



NEWS RELEASE

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STATE OF HAWAII PAYS LEGAL FEES TO HONOLULU STAR-ADVERTISER

Newspaper Fought Four-Year Legal Battle to Release Names of Judicial Nominees and Recover Legal Fees

HONOLULU – Hawaii Gov. David Ige approved the state’s final payment to the Honolulu Star-Advertiser in a legal battle that began nearly four years ago regarding the newspaper’s position that the public has a right to know the names of state judicial nominees. The newspaper eventually won its 2011 lawsuit against then Gov. Neil Abercrombie, but the state challenged the Star-Advertiser’s rights to legal fees, as required by law.

In the end, the state’s efforts to block the Star-Advertiser’s request for the names of judicial nominees and its subsequent efforts to fight recovery of the newspaper’s legal fees cost Hawaii taxpayers \$115,272.

“The Star-Advertiser was able to see this through to the end, even while the governor ordered appeals that delayed the outcome,” said Honolulu Star-Advertiser publisher Dennis Francis. “Unfortunately, the state’s reaction to our lawsuit is bound to give pause to those who might consider pursuing open records in government on their own.”

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The final payment of \$45,000 to the newspaper closes out a legal battle that began when Gov. Abercrombie refused to release the names of applicants hoping to become state judges.

Abercrombie claimed that releasing the names of unsuccessful applicants would create a “chilling effect,” and discourage people from applying for judgeships. But a state court judge ruled that the administration never provided proof of that assertion. In 2011, Circuit Court Judge Karl Sakamoto ruled against the state and eventually ordered the state to pay \$70,000 in attorneys’ fees and costs after the Star-Advertiser prevailed in the lawsuit. That began a drawn-out dispute over the newspaper’s attorneys’ fees, which was appealed twice to the state Intermediate Court of Appeals and once to the state Supreme Court. Those proceedings added \$45,000 in legal fees, which the state finally agreed to pay. State lawmakers approved a \$70,272 payment to the newspaper to cover the initial costs of the successful lawsuit and appropriated another \$45,000 this year to cover the newspaper’s costs during the appeals process.

Gov. Ige, a former state senator who beat Abercrombie by a large margin in the Democratic primary election for governor and went on to win the 2014 general election, signed the bill authorizing the final payment to the Star-Advertiser last week.

“When we filed suit in August 2011 to compel the governor to make public the names presented to him by the Judicial Selection Commission, it seemed to be a straightforward case of the public’s right to know that could be resolved fairly quickly,” said Francis, who, along with being Star-Advertiser publisher, also is president of the newspaper’s parent company, Oahu Publications, Inc.

Robert Thomas, an attorney with Damon Key Leong Kupchak and Hastert, which represented the Star-Advertiser, said that state law allows people to recover their lawyers’ fees and court costs when they successfully force the state government to release records that should be public.

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“I think it’s really unfortunate that Hawaii taxpayers had to pick up the tab for this,” Thomas said. “This case should have been resolved years ago but for whatever reason, the state dug in its heels and this is how it ended up.”

Francis said that as Hawaii’s only statewide daily newspaper, the Honolulu Star-Advertiser has a special obligation to fight for open government records and the public’s right to know.

“Thankfully, we were successful in this case. We just hope that other publications and individuals who challenge government’s attempts to keep public information private are not discouraged by how long it took for the Star-Advertiser to prevail in this case.”

The Honolulu Star-Advertiser is Oahu’s leading provider of in-depth, consistent and credible local news and information. It has an average weekly readership of 537,105, or 72 percent of Oahu adults, according to Scarborough Research. Its website, staradvertiser.com, receives more than 18 million monthly page views worldwide as measured by Google Analytics and is “Liked” by 315,000 Facebook users, ranking eighth in the nation among daily newspapers. The Honolulu Star-Advertiser is the flagship publication of Oahu Publications, Inc., whose portfolio also includes The Garden Island, MidWeek, MidWeek Kauai, the Hawaii Tribune-Herald, West Hawaii Today, the Hawaii Army Weekly, Hawaii Marine, Ho’okele, HILuxury, and a growing roster of community periodicals and in-room resort magazines.

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