

WE GIVE YOU

Hawaiian Telcom

CLICK HERE

Star Bulletin 100

Vol. 13, Issue 40 - Saturday, February 9, 2008

The only way
to get cheaper
local calling is to

Info | Mobile Edition | Corrections | Calendars | Movies
Obituaries | Vital Stats | Weather | Surf | Subscribe

Search

© starbulletin.com Internet

Breaking News

» Sports Illustrated honors Punahou

PM Update

» Man allegedly hits, threatens woman

autos | jobs | homes
newspaper ads | travel

quicklinks

- Classifieds
- Newspaper Ads
- Government Section

SPECIAL SECTIONS

- Island Homes
- Food For Thought

the BIG

Reader Poll

How high will gas prices have to go before you stop driving and use other means of transportation?

Back Issues

(1996-Present)
S | S | M | T | W | T | F

Sections

- Local News
- Features
- Sports
- Business



COURTESY OF KAMEHAMEHA SCHOOLS / MAY 2007
Students at the Kamehameha Schools' Kapalama campus hold hands as a sign of unity during a school assembly following the news of the out-of-court settlement of the John Doe case challenging the schools' admissions policy.

\$7M

An attorney involved in a challenge to Kamehameha Schools' Hawaiians-only policy reveals the amount of a settlement

» Amount raises critical concern

STORY SUMMARY »

A lawyer who represented an unnamed student who challenged

Inside | Feb. 9

Hawaii News

- » Hawaiian Telcom chiefs ring up big pay
- » Schools initiated enrollment settlement
- » Amount of settlement raises critical concern
- » Rough sailing forces Superferry on early break
- » Efforts push Liliha area as a tourist spot
- » State reserve closed due to lava
- » Commuter ferry ridership drops
- » Cancer researchers urged to apply for grants
- » Health centers appeal for funding
- » A spree of vandalisms hits Paia shops
- » 2 soldiers face trial in death of Iraqi
- » State grants available for organic companies
- » Longtime doctor protested U.S. wars
- » Newswatch, Police/Fire
- » Signs of Hawaiian Life in the Universe
- » Whatever Happened
- » Island Images
- » Obituaries
- » Corrections
- » Weather

Features

- » Get yourself in fighting shape with MMA
- » Jazz series tops Lenten events
- » Buddhist relics on

Editorial

Travel (Sunday)

Corrections

Blogs

Calendars

Movies

Directory

E-Mail Headlines

RSS/XML Feeds

Freelancers

Subscribe



Classifieds

Autos

Island Homes

Jobs

Government Section

Bidding Advantage

Advertise



Kamehameha Schools' admissions policy said the schools made the first move to settle the case and later paid \$7 million in a confidential out-of-court settlement.

John Goemans was one of the lawyers for the unnamed non-native Hawaiian student who challenged the schools' policy that gives preference to applicants with Hawaiian blood.

Grant and Kamehameha Schools declined yesterday to comment on Goemans' remarks.

Supporters and critics expressed surprise yesterday at the amount.

STAR-BULLETIN

FULL STORY »

By Ken Kobayashi
kkobayashi@starbulletin.com

Kamehameha Schools made the first move to settle a legal challenge to their admissions policy giving preference to native Hawaiians and later agreed to pay \$7 million, a lawyer involved in the case said yesterday.

John Goemans, an attorney for an unnamed non-native Hawaiian student who filed a lawsuit contesting the policy, said the charitable trust offered for the first time to talk about an out-of-court settlement last May, just days before the U.S. Supreme Court was to decide whether to hear the case.

Goemans, a former Big Island attorney recuperating in Florida from heart surgery, and Sacramento, Calif., lawyer Eric Grant, the lead attorney, represented the unnamed student and his mother.

"They (the schools) approached Eric and said we wanted to settle and we have to settle by Friday morning," when it was believed the high court was to make a decision about accepting the case, Goemans said.

He said it appeared the high court would accept their appeal of an 8-7 decision by the 9th U.S. Circuit Court of Appeals that upheld the policy.

"They (the schools) were worried about losing in the Supreme Court," Goemans said.

Goemans said he did not know how Grant and the Kamehameha Schools arrived at the \$7 million figure.

The hotly disputed federal civil rights lawsuit caused a firestorm of controversy among Kamehameha Schools supporters who believed the challenge struck at the more than century-old admissions policy and the heart of the charitable trust's mission to educate children of Hawaiian ancestry.

