

# STARN • O'TOOLE • MARCUS & FISHER

A LAW CORPORATION



## **Director**

tbrown@starnlaw.com

(808) 537-6100

## **Education**

### **Yale Law School**

J.D. (1990), Yale Law Journal

### **Christian Heritage College**

B.S., Counseling/ Psychology (1987)

Valedictorian, summa cum laude

## **U.S. Court of Appeals Clerkship:**

Law Clerk to the Honorable Herbert Y.C. Choy, United States Court of Appeals, Ninth Circuit (1990-91)

## **Areas of Practice:**

Real Estate, Corporate and Trust Litigation and Transactions; Secured Financing

## **Professional Activities:**

Licensed in Hawaii, California (Inactive), Arizona (Inactive) & the District of Columbia (Inactive)

Director, Christian Legal Society of Hawaii

## **Presentation/ Articles:**

["Selected Issues in Church Governance"](#)

["Perfection And The Importance Of A Name"](#)

## **TREVOR A. BROWN**

Trevor A. Brown represents clients in both litigation and transactions. His real estate experience ranges from resort acquisition and development to acting as trial counsel to establish beach access rights based on Kingdom of Hawaii land use. Mr. Brown's corporate experience ranges from negotiating corporate restructurings to acting as trial counsel to force the break-up of related land development corporations.

Mr. Brown holds *Martindale-Hubbell's*® highest possible professional rating **AV Preeminent**®, for both his skill and integrity. Mr. Brown is recognized in *The Best Lawyers in America*® list in fifteen categories: Appellate Practice, Arbitration, Business Organization (including LLC's and Partnerships), Closely Held Companies and Family Businesses Law, Commercial Transactions/UCC Law, Corporate Law, Ethics and Professional Responsibility Law, Real Estate Law, Commercial Litigation, Securities Litigation, Trusts & Estates Litigation, Mortgage Banking Foreclosure Law, Real Estate Litigation, Legal Malpractice Law-Defendants and Product Liability Litigation-Plaintiffs. Mr. Brown has been named a *"Lawyer of the Year"* in Honolulu by *The Best Lawyers in America*®, in the practice areas of **Legal Malpractice Law-Defendants (2022, 2024)**, **Securities Litigation (2020, 2023)**, **Closely Held Companies and Family Businesses Law (2019)** and **Mortgage Banking Foreclosure Law (2017)**.

Mr. Brown has been selected to the **Hawaii Super Lawyers** list since 2013, and named to the **"Top 25"** list (2015, 2018-2021), *Business Litigation*.

Mr. Brown is recognized by **Chambers and Partners USA Leading Lawyers for Business** in the practice areas of *General Commercial/Litigation (since 2017)* and *Real Estate Law (2023)*. In 2017, **Chambers and Partners USA High Net Worth Guide** first reviewed Hawaii lawyers, and has recognized Mr. Brown in the practice area of *Private Wealth Law* each year since. Mr. Brown is recognized by **Benchmark Litigation** as a **"Litigation Star"** for his litigation expertise, and is a former Chair of the Litigation Section of the Hawaii State Bar Association.

Mr. Brown has acted as special counsel to provide legal opinions in complex financing transactions, served as a Co-Reporter for the *Hawaii 2000 Report on Lawyer's Opinion Letters in Mortgage Loan Transactions*, published at 22 U. Haw. L. Rev. 347 (2000), and has served on subsequent committees addressing lawyers'

opinion letters.

### **What People Say About Mr. Brown:**

*Trevor Brown is characterized by peers as having "an analytical mind that is on a different level." Clients echo this praise, calling Brown "meticulous" and "extremely quick with his response time." Benchmark Litigation Comment*

*Trevor Brown is popular with clients, with one commenting: "He is the most detailed, organized attorney I have ever used. You know he is giving you 100% when working on your case." He is notably experienced in trustee compensation and shareholder disputes. A source notes: "He is one of the most talented strategic thinkers I've met in years, and stands out in a room of the local elite. He routinely comes up with thoughts that are the next step." Chambers and Partners USA, Leading Lawyers for Business Comment*

*"He is strategic-minded and thoughtful," says an interviewee; "he is very approachable and enjoys discussing matters with clients and counsel." Another source enthuses: "He is creative and dogged in his determination. His case theory is impeccable; he doesn't leave a stone unturned. His strategic thinking is one of his strengths. If he is on the other side we think, 'son of a gun, we're going to have to work hard'. He's a force to be reckoned with." Chambers and Partners USA, High Net Worth Guide Comment*

*"In all instances, Trevor Brown was the consummate legal professional - engaged (active listening, pertinent laser-focused questions, accurate concise recapitulation of facts and issues), knowledgeable (law and facts) and cordial. With Trevor, there is no wasted motion, words or time. He gets to the core of the matter quickly, while exhibiting what can only be described as a "good bedside manner". Best Lawyers-Best Law Firms, Client Comment*

*Trevor Brown handles a wide range of transactional and disputes work, including a significant caseload of trusts litigation matters. "He is a very cerebral lawyer and a tireless advocate for his clients," enthuses one source, adding: "He is extremely creative in arriving at legal solutions and thinks outside of the box. He will wake up at 2am with a brainwave and have solved the case. What a hero! His tireless effort and non-stop work is amazing. He is a tremendous talent." Chambers and Partners USA, High Net Worth Guide Comment*

