

THOMAS D. FARRELL
ATTORNEY AT LAW
Certified Family Law Specialist*
A Limited Liability Law Company

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AREAS OF PRACTICE: Civil litigation, specializing in family law, (divorce, domestic violence, child abuse, custody, paternity, elder abuse and child support enforcement), national security law, criminal defense, constitutional law and civil rights, legislation and appellate advocacy.

EDUCATION:

U.S. ARMY WAR COLLEGE, Carlisle, Pennsylvania; Master of Strategic Studies (2002)
UNIVERSITY OF SANTA CLARA, Santa Clara, California; Juris Doctor (1980)
UNIVERSITY OF HAWAII, Honolulu, Hawaii; Bachelor of Arts (1977)
PUNAHOU SCHOOL, Honolulu, Hawaii (1974)

EXPERIENCE:

2007-present: Thomas D. Farrell, AAL, LLC (Honolulu, Hawaii). Conduct jury and bench trials in Family Court involving contested divorce, local and inter-state child custody disputes, contested guardianships, criminal domestic violence, child protective services and enforcement of child support. Hawaii's first and only board-certified specialist in family law since 2002. Inaugural class, Hawaii SuperLawyers™ (Family Law 2008). Also represent service members, civilian employees, and defense contractors in cases involving denial or revocation of Department of Defense security clearances.

1995-2007: Senior Counsel, Coates & Frey (Honolulu, Hawaii). Lead trial counsel in Honolulu's oldest and largest family law practice. Coordinate trials among nine attorneys, establish and implement litigation policy and procedures, assist other attorneys with formulation of strategy, tactics, and case management.

1982-1995: Deputy Attorney General, State of Hawaii. General counsel to the Department of Human Services, Department of Public Safety, and Child Support Enforcement Agency. Represented the State before all state and federal courts and administrative tribunals. Conducted investigations and prosecuted civil and criminal enforcement actions. Provided legal advice to the Governor, Legislature, and state officials. Drafted and reviewed legislation, contracts and administrative rules. Provided training to state employees on legal issues.

1981-82: Attorney, Gerson Steiner & Anderson (Honolulu, Hawaii). General civil practice in a four-lawyer firm. Conducted jury and bench trials in federal and state courts. Wrote opinions, filed motions and conducted discovery. Gained a working knowledge of collections, real-estate, construction, subrogation and bankruptcy.

1980-81: Lieutenant, United States Army. Student at the Army Intelligence Center & School, Fort Huachuca, Arizona. Specialized in counterintelligence, electronic warfare, aerial reconnaissance and foreign military forces.

1979-80: Certified Law Student, Rankin O'Neal et al. (San Jose, California). Law clerk and certified law student practitioner for an insurance-defense firm.

1979-80: Law Tutor, University of Santa Clara. Conducted a weekly tutorial in real property for first-year law students.

1979: Summer Associate, Davis Playdon & Gerson (Honolulu, Hawaii). Conducted research and assisted with trial preparation.

1978: Summer Intern, U. S. Senator Spark M. Matsunaga. Provided research on legislation, drafted correspondence, speeches and press releases, assisted with constituent case work.

SIGNIFICANT CONTRIBUTIONS:

Family Law: Represented clients in contested proceedings on all family court calendars, including divorce, paternity, juvenile, adoption, child protective services, criminal, and domestic abuse. First and only board-certified family law specialist in Hawaii. Named to Hawaii SuperLawyers™ since 2008. Tried, mediated or settled hundreds of business valuation, property division, alimony and custody disputes. Author: Chapter 13 “The Military and Divorce” Hawaii 2022 Divorce Manual, Co-Author, “Equitable Distribution in Divorce in Hawaii,” “Trusts and Estate Planning in Divorce,” (NBI Course Materials); Lecturer on Family Law for Hawaii Institute on Continuing Legal Education, Lorman Educational Services, National Business Institute and others. Volunteer Settlement Master appointed by Family Court; Chair, Family Law Section, Hawaii State Bar Assn. (2011); Chair, Family Court Property Division/Asset & Debt Committee; Member, Permanent Family Court Rules Committee; Member, Board of Examiners, National Board of Trial Advocacy (2006-present).

