



## C. Michael Heihre

### PARTNER

Michael is a partner in the firm's Litigation Department. For almost five decades, he has served as lead counsel in some of the most notable civil litigation actions throughout the state.

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## Overview

Michael is a partner in the firm's Litigation Department.

For almost five decades, he has served as lead counsel in some of the most notable civil litigation actions throughout the state. He has been repeatedly recognized by *Best Lawyers in America*® in the categories of Bet-the-Company Litigation and Commercial Litigation, among others, and Benchmark Litigation identifies him as among the Litigation Stars in Hawai i.

As a trial lawyer, arbitrator, construction adjudicator, and mediator, he has sought to resolve disputes involving antitrust and trade law and regulations and issues grounded in business, commercial, construction, contract, financial, insurance, intellectual property, product liability, and real estate disagreements.

In those matters, clients have expressed their opinions on his representation; with some conveying their "deepest appreciation for [Michael's] invincible determination" and his "competency."

Recent illustrations of those opinions include the following:

*Michael is by far the best attorney I have ever worked with. He has an energy level and ability to map out and execute a strategy that is unmatched.*

– *Chambers and Partners, USA Guide, 2024*

*I feel as though I haven't adequately thanked you for all that you've done for us. The thought, craftsmanship, subtleties and wordsmithing that went into each filing, each letter, every document, was simply amazing. As you helped us through this process from the very beginning, as you worked with us and strategized with us, it almost seemed as though you were of the same cloth. You always gave more than 100% whatever you did to help us, and I just wanted to send you a heartfelt mahalo.*

– *Member, Board of Directors, non-profit corporation, June 10, 2023*

## Practices & Industries

### Agriculture & Food Distribution

### Construction

### Coronavirus Response

### Environmental

### Hospitality & Retail

### Intellectual Property

### Land Use, Zoning & Entitlements

- Historic Preservation & Native Hawaiian Rights
- Land Use Violations & Disputes

### Litigation

- Alternative Dispute Resolution
- Commercial Disputes
- Contested Case & Administrative Proceedings

### Real Estate

- Real Estate Disputes

### Trusts & Estates

- Trust & Probate Dispute Resolution & Litigation

### Water Resources

*As I have said to anyone who will listen, the work that you and your firm did for us over many years was exemplary in every respect. You are indeed one of the very best that I have ever seen. Even more important, I treasure the friendship with you that was formed in the crucible of the lawsuit. I hope that we can continue to stay in touch, and when my Hawai'i bucket list trip is coming up, you will learn about it well in advance.*

*– Partner and General Counsel of a national law firm providing legal and public affairs solution to clients worldwide, and a Fellow of the American College of Trial Lawyers, November 11, 2021*

Michael Heihre is a preeminent practitioner with vast expertise in complex disputes, including those involving antitrust, construction, and real estate claims. “He is in the first rank of any trial lawyer in the country,” states one source, while another notes that he “really stands out for his litigation skills in preparing and presenting in trials.”

*– Chambers and Partners, USA Guide, 2020*

*Lastly, I want to convey my congratulations to Mike and your entire team for such a resounding victory on so many fronts. It was a pleasure to work with every single person on your team. In my 32 years in practice, I have never worked with a trial team that was so uniformly qualified, dedicated, professional and, most surprisingly, cheerful and friendly. While I could not be happier for [client], I will miss working with your team, which was one of the joys of my career!!!*

*– National Mainland Trial Consultant, June 12, 2019*

*It has been an honor and great pleasure to work with you on this matter. You are the kind of litigator I wish every law student could grow to be. I sincerely hope our paths cross again sometime in the future.*

*– Retired Law School Professor and Trial Expert, June 17, 2019*

Michael's practice has been shaped by early experiences as pro bono lead counsel in land use, zoning, evictions, and native Hawaiian rights cases in federal and state courts. There, he gained a deep appreciation for the power of the law and the consequential social, cultural, and political impact of effective legal representation when aligned with the client's mission, vision, and values.

Michael is an avid sports fan, particularly of Olympic sports and the Olympic Movement. He holds a certificate from the Asian International Arbitration Centre for successfully completing a course on compliance with national and international standards in athletic competitions.

## Noteworthy

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## Experience

### Commercial and Business Litigation, Arbitration, and Mediation

- Arbitrator and mediator for disputes in business, commercial, contract, finance, intellectual

property, investment, tort, and trade practices matters

- Lead counsel in state and federal court litigation involving antitrust, competition, and trade practices; arbitration law; bad faith insurance practices; construction law; contract and tort claims; environmental laws; mergers and acquisitions of businesses; shareholder and derivative actions; franchises; hotel management agreements and related fiduciary duty issues; intellectual property; officers and directors; product liability; professional corporations; real estate transactions; real estate finance and development; and real estate partnerships and limited liability companies
- Lead counsel in state and federal court litigation involving insurance coverage for policyholders in commercial, construction, environmental, and property matters
- Lead counsel in state and federal litigation pertaining to land use development rights and lease disputes
- Lead counsel in state court litigation and mediations pertaining to securities laws and employee benefits
- Lead counsel in federal court litigation related to the design, financing, and development of alternative and renewable energy facilities
- Lead counsel in state court, federal court, and mediation proceedings pertaining to product liability actions

