



## C. Michael Heihre

### *Partner*

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

Known for his meticulous, strategic approach to the resolution of complex disputes, Michael has successfully navigated clients through their most significant legal matters. For more than four decades, he has been called upon to serve as lead counsel in some of the most notable 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.

### Contact Information

#### HONOLULU OFFICE

Cades Schutte Building  
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#### PHONE

(808) 521-9231

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(808) 540-5009

Michael has extensive experience as a trial lawyer, arbitrator, construction adjudicator, and mediator in the resolution of disputes involving antitrust and trade regulations, business, commercial, construction, contract, financial, insurance, intellectual property, product liability, and real estate matters. He has tried numerous cases to verdict, most recently securing a complete defense verdict in a four-week jury trial in federal district court. He has also secured summary judgment for his clients through motions practice in advance of trial. Michael positions each of his cases for successful resolution, whether through trial, motions practice, or alternative dispute resolution. Notably, while representing the defense in the four-week jury trial and related actions, he secured in excess of \$1.3M in fees and costs on behalf of his clients.

Michael is a tireless advocate, approaching every matter with an unrelenting commitment to his client and the law. His clients have expressed "deepest appreciation for [his] invincible determination" and "great competency." His peers and colleagues similarly recognize his exceptional skill, dedication, and professionalism. Recent examples of unsolicited observations include:

*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*

### Areas of Practice

Commercial and Real Estate Arbitration and  
Litigation  
Construction Law and Litigation

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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, where he gained a deep appreciation for the power of the law and the impact of effective legal representation that is aligned with the client's mission, vision, and values.

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

### 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 policy holders 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

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##### 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 Hawaii) 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.
- including submerged properties.
- Pro bono lead counsel in land use, zoning, evictions, and native Hawai`ian rights cases in federal and state courts.

##### EDUCATION

- University of Hawai`i, B.A. with Highest Honors
- Georgetown University Law Center, J.D.

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- The Chartered Institute of Arbitrators, Diploma, International Commercial Arbitration
- Pepperdine University School of Law, Straus Institute for Dispute Resolution, 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)
- Kuala Lumpur Regional Centre For Arbitration, Construction Adjudication Conversion Course
- Asian International Arbitration Centre, Completion of the Certificate Programme in Sports Arbitration (24-27 September 2018)

### AWARDS AND HONORS

- Benchmark Litigation Guide
- Litigation Star
- The Best Lawyers in America®
  - Arbitration
  - Bet-the-Company Litigation
  - Commercial Litigation
  - Construction Law
  - Eminent Domain and Condemnation Law
  - Litigation - Construction
  - Litigation - Real Estate
- 2010 Honolulu Construction Lawyer of the Year
- 2013 Honolulu Litigation Real Estate Lawyer of the Year
- 2015 Honolulu Eminent Domain and Condemnation Law Lawyer of the Year
- Chambers USA™ Litigation (Band 1)
- Honolulu Magazine's Hawaii's Best Lawyers
- Martindale-Hubbell, Judicial AV Preeminent

### 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

### MEMBERSHIPS

- American Arbitration Association, Panel Member for Real Estate and General Business
- American Bar Association
- Asian International Arbitration Centre (fka Kuala Lumpur Regional Arbitration Centre), Panels of Arbitrators, Adjudicators, and Mediators
- Chartered Institute of Arbitrators, Fellow
- Dispute Prevention & Resolution, Inc., Panel of Neutrals (Commercial/

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Business, Construction/Design, Estates/Probate/Trusts, Intellectual Property, Real Property, Partnership/Corporate Law, General Civil, and Banking/Finance)

- Federal Court Bar Association
- Asian Institute of Alternative Dispute Resolution, Fellow
- Hawai'i State Bar Association
- International Bar Association
- International Centre for Dispute Resolution (Singapore), Panel of Arbitrators
- Inter-Pacific Bar Association
- Malaysian Institute of Arbitrators, Fellow
- Malaysian Society of Adjudicators, Fellow
- Society of Construction Lawyers (Malaysia,) Member

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