



John P. Duchemin

PARTNER

John has represented a diverse range of clients in areas of law including condominium associations, real estate, media, insurance, commercial contracts, and Internet and privacy law.

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Overview

John has represented a diverse range of clients in areas of law including condominium associations, real estate, media, insurance, commercial contracts, and Internet and privacy law. His clients have included the large (media companies, multinational banks, insurance carriers, international law firms) and the small (condominium owners, real estate brokers, inventors, artists, non-profit organizations, individual homeowners, and small businesses). His advocacy has resulted in several precedent-setting victories for his clients in the state Supreme Court.

John provides legal counsel on a wide range of real estate-related litigation, including disputes involving condominium associations, fee-simple property owners, title insurers, landlords and tenants, lenders and borrowers, and individual landowners and condominium owners. He has represented these parties in actions to quiet title, partition property, resolve boundary disputes, secure adverse possession; in foreclosure, summary possession, and ejectment proceedings; and in challenges to the enforcement of the state Condominium Code and condominium bylaws, declarations, and house rules.

As a former member of the press, John retains a passion for free-speech and privacy issues. A substantial portion of his practice is devoted to representing members of the press, religious groups, non-profit organizations, political action committees, and other clients in cases involving Internet speech, defamation, personal and medical privacy issues, freedom of religion and speech, and access to government and court records.

In the area of insurance, John has represented insurance carriers and insureds in complicated coverage disputes, including a number of cases that have resulted in favorable and precedent-setting state court opinions.

Before joining Cades Schutte in 2012, John worked as a litigator in the Silicon Valley office of one of the largest trial law firms in America, and represented some of the world's most prominent technology companies and venture capitalists. John was extensively involved in multibillion-dollar patent litigation between several of the world's largest smartphone, DVR, and wireless router manufacturers, and represented other high-profile Silicon Valley technology and venture capital firms as plaintiffs or defendants in patent infringement, trademark infringement, and general contract litigation in federal district court and before the

Practices & Industries

Agriculture & Food Distribution

Banks & Financial Institutions

Construction

Educational Institutions

Energy

First Amendment, Advertising, Media & Entertainment

Health Care

Hospitality & Retail

Insurance Coverage & Defense

Intellectual Property

Litigation

- Alternative Dispute Resolution
- Commercial Disputes

Non-profit & Tax-Exempt Organizations

Real Estate

- Condominiums & Planned Development
- Quiet Title/Partition
- Real Estate Disputes

Trusts & Estates

- Trust & Probate Dispute Resolution & Litigation

Water Resources

International Trade Commission.

John obtained his B.A. in economics from Pomona College in 1993 and his M.S. with honors from the Medill School of Journalism, Northwestern University, in 1996. He received his law degree with honors from the University of Chicago Law School in 2006. While at law school, John was comment editor for the University of Chicago Law Review. After graduating, John served as a law clerk to Circuit Judge Richard Clifton of the U.S. Ninth Circuit Court of Appeals.

Before attending law school, John was a reporter, editor, and columnist for publications including Pacific Business News and the Honolulu Advertiser. John received multiple awards for business, investigative, and public service reporting from the Hawai'i chapter of the Society of Professional Journalists.

John is a member of the Hawaii State Bar Association, the State Bar of California, the Hawai'i chapter of the Federal Bar Association, and the American Bar Association, and is admitted to practice before all Hawai'i courts, the United States District Court for the District of Hawai'i, the United States District Court for the Northern District of California, and the United States Court of Appeals for the Ninth Circuit. John also serves on the Board of Directors of the Legal Aid Society of Hawai'i.

