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Electronically Filed
FIRST CIRCUIT
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Attorneys for the Trustees under the Will and
of the Estate of Bernice Pauahi Bishop,
Deceased

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

In the Matter of the Estate

of

BERNICE P. BISHOP,

Deceased.

EQUITY NO. 2048

**NOTICE OF ANTICIPATED VACANCY;
STIPULATION FOR APPOINTMENT OF
A MASTER AND A TRUSTEE
SCREENING COMMITTEE AND
ORDER; EXHIBITS A – D**

**NOTICE OF ANTICIPATED VACANCY; STIPULATION FOR
APPOINTMENT OF A MASTER AND A TRUSTEE SCREENING COMMITTEE**

A. BACKGROUND

Petitioners ELLIOT KAWAIHO‘OLANA MILLS (Chair of the Board of Trustees),
ROBERT K.W.H. NOBRIGA, CRYSTAL KAUILANI ROSE, JENNIFER NOELANI
GOODYEAR KA‘ŌPUA, and MICHELLE KA‘UHANE, the incumbent Trustees under the Will
and of the Estate of Bernice Pauahi Bishop, Deceased, by and through their counsel, respectfully
show as follows:

1. The term of Petitioner ROBERT K.W.H. NOBRIGA (“*Trustee Nobriga*”) as a Trustee will expire on June 30, 2025, creating a vacancy on the Board of Trustees of the Kamehameha Schools. It is in the best interest of the Kamehameha Schools that the process for Selection of Trustee Nobriga’s successor be commenced at this time.

2. Article Fourteenth of the Will of Bernice Pauahi Bishop provides in part as follows:

I further direct that the number of my said trustees shall be kept at five; and that vacancies shall be filled by the choice of a majority of the Justices of the Supreme Court

3. All five of the incumbent Justices of the Supreme Court of Hawai‘i, acting in their individual capacities and not in their collective or official capacity as the Supreme Court of Hawai‘i, have informed counsel for Petitioner that they decline to exercise the power to appoint trustees to the Board of Trustees of the Estate of Bernice Pauahi Bishop. A true and correct copy of the June 15, 2020, letter from Chief Justice Mark E. Recktenwald and Associate Justice Sabrina S. McKenna, and then Associate Justices Paula A. Nakayama and Richard W. Pollack, in their individual capacities declining to exercise their power to appoint trustees, is attached hereto as Exhibit A. A true and correct copy of the June 8, 2022, letter from Associate Justice Todd W. Eddins is attached hereto as Exhibit B. A true and correct copy of the January 23, 2024, letter from Associate Justice Vladimir P. Devens is attached hereto as Exhibit C. A true and correct copy of the February 7, 2024, letter from Associate Justice Lisa M. Ginoza is attached hereto as Exhibit D. Notice of these proceedings will also be delivered to each of the incumbent Justices of the Supreme Court of Hawai‘i.

4. By the *Order Granting Petition for the Establishment of a Procedure for Selection of Future Trustees* filed herein on January 6, 2000 (the “*January 6, 2000 Order*”), this Court approved and adopted the Proposal For a Selection Process For Future Trustees presented in the

Master's Report on the Petition for the Establishment of a Procedure for Selection of Future Trustees filed August 5, 1999 filed herein on November 22, 1999 (the “**1999 Master's Report**”).

5. The 1999 Master's Report and the January 6, 2000 Order contemplate a committee to assist the Court by identifying qualified individuals and selecting finalists for vacant trustee positions. Within ninety (90) days of the filing of a notice of anticipated vacancy, this Court is to constitute a committee comprised of a minimum of seven (7) “knowledgeable and informed persons, each of whom the Court finds to possess the integrity, probity, competence and disinterested status necessary to be qualified and serve as an independent and unconflicted Committee member.” 1999 Master's Report at 27. Each committee member “*shall be familiar with and sensitive to (1) the history and role of the Trust Estate relative to the Hawaiian community and the community at large, and (2) Pauahi's legacy and her vision for the future of Hawaiian children.*” *Id.* at 27–28. Each committee member “shall possess experience and insight into the operation and management of . . . a large private educational institution; . . . large financial institutions; or . . . large public charitable trusts or foundations.” *Id.* at 28. The committee members are to be constituted as officers of the court akin to a court-appointed master or a *Kokua Kanawai* in accordance with Rules 28 and 113 of the Hawai'i Probate Rules. *Id.* Pursuant to Stipulation entered herein on March 21, 2000, the committee is to be known as the “Trustee Screening Committee”.