*Trevor Brown has a solid practice in redevelopment proposal arbitration, ground leasing and development negotiations. "Trevor is really dedicated and intelligent. He is extremely good both in written submissions and live in arbitration." Chambers and Partners USA, Leading Lawyers for Business Comment*

*"Trevor Brown divides his practice between litigation and transactional matters. In the litigation sphere, he possesses considerable experience in real estate disputes, as well as securities and trusts and estates cases. Market sources praise him as "very knowledgeable," noting that "he does excellent work. He's talented, smart and hard-working." Chambers*

*and Partners USA Leading Lawyers for Business, General Commercial Litigation*

*"Trevor Brown is known for his litigation work," according to a source. "He knows the trust litigation area," says another interviewee, adding: "He is a very deep thinker and good litigator. He truly digs in, Trevor is the type of guy who does not stop thinking about a case, and is creative about thinking about solutions." Chambers and Partners, High Net Worth Guide Comment*

*"He is a very creative thinker," observes a source, adding: "He is dogged, tireless and always wants to win, but is still very ethical and even-handed. He is truly a gentleman's lawyer and an outstanding practitioner." Chambers and Partners, High Net Worth Guide Comment*

*Trevor Brown is a litigator with particular expertise in sophisticated trust and estate disputes."I can count on Trevor for high-quality service, the ability to break down complicated transactions in a way that I can understand and comprehend to make an informed decision, and the business acumen to quickly understand the salient issues.", Chambers and Partners USA, Leading Lawyers for Business Comment*

*"Having used several attorneys at the firm, I've been impressed with their breadth of expertise. I've mainly worked with Trevor Brown, and I'm continually impressed by his integrity and deep understanding of nuanced legal issues. I highly recommend both Starn O'Toole Marcus & Fisher, as well as Trevor Brown individually." Best Lawyers-Best Law Firms, Client Comment*

***Some examples of Mr. Brown's work include:***

**Real Estate Litigation.** Acting as trial counsel to establish easement rights for beach access, including presenting testimony and arguments related to use of property dating back to the Kingdom of Hawaii. Cancelling a fraudulent deed arising out of an international murder and theft scheme that was the subject of national press coverage. Representing developer in claims by a condominium association for purported misrepresentation, failure to disclose, and unfair and deceptive trade practices related to development and marketing of condominium tower.

**Corporate Litigation/Negotiation.** Acting as trial counsel to enforce contracts, obtain control, and ultimately force the break-up of a group of related corporations in the land subdivision business. Advising client on taking control and operation of companies adverse to other members/shareholders. Defending largest shareholder and highest compensated individual in closely held corporation from claims of self-dealing, excessive compensation, securities violations, and improper competition and redemption of stock. Representing member of limited liability company in action to expel another member.

**Trust Litigation/Advice.** Defending a trustee of a large land-holding trust from claims of alleged self-dealing and misconduct. Serving as lead litigation counsel in

probate and circuit court to take control of a trust and related corporate entities. Garnishing assets held in a trust and obtaining court rulings disregarding the trust as a barrier to collection. Representing beneficiaries and trustees in separate cases involving the distribution of assets, violation of a health and maintenance clause, and competency. Advising a trustee regarding trust real estate and business operations, and obtaining court direction and approval as needed. Structuring opaque ownership of real estate to address personal safety concerns.

**Lease Litigation:** Representing landowners and lessees in matters related to interpretation and enforcement of leases and rent reset provisions for hotels, condominiums and commercial properties, including serving as trial counsel.

**Fraudulent Transfer Litigation.** In separate cases, both prosecuting and defending fraudulent transfer claims involving multi-million dollar international transactions, including seizing local and foreign assets.

**Development Litigation.** Defending development rights against constitutional and statutory challenges to allow the construction of a large Waikiki Hotel. Presenting lay and expert testimony in a contested proceeding before a neighbor island Planning Commission to restrict shopping center development with adverse effects on client's existing center. Challenging permitting protocols for waterfront property as the product of illegal administrative rule making. Prosecuting claims for a developer of hundreds of units against association to modify water restrictions where past association water use results in government water requirements for new development inconsistent with current association documents.

**Debt/Property Acquisitions:** Acquiring notes and mortgages as a means of obtaining control of real property assets (golf courses, undeveloped land, and residential properties) and then obtaining control of the assets through enforcement of the debt instruments.

**Secured Transactions:** Acting as lead local counsel in a variety of complex secured transactions including the assignment of a billion dollar attorney fee award and a \$100 million asset management fee income stream. Acting as lead litigation counsel to establish the priority of a judgment creditor's claim over a secured creditor based on financing statement defects.

**Real Estate Development/Transactions:** Representing landowners developing resorts and mixed use commercial developments, including negotiating development agreements, construction contracts and leases. Representing clients in a variety of real property acquisitions, including developed properties, raw land and leased fees.

**Corporate Transactions.** Restructuring the relationship between majority and minority shareholders in a closely held corporation, negotiating the sale of a

closely held corporation, and structuring the buy-out of minority shareholders.

**Securities Litigation.** Representing a national brokerage house and obtaining summary judgment disposing of claims of alleged securities law violations.

**Mediation.** Mediating disputes related to the dissolution of a law partnership including the division of large contingent fees.

**Environmental Litigation.** Litigating cost recovery claims related to environmental contamination.