Kristin S. Shigemura

PARTNER

Kristin is a partner in the firm's Litigation Department and the firm Recruiting Chair.

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Overview

Kristin is a partner in the firm's Litigation Department and the firm's Recruiting Chair.

Kristin's extensive litigation experience is concentrated in the areas of health care, labor and employment, educational institutions, insurance defense, and professional liability. Since 1998 she has defended some of Hawai'i's largest public and private health care providers against claims of medical negligence, breach of contract, and premises liability, as well as advised her clients regarding medical staff credentialing, peer review, and compliance. She has been recognized for her work in this area by her inclusion in *Best Lawyers* for Medical Malpractice Law – Defendants.

Her representation of health care providers dovetails with her expertise in labor and employment law, having been recognized in *Best Lawyers*® since 2015 in the areas of Employment Law and Labor and Employment Ligation. Kristin represents employers in both the defense of claims for discrimination and retaliation, wrongful termination, and labor grievances, and assisting management in conducting workplace investigations and the drafting of staff handbooks, policies and procedures, and employment agreements.

Rounding out this breadth of experience is Kristin's success in litigating claims of non-disclosure in sales of residential property and commercial lease disputes, and advising private educational institutions on academic, administrative, and advancement matters.

Prior to joining Cades Schutte, Kristin served as a law clerk to the Honorable Marie N. Milks, Circuit Court of the First Circuit, State of Hawai'i.

Practices & Industries

Coronavirus Response

Educational Institutions

Employment Law & Labor Relations

Health Care

Insurance Coverage & Defense

Litigation

- Alternative Dispute Resolution
- Commercial Disputes

Professional Liability

Real Estate

- Real Estate Disputes

Noteworthy

Experience

Employment/Labor Law

- Successfully challenged the constitutionality of the Hawai'i Civil Rights Commission's "right to sue" procedures, ensuring jury trials for employers on employment discrimination claims

in *SCI Management v. Sims*, 101 Hawai'i 438, 71 P.3d 389 (2003)

- Representation of employers for state and federal EEOC and HCRC claims and civil lawsuits alleging violations of Title VII, 42 U.S.C. §§ 1983, 1981, Americans with Disabilities Act, the Rehabilitation Act, Hawai'i Whistleblower's Protection Act, H.R.S. Ch. 378, and retaliation claims
- Representation of employers in coordination and resolution of employees' various civil, administrative, collective bargaining, unemployment, FMLA, and worker's compensation claims
- Representation of employer in class action discrimination Title VII claim involving allegations of retaliation and national origin discrimination
- Successful defense of grievance arbitrations involving discipline and termination of employees for workplace violence, patient abuse, sexual harassment, and other misconduct
- Litigation involving breach of independent contractor agreements and non-compete agreements
- Conducting employee workplace investigations
- Drafting of employee handbooks and policies and training/counseling of management and staff regarding risk avoidance and proactive management practices

Health Law

- Conducting compliance investigations with federal CMS and Anti-kickback regulations
- Advising major hospital system administration and medical staff in peer review proceedings, corrective action, and bylaw review
- Representation and negotiation on behalf of hospitals in coverage and payment disputes with health care insurers
- Successful defense of H.R.S. 103D and 103F procurement disputes from administrative hearing through civil litigation
- Litigation regarding residency agreements for assisted living facilities
- Successful defense of challenges to medical records copying charges, including award of over $100,000 to client of fees and costs

Insurance Defense and Professional Liability

- Defense of hospitals, assisted living facilities, and physicians in medical malpractice litigation in state and federal courts
- Defense of manufacturers and retailers in products liability cases involving strict liability, product defects, and mass tort liability
- Premises liability
- Defense in claims of personal injury and wrongful death
- Defense of schools in litigation of current and historical sex abuse claims

Commercial and Real Estate Litigation

- Non-disclosure and fraud in residential real property sales
- Obtained rescission of fraudulent sale of property from LLC to undisclosed related company
- Enforcement of major shopping mall tenant's lease covenants against landlord for violation of exclusive use provisions

- Recovery of overbilling and CAM charges to major tenant of shopping center
- Successfully argued client's challenge to County requirement of conditional use permit for cellular antennae in Conservation District
- Trademark litigation involving cybersquatting forcing the transfer of infringing domain names to client
- Enforcement of easements and right of way in residential and commercial properties

Awards

- Listed in *Super Lawyers*®, since 2020
- Listed in *Best Lawyers*® for Medical Malpractice Law – Defendants, since 2023
- Listed in *Best Lawyers*® for Employment Law and Litigation – Labor & Employment, since 2015
- *Chambers and Partners*®, Labor & Employment: Leading Individuals; Up and Coming, 2012

Credentials

Education

- J.D. (1997), Georgetown University Law Center, *cum laude*
- B.A. (1994), University of California at Berkeley

Admissions

- Hawai'i State Bar (1997)
- United States District Court for the District of Hawai'i
- United States Circuit Court of the Ninth Circuit

Membership

- Hawaii State Bar Association
- Federal Bar Association
- American Bar Association
- Hawai'i Access to Justice Commission
  - Subcommittees on Initiatives to Enhance Civil Justice (2008-present)
  - Ad Hoc Pro Bono Committee (2012-2018)
  - Subcommittee on Barriers to Access to Justice (2008-2010)
- Board of Directors Legal Aid Society of Hawai'i (2008-2014)
- Board of Directors Iona Contemporary Dance Theatre (2003-2011)
- Chair of the firm's Recruiting Committee

Speaking Engagements

- "Proactive HR: Implementing Best Practices to Minimize Legal Risks," Hawaii Employers Council seminar (July 2016) (Co-Presenter with Amanda M. Jones, Esq.)
- "Crime Shouldn't Pay: Avoiding Employer Liability from the Use of Criminal Background Checks," Hawaii Employer's Council seminar (July 2015) (Co-Presenter with Amanda M. Jones, Esq.)
- "Files Are Our Friends: Strategies for Complying with Recordkeeping Laws and Avoiding Legal Disputes," Hawaii Employers Council seminar (May 2014) (Co-Presenter with Amanda M. Jones, Esq., and Elijah Yip, Esq.)