Noteworthy

Supreme Court Victories

- *Anastasi v. Fidelity National Title*: Authored successful certiorari petition to state Supreme Court resulting in favorable decision on the obligations of title insurers to act in good faith.
- *Oahu Publications, Inc. v. Ahn*: On behalf of Hawai'i media organizations, authored a Supreme Court challenge to a trial court's closure of the final day of the high-profile *State v. Deedy* criminal trial. The result was a landmark decision affirming the public's right of access to trial proceedings and court records. Thanks to this decision, the Hawai'i press and public now have a right to courtroom access greater than that guaranteed by the United States Constitution. The Supreme Court's opinion set forth rigorous restrictions on trial courts' power to close their courtrooms and seal court documents.
- *Oahu Publications, Inc. v. Takase*: Another precedent-setting public records case that, expanding on the *Ahn* ruling (above), resulted in further expansion of the rights of media and members of the public to access court records and challenge the arbitrary or unexplained sealing of such records.

Other Representative Outcomes

- Successful pro bono representation of our client, the Education Institute of Hawaii (EIH), in seeking hundreds of thousands of documents that the Hawai'i State Department of Education (DOE) had wrongfully withheld for several years. In a complete victory, not only did the DOE produce all the requested financial documents, but the Circuit Court found the DOE violated state open-records laws and awarded our client nearly \$100,000 in attorney's fees and costs to deter future violations.
- In 90-minute oral argument, obtained dismissal of a liability insurer's lawsuit against its insured client. Insurer had sought to prove that it owed no duty defend its insured, a former board member of a condominium association.
- Obtained numerous trial-court and appellate victories on behalf of real estate brokers, lenders, law firms, loan servicers, and condominium associations and managers accused by borrowers and former landowners of fraud, bad faith, and unfair and deceptive practices.
- Obtained dismissal of claim against former executive director of non-profit West Kaua'i poi

manufacturer accused of breach of contract, defamation, and constitutional violations regarding negotiated sale of her company.

- In a trial before United States Immigration Court, obtained political asylum for a Guatemalan political activist, his wife, and his 8-year-old daughter, who had fled Guatemala after receiving death threats.
- Successfully represented artist in breach-of-contract claim against O'ahu art studio, resulting in favorable settlement and payment of all money owed.
- Favorably settled years-long property dispute between siblings. Client obtained clear title to her home, which was the subject of litigation.
- Successfully enforced promissory note in purchase-money mortgage by Kaneohe landowner against defaulting purchaser, and obtained a substantial attorney's fee award.
- Defeated constitutional challenge to automobile lender's right to repossess luxury car after borrower defaulted.
- Successfully invoked First Amendment protections to obtain dismissal of libel claim against newspaper.

Awards

- Listed in *Benchmark Litigation*, since 2022

Credentials

Education

- J.D. (2006), University of Chicago Law School, with honors
- M.S. in Journalism (1996), Northwestern University Medill School of Journalism, with honors
- B.A. Economics (1993), Pomona College

Admissions

- Hawai'i State Bar (2012)
- United States District Court for the District of Hawai'i (2012)
- United States District Court for the Northern District of California (2007)
- United States Court of Appeals for the Ninth Circuit (2007)
- California State Bar (2006) (inactive)

Membership

- Hawaii State Bar Association (2012-Present)
- State Bar of California (2007-2012; Currently Inactive)
- American Bar Association (2007-Present)
- Federal Bar Association (2012-Present)

Clerkship

- The Honorable Richard J. Clifton, United States Court of Appeals for the Ninth Circuit, Honolulu, Hawai'i (2006-2007)

Publications

- "Advocating for Freedom of Information for Hawai'i's Education," *ke kumu* (Spring/Summer 2021) (Co-Author)
- "After 'Egregious' Delay, Education Nonprofit Scores DOE Finance Data," *Honolulu Civil Beat* (December 28, 2020), Interviewed
- "Business Interruption Insurance Coverage and COVID-19," *ke kumu* (Fall/Winter 2020) (Co-Author)
- "So Your Contractor Screwed Up, Are You Screwed Too?" *ke kumu* (Fall/Winter 2018) (Co-Author)
- "Fighting to Stay Together," *ke kumu* (Winter 2016) (Co-Author)