6. By further *Stipulation for Payment of Expenses Incurred by the Trustee Screening Committee; Exhibit “A”*; Order filed herein on May 25, 2000 (the “**May 25, 2000 Order**”), reimbursement of certain expenses of the Trustee Screening Committee is authorized, upon and subject to the terms and conditions of the May 25, 2000 Order.

7. This Court has jurisdiction of the matters presented herein under Hawai'i Revised Statutes Sections 554D-201(c)(1), 554D-203(a) and 603-21.7(1)(C).

B. NOTICE OF ANTICIPATED VACANCY

Although the Court is currently considering the Trustees' Petition for Review of Trustee Selection Process and Trustee Terms filed May 10, 2022, and its ruling may ultimately affect the selection of Trustee Nobriga's successor, pursuant to the current process set forth in the 1999 Master's Report and the January 6, 2000 Order, Petitioners hereby give notice of the vacancy that will arise upon expiration of Trustee Nobriga's term.

C. STIPULATION FOR APPOINTMENT OF A MASTER AND A TRUSTEE SCREENING COMMITTEE

Petitioners and the Attorney General of the State of Hawai'i, as *parens patriae*, hereby stipulate and agree as follows:

1. That hearing of this Notice of Anticipated Vacancy; Stipulation for Appointment of a Master and a Trustee Screening Committee is waived.

2. That this Honorable Court:

a) By its separate Order of Reference, appoint a Master to advise this Court in the premises;

b) By its separate Order and in accordance with the provisions and requirements of the 1999 Master's Report and prior Orders of this Court, appoint a Trustee Screening Committee, authorizing and directing the Committee to proceed in accordance with the 1999 Master's Report, the January 6, 2000 Order and any supplemental orders of this Court in assisting this Court by identifying qualified individuals to succeed Trustee Nobriga and selecting finalists for that position; and

c) Authorize reimbursement out of the Trust Estate of the Trustee Screening Committee's expenses of a consultant knowledgeable and experienced in hiring executive personnel and of other reasonable and necessary expenses in accordance with the May 25, 2000 Order.

3. That upon the Committee's filing of its final report of its selection of three finalists to succeed Trustee Nobriga, this Honorable Court set a date and time for hearing on the Committee's report and thereafter appoint one of the persons so selected to serve as a successor trustee under the Will and of the Estate of Bernice Pauahi Bishop, Deceased, for such term as this Court shall determine, upon and subject to the terms of the trust, applicable law and the orders of this Court; and

4. That nothing herein shall be deemed or construed as modifying, amending or changing in any respect the role and functions of the Trustee Screening Committee or the requirements applicable to that Committee as set forth in the prior Orders of this Court, including but not necessarily limited to the January 6, 2000 Order (and the 1999 Master's Report which it approved and adopted) and the May 25, 2000 Order.

[The remainder of this page is intentionally left blank. The signature page(s) follow.]

The undersigned understands that this *Notice of Vacancy; Stipulation for Appointment of a Master and a Trustee Screening Committee* is deemed to include an oath, affirmation or statement to the effect that (1) her representations are true as far as the undersigned knows or is informed, (2) it is not being presented for an improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation, and (3) penalties for perjury may follow deliberate falsification.

DATED: Honolulu, Hawai‘i, this 26th day of December, 2024.

