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**Second Circuit Court Chief Judge Joseph E. Cardoza** talks about the genesis of Hawaii's Environmental Court during Wednesday's event marking its fourth anniversary. Cardoza, who is retiring Sunday, has been Environmental Court judge for the 2nd Circuit since its inception.

# Environmental Court celebrates four years

Celebration was held for anniversary and retirement of its judge

By **LILA FUJIMOTO**  
Staff Writer

WAILUKU — With more than half of state Environmental Court civil cases filed on Maui, the fourth anniversary of the court was celebrated in words and song Wednesday at the Wailuku courthouse.

"It's entirely fitting that we mark this anniversary on Maui," said state Sen. Gil Keith-Agaran, who introduced the Senate bill that became Act 218 to establish environmental courts to provide more consistent application of environmental laws.

Saying he "probably had the smallest role in getting this bill passed," Keith-Agaran acknowledged Maui legislators who introduced earlier versions of the bill, those who lobbied for environmental court and judges who helped get the courts off the ground after the bill was passed.

When Act 218 became law on July 7, 2014, Hawaii became only the second state to have a statewide system of environmental courts, said 2nd Circuit Chief Judge Joseph Cardoza, who has served as Environmental Court judge.

"It gives us the opportunity to protect this beautiful island paradise we live in," Cardoza said.

Keith-Agaran said the state is part of a trend to create environmental courts and tribunals throughout the world. "I hope we have begun to change the perception that these cases have less importance than others," he said.

Longtime community organizer and environmental advocate Jan Dapitan, who helped spearhead the establishment of the court, was among those at the gathering at Hoapili Hale.

"She's really been a champion for this cause," said Marti Townsend, executive director of the Sierra Club Hawaii. "But for her, we wouldn't be celebrating today."



**Second Circuit Judges Joe Cardoza** (left) and Richard Bissen share a moment Wednesday at the Wailuku courthouse. Cardoza will be retiring Sunday after 20 years on the bench.



**Hawaii Supreme Court Associate Justice Michael D. Wilson** describes how Hawaii's Environmental Court has become a model for the world. Wilson, a former chairman of the state Board of Land and Natural Resources, headed the Judiciary's Environmental Court Working Group that helped implement Environmental Court statewide.

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# Court

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With environmental courts operating in circuit and district courts statewide since 2015, “we’re seeing an improvement in enforcement of environmental laws and compliance across the board,” Townsend said.

“It really is doing a lot to protect the quality of life for Hawaii’s residents,” she said.

From the court’s beginnings on July 1, 2015, to the end of the last fiscal year on June 30, 2018, there were 32 civil Environmental Court cases filed statewide, including 19 on Maui, said Wailuku attorney Lance Collins.

As of March this year, the Maui total was 22, said Collins, who represented plaintiffs in all but three of the cases.

On the day of the official Environmental Court rollout,

after the filings division opened, “seconds later, Lance Collins files the first Circuit Court Environmental Court case,” Cardoza said.

“He’s been a tireless worker in assisting many, many individuals in this community as well as throughout the state,” Cardoza said.

That first case, Stop Cane Burning v. Director of the Department of Health, was settled in May 2016.

Cardoza said Maui County also has the highest number of District Court filings in Environmental Court.

Along with celebrating Environmental Court, those at the ceremony paid tribute to Cardoza, who is retiring Sunday after 20 years on the bench.

Hawaii Supreme Court Associate Justice Michael Wilson said he was there “because of a hero to the Judiciary that’s retiring.”



**Hawaii Environmental Court advocate** and pioneer Jan Dapitan is bracketed by attorney Lance Collins, who has filed the most cases in Environmental Court in the 2nd Circuit, and Hawaii Sierra Club Executive Director Marti M. Townsend, during Wednesday’s event at Hoapili Hale in Wailuku.

Wilson, who headed the Judiciary’s Environmental Court Working Group to implement

Environmental Court, said Cardoza has been the judge that many people looked up to.

While Wilson compared Cardoza to “Star Wars” legendary Jedi Master Obi-Wan Kenobi, the justice quoted 2nd Circuit Judge Peter Cahill as saying, “We think of him like Yoda.”

“It’s hard to describe how much difference he’s made to many,” Wilson said.

He said Cardoza has a “grounded, down to earth, commonsense approach to the law because of his love of the community.”

