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## Legal system failed in Bishop Estate scandal

"Broken Trust" authors Samuel King and Randall Roth are renewing questions about the culpability of Hawai'i's legal system in the scandal that resulted in the removal of five Kamehameha Schools/Bishop Estate trustees nearly a decade ago.

In an article in the August issue of the American Bar Association's ABA Journal entitled ["Erosion of Trust,"](#) the authors ask, "So where were the lawyers?"

"Many were there for decades at the trustees' side, collecting fees amounting to tens of millions of dollars of the charity's money for work that often benefited only the personal interests of the trustees," wrote King and Roth.

They also slammed Supreme Court justices and members of the state Judicial Selection Commissions for cronyism in selecting trustees who were then paid \$1 million-a-year, and for entangling a charitable trust intended to educate Hawaiian children with Hawai'i's political establishment.

"At numerous points as the scandal unfolded, judges issued rulings that severely hampered efforts by the press, the Kamehameha Schools' 'ohana and even the state attorney general to seek accountability from the Bishop Estate trustees," they wrote.

King, a senior federal district judge, and Roth, a UH law professor, said it took the "heavy hand" of the IRS to force a state court to remove the trustees, and that judges and lawyers were never held to account for their actions.

"Although court-appointed masters had earlier recommended that the trustees be ordered to reimburse the trust millions for legal fees that were paid with trust funds, and to pay millions more in surcharges, the settlement terms did not require the trustees to pay any of their own money to anyone," they wrote.

"The trustees did not even have to admit to any wrongdoing. The judge who encouraged and approved this settlement said he was doing so in the interests of 'closure' and 'healing.' "

Roth pressed similar points in a March appearance before the Committee on Judicial Independence and Accountability sponsored by the American Judicature Society — Hawaii Chapter, complaining that no organization that is supposed to protect the integrity of Hawai'i's Judiciary ever sought answers about the role of judges and lawyers in the Bishop Estate scandal.

"Something is wrong with the system of judicial accountability when serious questions can be raised about the conduct of a state's entire Supreme Court without an official body

either coming to the defense of those justices or taking steps to hold those justices accountable," Roth said.

"Why has everyone stuck his, her, or its head in the sand over a matter of such monumental importance? Doesn't the deafening silence and lack of action indicate to you that something is wrong with the system of judicial accountability in Hawaii?"