CADES SCHUTTE
A Limited Liability Law Partnership

/s/ Rhonda L. Griswold
RHONDA L. GRISWOLD
SUMMER G. SHELVERTON
PŌHAI NU‘UHIWA CAMPBELL
Attorneys for the Trustees Under the Will
and of the Estate of Bernice Pauahi Bishop,
Deceased

HAWAI‘I PROBATE RULE 5(B) CERTIFICATION:

/s/ Rhonda L. Griswold
RHONDA L. GRISWOLD
SUMMER G. SHELVERTON
PŌHAI NU‘UHIWA CAMPBELL
Attorneys for the Trustees Under the Will and of
the Estate of Bernice Pauahi Bishop, Deceased

NOTICE OF ANTICIPATED VACANCY; STIPULATION FOR APPOINTMENT OF A MASTER AND A TRUSTEE SCREENING COMMITTEE AND ORDER, In the Matter of the Estate of Bernice P. Bishop, Deceased, EQUITY NO. 2048.

DATED: Honolulu, Hawaii, December 26, 2024.

ANNE E. LOPEZ
Attorney General, State of Hawaii
As parens patriae

/s/ Kristie Cruz Chang
By: KRISTIE CRUZ CHANG
Deputy Attorney General

NOTICE OF ANTICIPATED VACANCY; STIPULATION FOR APPOINTMENT OF A MASTER AND A TRUSTEE SCREENING COMMITTEE AND ORDER, In the Matter of the Estate of Bernice P. Bishop, Deceased, EQUITY NO. 2048.

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STATE OF HAWAII

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of

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Deceased.

EQUITY NO. 2048

**(PROPOSED) NOTICE OF
ANTICIPATED VACANCY;
STIPULATION FOR APPOINTMENT
OF A MASTER AND A TRUSTEE
SCREENING COMMITTEE AND
ORDER; EXHIBITS A – D**

(PROPOSED) ORDER

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**NOTICE OF ANTICIPATED
VACANCY; STIPULATION FOR
APPOINTMENT OF A MASTER AND
A TRUSTEE SCREENING
COMMITTEE AND ORDER;
EXHIBITS A – D**

ORDER

Upon review of the foregoing NOTICE OF ANTICIPATED VACANCY; STIPULATION FOR APPOINTMENT OF A MASTER AND A TRUSTEE SCREENING COMMITTEE, and good cause appearing, it is hereby Ordered, Adjudged and Decreed as follows:

1. By separate Order of Reference, this Court will appoint a master to review this Petition and Advise this Court in the premises;

2. By separate Order and in accordance with the provisions and requirements of the 1999 Master’s Report and prior Orders of this Court, this Court will appoint a Trustee Screening Committee, which will be comprised of a minimum of seven (7) “knowledgeable and informed persons, each of whom the Court finds to possess the integrity, probity, competence and disinterested status necessary to be qualified and serve as an independent and unconflicted Committee member.” Each committee member “*shall be familiar with and sensitive to (1) the history and role of the Trust Estate relative to the Hawaiian community and the community at large, and (2) Pauahi’s legacy and her vision for the future of Hawaiian children.*” Each committee member “shall possess experience and insight into the operation and management of . . . a large private educational institution; . . . large financial institutions; or . . . large public charitable trusts or foundations.”

3. The Court will authorize and direct that Committee to proceed in accordance with the 1999 Master’s Report, the January 6, 2000 Order and any supplemental orders of this Court in assisting this Court by identifying qualified individuals to succeed Trustee Nobriga and selecting finalists for that position;

4. Reimbursement out of the Trust Estate of the Trustee Screening Committee’s expenses of a consultant knowledgeable and experienced in hiring executive personnel and of other reasonable and necessary expenses in accordance with the May 25, 2000 Order is hereby authorized; and

/

/

/

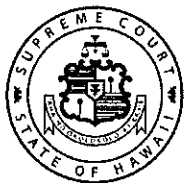
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5. Upon the Committee's filing of its final report of its selection of three finalists to succeed Trustee Nobriga, this Court will set a date and time for hearing on the Committee's report recommending appointment of one of the persons so selected to serve as successor trustee under the Will and of the Estate of Bernice Pauahi Bishop, Deceased, for such term as this Court shall determine, upon and subject to the terms of the trust, applicable law and the orders of this court.