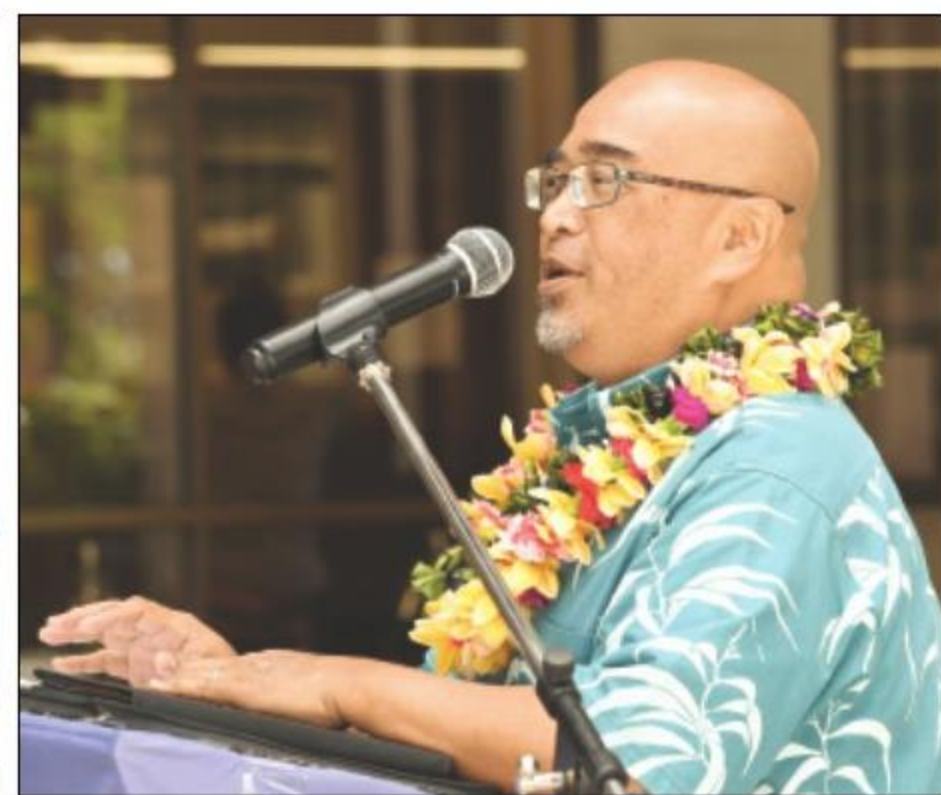
Wilson, former chairman of the state Board of Land and Natural Resources, said the working group turned to seasoned judges like Cardoza, who described the Environmental Court as “historic.”

“At this point, after being sort of a legend as a judge and seeing lots of specialty courts . . . Judge Cardoza had seen them all,” Wilson said. “But for him to say it was historic was something that was prescient.”

Cardoza said Wilson has become one of the leading authorities in the world on the development of environmental courts.

“Our state is very special, not only for its beauty and cultural history, but for its laws,” noting that “the spirit of aloha” is part of state law, Cardoza said.

He reflected on how as a youngster, he and others would go hiking deep into the



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**State Sen. Gil Keith-Agaran**, who represents Wailuku, Waihee and Kahului, introduced the Senate bill that became Act 218 establishing environmental courts in Hawaii. It became law on July 7, 2014.

West Maui Mountains, taking a backpack, water and cane knife.

“We would explore that part of the island,” he said. “We would always return home safely. Our parents trusted us.”

Cardoza described a “very special spot in Iao Valley” with “majestic sheer cliffs and waterfalls dropping hundreds of feet” on one side.

“That was my backyard,” he said. “That was amazing.”

He remembered how his parents would invite visitors over to the house. “Their words painted a picture for me of the rest of the world,” Cardoza said.

When they saw a taxi they thought might be carrying tourists, they would run along barefoot and in shorts shouting, “Aloha, aloha,” Cardoza said. If the taxi stopped, they would ask the tourists where they were from.

Cardoza recalled how his father knew airport workers who would “let us take baggage carts out on the concrete ramp where we would play” until planes were about to land.

“That was the Maui I grew up in,” he said. “How fortunate we were to grow up in such an environment.”

Cardoza said each case is decided based on its unique facts and the law.

“Environmental Court cases present extremely difficult issues,” Cardoza said. “They are serious issues concerning the future of our land and resources, as well as immediate

needs and future of our people. And that includes the need to feed and clothe your loved ones. Fortunately, we have the law to guide us.”

The judge noted that “the court is still in its infancy.”

“And the issues that will be presented to our Environmental Courts in the future will be challenging,” he said. “In order to protect our environment and to protect the needs of our community, we need to find ways of creating success for all concerned. And that is a daunting task.

“We will not succeed if we focus on our differences.”

The ceremony Wednesday included songs written about some Environmental Court cases and performed by Kamalei Kawa’a of Na Wai ‘Eha.

Several people brought lei for Judge Cardoza.

“We appreciate Judge Cardoza. He’s been willing to listen,” said Lucienne de Naie, vice chairwoman of the Sierra Club Hawaii Chapter. “He’s been our wise and loving jurist.”

With his retirement, Cardoza said 2nd Circuit Judges Rhonda Loo and Peter Cahill will serve as Environmental Court judges. For cases in District Court, Deputy Chief Judge Kelsey Kawano and Judge Kirstin Hamman will serve as Environmental Court judges.

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