

Philip J. Leas

SENIOR COUNSEL

Phil's range of real estate skills has depth that comes with over 40 years of experience.

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Overview

Phil's range of real estate skills has depth that comes with over 40 years of experience.

Phil is senior counsel in the Finance and Real Estate Department and the Litigation Department of Cades Schutte. He has extensive experience with real estate transactions, title analysis, financing, broker licensing, title insurance, leases, easements, subdivisions, condominiums, shopping centers, and hotels in Hawai'i.

In addition to real estate transactions of many types, Phil is comfortable in court representing clients in real estate litigation matters ranging from quieting title, to resolution of disputes over modern-day real estate transactions.

He has extensive litigation and appellate experience in state and federal court and arbitration forums, including eminent domain cases, partitions, quiet title, foreclosures, collections, condominium and community association disputes, real estate brokerage cases, title insurance disputes, commercial lease disputes, and evictions and cases dealing with real estate contract formation and enforcement. Trials handled are evenly divided between jury and nonjury.

Phil's appellate experience includes the Hawai'i Supreme Court, Intermediate Court of Appeals, and Ninth Circuit Courts.

Practices & Industries

Agriculture & Food Distribution

Bankruptcy & Creditors' Rights

Hospitality & Retail

Land Use, Zoning & Entitlements

- Land Use Violations & Disputes

Litigation

- Commercial Disputes

Real Estate

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

Water Resources

Noteworthy

Experience

- *Anastasi v. Fidelity Nat'l Title Ins. Co.*, 137 Hawai'i 104 (2016)
  (Insurance companies should not be allowed to hide behind policy clauses to delay payment.)
- *Donna Rae Stratman v. Helen Christina Hickman*, NO. CAAP-11-0000615 (2015)
- *Anastasi v. Fidelity Nat'l Title Ins. Co.*, 134 Hawai'i 400 (2014)
  (Claim handling activities of in-house insurance company attorneys are not

protected by attorney-client privilege; only communications primarily or predominately of a legal character are eligible for privilege.)

- *Dias v. Akiu*, 2012 WL 1232952 (2012)
- *Hart v. Ticor Title Ins. Co.*, 126 Hawai'i 448 (2012)
  (A title insurer with duty to defend a covered claim also has a duty to defend non-covered claims.)
- *Hanalei Garden Farms, Inc. v. Pace*, 2011 WL 3435362 (2011) and 2008 WL 2316303 (2008)
- *Association of Apartment Owners of 1251 Heulu v. Chung*, 2007 WL 3044468 (2007)
- *Lee v. Hwang*, 2007 WL 967112 (2007)
- *Black v. Pollack*, 2006 WL 729491 (2006)
- *Chang v. Ho*, 2003 WL 21685827 (2003)
- *HI Kai Investment, Ltd. v. Krantz*, 84 Haw. 75, 929 P.2d 88 (1996)
- *Jenkins v. Cades Schutte Fleming & Wright*, 76 Haw. 115 (1994)
- *Price v. Hawai'i*, 789 F. Supp. 330 (D. Haw. 1992)
- *Price v. Hawai'i*, 939 F.2d 702 (9th Cir. 1991)
- *Robinson v. Ariyoshi*, 887 F.2d 215 (9th Cir. 1989)
- *Uffman v. Housing, Finance & Development Corp.*, 70 Haw. 64, 760 P.2d 1115 (1988)
- *Anthony v. Kualoa Ranch, Inc.*, 69 Haw. 112, 736 P.2d 55 (1987)
- *Kona Old Hawaiian Trails Group v. Lyman*, 69 Haw. 81, 734 P.2d 161 (1987)
- *Caires v. Kualoa Ranch, Inc.*, 6 Haw. App. 52, 708 P.2d 848 (1985)
- *United States v. 729.773 Acres of Land*, 531 F.Supp. 967 (D. Haw. 1982)
- *State v. Pioneer Mill Co.*, 64 Haw. 168, 637 P.2d 1131 (1981)
- *Technicolor, Inc. v. Traeger*, 57 Haw. 113, 551 P.2d 613 (1976)

Awards

- Listed in *Best Lawyers*®, since 1995
- *Best Lawyers*® Lawyer of the Year, Eminent Domain and Condemnation Law, Honolulu, 2020
- *Martindale-Hubbell AV Preeminent*® Peer Review Rated, since 1986
- *Super Lawyers*®, 2008-2018

Credentials

Education

- J.D. (1974), Stanford Law School
- A.B. (1971), Georgetown University, *magna cum laude*

Admissions

- Hawai'i State Bar (1974)
- United States District Court for the District of Hawai'i

- United States Court of Appeals for the Ninth Circuit

Membership

- Hawaii State Bar Association
- American Bar Association

Publications

- *Stanford Law Review* (1973) (Editor)
- "The Measure of Damages in Rule 10b-5 Cases Involving Actively Traded Securities," *26 Stanford L. Res. 371* (1974) (Author)

Speaking Engagements

- "Real Estate Law: Advanced Issues and Answers – Title Law," National Business Institute (2013) (Speaker)
- "Advanced Issues in Real Estate Law – Title Risks and Title Insurance Coverage," National Business Institute (2012) (Speaker)