DATED: Honolulu, Hawai'i, _____.

Judge of the Above-Entitled Court

NOTICE OF ANTICIPATED VACANCY; STIPULATION FOR APPOINTMENT OF A MASTER AND A TRUSTEE SCREENING COMMITTEE AND ORDER, In the Matter of the Estate of Bernice P. Bishop, Deceased, EQUITY NO. 2048.



Supreme Court – THE JUDICIARY • STATE OF HAWAII

417 South King Street • Aliʻiōlani Hale • Honolulu, Hawaiʻi • 96813-2943 • Ph: (808) 539-4700 • Fax (808) 539-4703

Mark E. Recktenwald
CHIEF JUSTICE

Paula A. Nakayama
Sabrina S. McKenna
Richard W. Pollack
Michael D. Wilson
ASSOCIATE JUSTICES

June 15, 2020

Rhonda L. Griswold, Esq.
Cades Schutte
Cades Schutte Building
1000 Bishop Street, Suite 1200
Honolulu, HI 96813

Re: Trustee Selection - Kamehameha Schools/
Bernice Pauahi Bishop Estate

Dear Ms. Griswold:

The members of this court received your May 22, 2020 letters regarding the Trustee Selection for Kamehameha Schools/Bernice Pauahi Bishop Estate. Please be informed that consistent with our previous declinations, Mark Recktenwald, Paula Nakayama, Sabrina McKenna, and Richard Pollack will not be participating in the selection process. Respectfully, we will not be responding to any similar future requests.

Sincerely,

/s/ MARK E. RECKTENWALD

/s/ PAULA A. NAKAYAMA

/s/ SABRINA S. MCKENNA

/s/ RICHARD W. POLLACK

EXHIBIT A

June 8, 2022

Rhonda L. Griswold, Esq.
Cades Schutte
1000 Bishop Street, Suite 1200
Honolulu, Hawai'i 96813

Dear Ms. Griswold:

I respond to your letter dated March 16, 2022, which is addressed to me in my individual capacity and not in my official capacity as an Associate Justice of the Hawai'i Supreme Court. You ask that I "provide written confirmation that you intend to decline to exercise any power you may have as an individual to fill any vacancy that may be created at the end of Elliot Mills' term or any future vacancy on the Board of Trustees of the Estate of Bernice Pauahi Bishop." And if my position is otherwise, you ask that I "please let us know that as well."

Only my status as a Hawai'i Supreme Court justice triggered your request.

Canons 1, 2, and 3 of the Hawai'i Revised Code of Judicial Conduct guide judges' conduct. These time-honored canons require judges to both avoid impropriety and its appearance and to conduct their personal affairs to minimize the risk of conflict with the duties of judicial office. Given these canons, there is no ethical way for any justice – individually or in an official capacity – to appoint Bishop Estate trustees. We just can't do it. I must, therefore, decline your request.

Best regards,



Todd Eddins

EXHIBIT B

January 23, 2024

Rhonda L. Griswold, Esq.
Cades Schutte
1000 Bishop Street, Suite 1200
Honolulu, HI 96813-4212

Dear Ms. Griswold:

I am in receipt of your letter dated 1/22/24 addressed to me in my individual capacity regarding the Trustee Selection for Kamehameha Schools/Bernice Pauahi Bishop Estate.

Responding in my individual capacity, please be informed that consistent with the Chief Justice and the other Associate Justices' prior responses, I will also respectfully not be participating in the selection process.

Thank you and please contact me with any questions or concerns.

Sincerely,

/s/ Vladimir Devens
VLADMIR DEVENS

EXHIBIT C

FEB 9 2024

February 7, 2024

Rhonda L. Griswold, Esq.
Cades Schutte, LLP
Cades Schutte Building
1000 Bishop Street, Suite 1200
Honolulu, Hawai'i 96813-4212

Re: Trustee Selection - Kamehameha Schools/
Bernice Pauahi Bishop Estate

Dear Ms. Griswold:

This serves to respond to your letter dated January 22, 2024, seeking to confirm the role, if any, that I wish to undertake in the trustee selection process for Kamehameha Schools/Bernice Pauahi Bishop Estate.