- display at KCC
» Jewish films feature the modern, historical
» Wood Craft
» Health Options
» Religion
» View from the Pew
» On Faith

Sports

- » Pro Bowl: Redskins honor Sean Taylor
» Pro Bowls not enough for Ocho Cinco
» 'Bows look to reverse fortunes at Nevada
» Past, present UH baseball teams meet
» June Jones does not forget bonuses
» UH volleyball team sweeps past alums
» Herron stands alone atop Pebble Beach
» Dydasco puts Kamehameha in final
» Meier hustles Owls past Warriors
» Iolani edges Punahou to win ILH championship
» Notebook
» Hawaii Beat
» Scoreboard
» TV & Radio

Business

- » Change may be high priced for Ward tenants
» Hotel back on sales block after 3 years
» Isle port proposal raises concerns
» Heartland now top stockholder in Mesa
» Business Briefs
» Market Watch
» Hawaii Stock Index
» WSJ Sunday
» Dilbert

Editorial

- » Power distribution key to expansion of renewable energy
» Letters

Columns | Feb. 9

Island Images

S-B Photographers

Wood Craft

Ben Wood

View from the Pew

Mary Adamski

Health Options

A
S
S
C
P
S
S
C
W

L
S
C
N
fr
S
P
P

C
L
U
L
h
c
w

A
S
S
a
L
C
ki

The confidential settlement was announced on May 14. Those connected with the case repeatedly refused to disclose the terms.

Joannie Dobbs & Alan
Titchnal

Goemans said he was disclosing the amount because he said he recently learned from Internal Revenue Service officials that Kamehameha Schools, a tax-exempt charitable trust, cannot keep the figure confidential.

Tools

Email this article

Printer-friendly

E-mail City Desk

"Because exempt organizations operate in the public good, you got to report all your expenses with particularity, and you cannot keep information relative to those expenses confidential," he said. "It's in the public interest to have full disclosure."

Ann Botticelli, Kamehameha Schools spokeswoman, said yesterday the settlement contained a confidentiality clause.

"We intend to honor the terms, and we will not be discussing the settlement or John Goemans' assertions," she said.

Grant said yesterday he had no comment.

Kamehameha Schools, a multibillion-dollar charitable trust and the state's largest private landowner, was established under the 1883 will of Princess Bernice Pauahi Bishop. It educates more than 6,700 students at its flagship campus at Kapalama Heights, two other campuses on Maui and the Big Island, and 31 preschools throughout the state.

Senior U.S. District Judge Alan Kay upheld the school's Hawaiians-first policy, but a panel of the appeals court in San Francisco ruled 2-1 that the practice violated federal civil rights laws. That decision triggered statewide protests and marches by school supporters.

Later, a larger appeals court panel voted 8-7 to uphold the policy.

It was an appeal by Grant of that 8-7 ruling that was on the doorsteps of the U.S. Supreme Court when the settlement was announced.

At the time, school officials indicated that the settlement calling for the dismissal of the lawsuit leaves intact the appeals court's 8-7 decision upholding the admissions policy.

But the dismissal does not guarantee that another lawsuit might surface and make its way to the high court, although it would first have to go through the federal trial and appeals courts, where the 8-7 ruling would be considered to be binding on the issue. But even if those who file the new lawsuit lose on those two levels, they could still ask the high court to review the case.

Honolulu attorney David Rosen said he has plaintiffs for a lawsuit to challenge the admissions policy. He said the settlement does not affect his case. Rosen said he expects the suit will be filed this year.

Goemans said Grant received 40 percent, or \$2.8 million of the \$7 million. Goemans said he is preparing to file his own lawsuit seeking to recover a "reasonable percentage" of the \$7 million for his work

in the case.

Goemans said he found the unnamed student and arranged for Grant to be the attorney for the student and his mother.

"I put the whole thing together," Goemans said. "But for me there would not have been a \$7 million payment."

The student never was admitted to Kamehameha Schools because his case was pending. He has since graduated from high school and had been attending college, Grant said last year.

Type in your comments to post to the forum

Name
(appears on your post)

Comments

Type the numbers you see in the image on the right:



Post Comment

*Please note by clicking on "Post Comment" you acknowledge that you have read the [Terms of Service](#) and the comment you are posting is in compliance with such terms. **Be polite.** Inappropriate posts may be removed by the moderator. [Send us your feedback.](#)*

BACK TO TOP

© Honolulu Star-Bulletin -- <http://starbulletin.com>



Subscribe to the Print Edition



Copyright © 2008 starbulletin.com. All rights reserved.

News | Business | Features | Sports | Editorial | Calendars

Subscribe | Advertise | Classifieds | Advanced Search

Info | Letter to Editor | Feedback

500 Ala Moana Blvd. #7-210, Honolulu, HI 96813 808-529-4747

As featured on