Child Support Enforcement: Authored legislation establishing Hawaii’s Child Support Enforcement Agency (Chapter 576D, HAW. REV. STAT.), requiring all child support payments to be made via automatic payroll deduction (Act 332, 1986 Session Laws), and creating an administrative process for the establishment and enforcement of support (Chapter 576E, HAW. REV. STAT.). Defended the agency in appeals to the family court, and began the use of writs of execution to collect in high-profile cases.

Child Welfare Services: Won rulings affording protective services workers absolute immunity from federal civil rights suits and advocated legislation affording identical immunity from state-law claims (§ 350-3, HAW. REV. STAT.). Investigated sex abuse in preschools and prevailed in license-revocation hearings and appeals. Authored legislation to require criminal history record checks of day care licensees and to open licensing files to public inspection (§§ 346-153-154, HAW. REV. STAT.). Successfully defended the state's right to license church-run day care centers and to outlaw corporal punishment in private preschools. Investigated and brought suit to close abusive "wilderness therapy" programs for troubled adolescents. Successfully defended parents falsely accused of child abuse.

Elder Law: Principal author of Hawaii's Dependent Adult Protective Services Act (Part X, Chapter 346, HAW. REV. STAT.). Developed forms and procedures to implement the new act, trained social workers, and brought the first cases. Investigated exploitation of elderly residents and brought legal action to shut down fraudulent “retirement community.” Served as counsel to the Public Guardian in numerous guardianship proceedings. Tried contested guardianship cases in family and probate court.

Public Assistance: Counsel of Record for twenty-six amicus states in successful U. S. Supreme Court appeal. Wrote the Attorney General opinion holding that medicaid recipients have an independent state constitutional right to coverage of elective abortions. Defended the state in numerous welfare rights cases involving issues of procedural due process, administrative rule-making, welfare entitlements of fetuses and illegal aliens, medicaid coverage of transsexual surgery and organ transplants, no-fault insurance, welfare fraud and paternity.

Corrections: Defended civil rights actions challenging prison strip searches, law library access, disciplinary hearings, interstate transfers, and prison limits on religious practices and media access. Revised legal training curriculum for Adult Correctional Officer trainees. Successfully defended correctional officers in bench and jury trials involving alleged assaults on inmates. Authored *Prisoner Litigation in Hawaii: A Special Report to the Legislature* (1989); *Why the Religious Freedom Restoration Act is Unconstitutional*, HAWAII BAR JOURNAL (June 1995).

Other: Investigated discrimination against welfare recipients in the rooming house industry; drafted and advocated passage of Hawaii's Rooming House Fair Practices Act (§§ 445-95.1 *et seq.*, HAW. REV. STAT.); and brought civil actions to enforce the act. Investigated state contractors providing services to the homeless and to battered women.

PROFESSIONAL AND COMMUNITY INVOLVEMENT:

Admissions: Hawaii (1980), Ninth Circuit (1980), U. S. Supreme Court (1987).

Certifications: Supreme Court of Hawaii, Specialist in Family Law (2002); National Board of Trial Advocacy Certified Family Law Trial Advocate (2002) (recertified 2007, 2012, 2017, Senior Specialist 2022).

Hawaii State Bar Association: Chair, Family Law Section, Hawaii State Bar Association (2011). Lawyer Information & Referral Service (Chair, 1999-2001 and 2008-2010); Government Attorneys Section (Chair, 1993); participant LegaLines, Professionals for Drug Free Kids, Speaker's Bureau. Arbitrator, Court-Annexed Arbitration Program. Member, Strategic Planning Committee (1994-95, 1999). Co-Authored *Government Attorney Compensation: A Comparative Study* (HSBA 1993). 1988 Award from Health & Community Services Council for *pro bono* services to the elderly; HSBA Outstanding Volunteer Award (June 2000). Board of Directors, Volunteer Legal Services Hawaii (2011-2018), Hawaii Access to Justice Commission Outstanding Pro Bono Attorney (2018).

