

Judge Rules State Failed Fiduciary Trust Obligations

By: KITV
11/4/2009

HONOLULU -- More than 2,700 Native Hawaiians have won a class-action lawsuit that accused the state Department of Hawaiian Home Lands of failing to meet its trust obligations.

In a decision released Wednesday, Circuit Court Judge Eden Hifo held the state breached its fiduciary obligation to administer the department for the benefit of Native Hawaiians from 1959 to 1988.

The suit alleged the state unfairly delayed leasing land to thousands of Native Hawaiians by making some wait decades for land.

"This ruling is an extremely important step in our clients' fight for justice in a process that began nearly 20 years ago," attorney Carl Varady said.

There is clear and convincing evidence that breaches by the state "were a substantial factor or legal cause of eligible Native Hawaiians not being placed on the land," Hifo said.