### **Class Action Litigation**

- Lead counsel in federal court class action regarding legal malpractice and breach of fiduciary duty claims
- Lead counsel in state court class action on insurance matters
- Lead counsel in state court class actions involving the sale and distribution of food products and vitamin supplements
- Lead counsel in putative federal court class action predicated on alleged violations of the Americans with Disabilities Act
- Lead counsel in state court class action involving the sale of luxury automobiles

### **Construction and Real Estate Litigation, Arbitration, and Mediation**

- Arbitrator and mediator in the resolution of disputes pertaining to residential, offices, hotels, resorts, industrial, and commercial properties
- Lead counsel for developers, contractors, lenders, and owners in federal and state court proceedings involving the design, development, financing, construction of residential, offices, hotels, resorts, industrial, and commercial properties

### **Court Annexed Arbitration Program**

- Arbitrator in more than 30 arbitrations in the Court Annexed Arbitration Program and the Pilot Project for Arbitration of Contract Cases (First Circuit Court, State of Hawai'i) involving tort and contract claims

### **Private Property, Government Regulation, and Takings (Government Acquisitions) Litigation**

- Lead counsel in state and federal court actions involving governmental ordinances and statutes pertaining to zoning by initiative and referendum; rent control; eminent domain (compulsory acquisition); just compensation; public use; regulatory takings (uncompensated government compulsory acquisition); and state historic preservation laws

- Lead counsel in federal and state court actions involving development of real property and damages; development of common interest communities and applicable covenants, conditions, and restrictions; and time share developments
- Lead counsel in arbitrations on the fair market value of property, calculation of fair market rent, and use restrictions for leasehold government property
- Lead counsel in state and federal court quiet title actions (resolution of disputes over title of property and boundaries)
- Lead counsel in real estate valuation arbitrations for residential, commercial, industrial, resort, and golf course properties and state court litigation involving leaseholds and permits for use of property interests including submerged properties
- Pro bono lead counsel in land use, zoning, evictions, and native Hawaiian rights cases in federal and state courts

## Awards

- Listed in *Best Lawyers*<sup>®</sup>, since 1995
  - Arbitration
  - Bet-the-Company Litigation
  - Commercial Litigation
  - Construction Law
  - Eminent Domain and Condemnation Law
  - Litigation – Construction
  - Litigation – Real Estate
  - Real Estate Law
- *Best Lawyers*<sup>®</sup> Lawyer of the Year
  - Eminent Domain and Condemnation Law, Honolulu, 2026
  - Construction Law, Honolulu, 2025
  - Eminent Domain and Condemnation Law, Honolulu, 2024
  - Bet-the-Company Litigation, Honolulu, 2020
  - Eminent Domain and Condemnation Law, Honolulu, 2015
  - Litigation-Real Estate, Honolulu, 2013
  - Construction Law, Honolulu, 2010
- Listed in *Super Lawyers*<sup>®</sup>, 2008-2017, 2019-2022
- *Benchmark Litigation*, Litigation Star
- Listed in *Chambers and Partners*, USA Guide, Litigation (Band 1), since 2003
- *Martindale-Hubbell*, AV Preeminent<sup>®</sup> Peer Review Rated, Judicial Edition, since 2014

## Community Involvement

- Pro bono legal counsel to Huikala Baptist Church on selected legal issues

## Credentials

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### Education

- B.A with Highest Honors, University of Hawai'i
- J.D. Georgetown University Law Center
- Diploma, International Commercial Arbitration, The Chartered Institute of Arbitrators
- Advanced Mediation Skills, (21 hours of training), Pepperdine University School of Law, Straus Institute for Dispute Resolution
- Mediating the Litigated Case (42 hours of training), Pepperdine University School of Law, Straus Institute for Dispute Resolution
- Construction Adjudication Conversion Course, Kuala Lumpur Regional Arbitration Centre (nka Asian International Arbitration Centre)
- Completion of the Certificate Programme in Sports Arbitration (September 24-27, 2018), Asian International Arbitration Centre

### Admissions

- State of Hawai'i Courts
- United States District Court for the District of Hawai'i
- United States Court of Appeals for the Ninth Circuit
- United States Supreme Court

### Membership

- Litigation Counsel of America, Fellow
- American Arbitration Association, Panelist
- Asian International Arbitration Centre (Panels of Arbitrators, Adjudicators, and Mediators)
- Chartered Institute of Arbitrators, Fellow
- Dispute Prevention & Resolution, Inc., Panel of Neutrals (Honolulu)
- Hawaii State Bar Association
- International Centre for Dispute Resolution, Panelist
- Malaysian Institute of Arbitrators, Fellow
- Malaysian Society of Adjudicators, Fellow
- Society of Construction Lawyers (Malaysia), Member