United States Army Reserve: Colonel (retired), Military Intelligence. Mobilized and served in Baghdad 2005-2006 as G2, 322nd Civil Affairs Brigade (TF-351), Multi-National Corps Iraq. Past assignments have included tours as Scout Platoon Leader and Intelligence Officer - 100th Battalion/442d Infantry; Opposing Forces Controller; Executive Officer - 114th Military Intelligence Detachment; Instructor/TAC Officer - Hawaii National Guard Officer Candidate School; Secretary to the General Staff - IX Corps (Reinforcement); Commander - 305th Public Affairs Detachment; Commander, U. S. Army Japan Support Unit. Graduate, Military Intelligence Officer's Advanced Course, Civil Affairs Officer's Advanced Course, U. S. Army Command & General Staff College, Defense Information School, and U. S. Army War College. Also mobilized and served on active duty in support of Operation Noble Eagle (homeland defense) from November 2001 to April 2002. Decorations include Bronze Star, Legion of Merit, Meritorious Service Medal. Retired October 2006 with 29+ years of commissioned service.

Other associations: Community Elder Abuse & Neglect Task Force (Founding Member); American Association of Public Welfare Attorneys (Director, 1987); Hawaii Correctional Association; Waikiki Jaycees (President, 1985-86), Go For Broke Association.

REPORTED DECISIONS:

Federal Courts: *Gardebring v. Jenkins*, 485 U.S. 415 (1988); *Allen v. City & County of Honolulu*, 39 F.3d 936 (9th Cir. 1994) *decision below* 816 F.Supp. 1501 (D. Haw. 1993); *Kali v. Bowen*, 800 F.2d 971 (9th Cir. 1987); *Largo v. Sunn*, 835 F.2d 205 (9th Cir. 1987); *Rubin v. Sullivan*, 928 F.2d 898 (9th Cir. 1991) *decision below* 720 F.Supp. 840 (D. Haw. 1989); *Sims v. Falk*, 877 F.2d 31 (9th Cir. 1989); *Tomas v. Rubin*, 926 F.2d 906 (9th Cir. 1991) *modified* 935 F.2d 1555 (9th Cir. 1991); *Vierra v. Rubin*, 915 F.2d 1372 (9th Cir. 1990); *Belgard v. State of Hawaii*, 883 F.Supp. 510 (D. Haw. 1995); *Granito v. Sunn*, 594 F.Supp. 410 (D. Haw. 1984); *Mujahid v. Apao*, 795 F.Supp. 1020 (D. Haw. 1992); *Mujahid v. Sumner*, 807 F.Supp. 1505 (D. Haw. 1992).

Hawaii Courts: *Lagua v. State*, 65 Haw. 211 (1982); *Punohu v. Sunn*, 66 Haw. 485 (1985) and 66 Haw. 489 (1985); *Yamamoto v. Sunn*, 67 Haw. 621 (1985); *Burk v. Sunn*, 68 Haw. 80 (1985); *State v. Gilbert*, 68 Haw. 226 (1985); *Costa v. Sunn*, 5 Haw. App. 419 (1985); *Puana v. Sunn*, 69 Haw. 187 (1987); *Cudal v. Sunn*, 69 Haw. 336 (1987), *Hawaii Blind Vendors Ass'n. v. Department of Human Services*, 71 Haw. 367 (1990); *Davis v. Rubin*, 9 Haw. App. 198 (1991); *Wallen v. Wallen*, 108 Hawai'i 378 (App. 2005); *Ramsey v. Ito*, 128 Hawai'i 131 (App. 2012); *Vockroth v. Vockroth*, 130 Hawai'i 435 (App. 2013); *KL v. RL*, 145 Hawai'i 297 (App. 2019); *JL v. MV*, 148 Hawai'i 274 (App. 2020).