Please be advised that I decline to participate in the trustee selection process for Kamehameha Schools/Bernice Pauahi Bishop Estate. Further, I respectfully note that you need not inquire with me again on this issue.

Sincerely,



Lisa M. Ginoza

Lisa M. Ginoza
417 S. King Street
Honolulu, HI 96813-2943

EXHIBIT D

CADES SCHUTTE
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IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

In the Matter of the Estate

of

BERNICE P. BISHOP,

Deceased.

EQUITY NO. 2048

**(PROPOSED) ORDER OF REFERENCE
TO MASTER**

Hearing:

Date: _____

Time: _____

Judge: The Hon. Jeannette H. Castagnetti

(PROPOSED) ORDER OF REFERENCE TO MASTER

CADES SCHUTTE
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STATE OF HAWAII

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of

BERNICE P. BISHOP,

Deceased.

EQUITY NO. 2048

ORDER OF REFERENCE TO MASTER

Hearing:

Date: _____

Time: _____

Judge: The Hon. Jeannette H. Castagnetti

ORDER OF REFERENCE TO MASTER

_____, whose telephone number is
_____, is appointed Master to examine and report on the *Notice of Vacancy*;

Stipulation for Appointment of a Master and a Trustee Screening Committee, filed herein on _____, pursuant to Hawaii Probate Rule 28.

DATED: Honolulu, Hawaii, _____.

Judge of the Above-Entitled Court

ORDER OF REFERENCE TO MASTER, In the Matter of the Estate of Bernice P. Bishop, Deceased, EQUITY NO. 2048.

NOTICE OF ELECTRONIC FILING

**Electronically Filed
FIRST CIRCUIT
1EQ000002048
26-DEC-2024
04:02 PM
Dkt. 5536 NEF**

An electronic filing was submitted in Case Number 1EQ000002048. You may review the filing through the Judiciary Electronic Filing System. Please monitor your email for future notifications.

Case ID: 1EQ000002048

Title: IN THE MATTER OF THE ESTATE OF BERNICE P BISHOP

Filing Date / Time: THURSDAY, DECEMBER 26, 2024 04:02:17 PM

Filing Parties: Rhonda Griswold
Summer Shelverton
Pohai Campbell

Case Type: Trust

Lead Document(s): 5534-Notice

Supporting Document(s): 5535-Proposed Order

Document Name: 5534-Notice of Anticipated Vacancy; Stipulation for Appointment of a Master and a Trustee Screening Committee and Order; Exhibits A-D
5535-(Proposed) Order of Reference to Master

If the filing noted above includes a document, this Notice of Electronic Filing is service of the document under the Hawai'i Electronic Filing and Service Rules.

This notification is being electronically mailed to:
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Lane Kaiwi Tam Opulauoho (*kaiwi.opulauoho@hawaii.gov*)
Summer Gillenwater Shelverton (*sshelverton@cades.com*)
First Circuit Court 5th Division (*5thdivision.1cc@courts.hawaii.gov*)
Pohai Campbell (*pcampbell@cades.com*)

Eunice Park (*eunice.park@hawaii.gov*)

Nathan Sau Chung Chee (*nathan.s.chee@hawaii.gov*)

Howard Kong Kam Jr. (*howard.kam@crowe-trusta.com*)

Recorded Proceeding 1st Circuit (*CTAVAppeals.1cc@courts.hawaii.gov*)

Gary Shiro Sukanuma (*Gary.S.Sukanuma@hawaii.gov*)

Kristie K. Cruz Chang (*kristie.c.chang@hawaii.gov*)

Rhonda L. Griswold (*rgriswold@caedes.com*)

The following parties need to be conventionally served:

Eric H. Sonnenberg

CRYSTAL KAUILANI ROSE

Walter S. Kirimitsu

Elliot Kawaiho'olana Mills

Kamehameha Schools Trustee Screening Committee c/o Inkinen E

Converted Attorney
