer class action involving mold related issues.

Lender Liability Litigation. Represents major local, national and international banks in lender related disputes, including complex lender liability cases tried to juries in Hawaii and California.

Real Estate Litigation and Disputes. Representation involves a wide range of clients and issues, including development rights, governmental permitting and entitlement issues and environmental issues.

Corporate Litigation. Represented publicly traded and local companies in disputes involving shareholder rights, corporate governance and control related matters.

Wrongful Termination/Employment Disputes. Represented employers and employees in actions involving sex, race and age discrimination and wrongful termination.

Americans with Disabilities Act. Represented local, national and international companies in ADA matters including federal court claims tried to a jury.

Representative Clients Include: Hilton Hotels, JP Morgan, Bank of Hawaii, American Savings Bank, Safeway, Intrawest, Ledcor Construction, Aston Hotels & Resorts, ResortQuest Hawaii, AIG, Kuilima Resort Company and Walmart.

Professional Activities

Mr. O'Toole served as President of the Federal Bar Association, Hawaii Chapter (2006-2007) and as the Lawyer Representative, Ninth Circuit Judicial Conference (2005-2007).

What People Say About Mr. O'Toole:

"The "brilliant, strategic and analytical" Terence O'Toole heads the litigation department. He is consistently singled out as a top practitioner in the field of commercial litigation, with one source noting: "When I watched him in court I was extremely impressed. His organization and ability are both really good."
Chambers and Partners, USA Directory for America's Leading Lawyers for Business,

Litigation, General Commercial

"Mr. O'Toole is an experienced, no-nonsense, practical litigator... I have no hesitation in providing an unqualified recommendation of Mr. O'Toole."
The Best Lawyers of America©, Client Comment

Litigation department manager Terence O'Toole is "amazingly talented in depositions and always manages to get pertinent information for cases." He has recently handled a number of complex and high-value matters for many of the firm's key clients.
Chambers and Partners, USA Directory for America's Leading Lawyers for Business, Litigation, General Commercial

"Accomplished litigator" Terence O'Toole is a renowned expert in complex commercial and real estate disputes.
Chambers and Partners, USA Directory for America's Leading Lawyers for Business, Litigation, General Commercial

"Terence O'Toole is described by one enthusiastic peer as being "in a class of his own, and very adept."
Chambers and Partners, USA Directory for America's Leading Lawyers for Business, Litigation, General Commercial

"Highlighted as "a very good litigator," Terence O'Toole leads the firm's litigation practice and has over 40 years of experience in this sphere. Sources state: "He has a very active practice and a lot of talent. He is a pleasure to work with."
Chambers and Partners, USA Directory for America's Leading Lawyers for Business, Litigation, General Commercial

"O'Toole is unanimously revered by peers and clients who praise his ability to both "see the bigger picture and focus in on the bulls eye."
Benchmark Litigation Comment

"Terry O'Toole is just one outstanding attorney. We used him on four litigation cases and he was the lead attorney. Two of the cases were major business cases and he was the lead attorney and so knowledgeable. We highly recommend Terry; he is bright, well-respected and so skilled as a litigation attorney."
The Best Lawyers of America©, Client Comment

''He has extensive experience and develops a comprehensive understanding of the details of a case.''
Chambers and Partners USA Leading Lawyers for Business, Client Comment