

**CLYDE J. WADSWORTH**

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**GOVERNMENT SERVICE****Solicitor General, Dep't of the Attorney General, State of Hawai'i.** Jan. 2017-present.

Head of the Appellate Division of the Department of the Attorney General, with oversight authority over most state and federal appeals in the Department, including briefs filed on behalf of the State in the Intermediate Court of Appeals, the Hawai'i Supreme Court and the U.S. Supreme Court. Advise the Attorney General. Oversee cases involving constitutional issues and other important legal interests of the State. Supervise four deputy solicitors general and two legal assistants. Draft briefs and present oral arguments in select appeals. See page 3 for representative cases.

**COMMERCIAL LITIGATION PRACTICE****Of Counsel,** Alston Hunt Floyd & Ing, Honolulu. 2006 to 2016.

Complex business litigation and appeals, representing clients in disputes involving constitutional and civil rights, unfair business practices and competition, trade secrets, real estate and mortgages, commercial contracts and leases, corporate governance, construction and employment. See page 3 for representative cases. Oral arguments before the Hawai'i Supreme Court and Ninth Circuit. Jury trial (settled) and preliminary injunction hearing. Drafted motions and briefs at trial and appellate levels.

**Shareholder,** Steefel Levitt & Weiss, San Francisco. 2003 to 2005.

Complex business and securities litigation, primarily representing securities broker-dealers and financial services companies in litigation and arbitration. Co-lead counsel in several NASD (now FINRA) arbitrations. Developed defense strategy, argued motions and examined witnesses. Drafted pleadings, motions and briefs.

**Special Counsel,** 1997 to 2003, **Associate,** 1988-92, Heller Ehrman White & McAuliffe.

Complex commercial litigation, representing technology and financial services companies in securities, corporate governance and antitrust actions. Oral arguments before the Ninth Circuit and California Court of Appeal. Co-lead counsel in jury trial. Argued motions. Drafted pleadings, motions and briefs. Negotiated settlements.

**Associate,** Wilson Sonsini Goodrich & Rosati, Palo Alto. 1992 to 1996.

Complex commercial litigation, primarily representing technology companies, directors and officers in securities class actions and SEC investigation.

**Associate,** Dinkelspiel & Dinkelspiel, San Francisco. 1984 to 1988.

Civil litigation, including unfair competition, construction, breach of contract, and securities, primarily representing brokerage firms in litigation and arbitration.

**PRO BONO LITIGATION****Pro Bono Counsel.** 1991 to 2016.

Devoted thousands of hours as pro bono counsel in many significant cases brought to safeguard constitutional and civil rights, including *Romer v. Evans*, 517 U.S. 620 (1996), the first U.S. Supreme Court case to declare sexual orientation discrimination unconstitutional, cases seeking the right of same-sex couples to marry in Hawai'i and California, and cases seeking civil unions and fighting housing discrimination. Successfully argued several cases, including *Jackson v. Abercrombie*, before the Ninth Circuit and the California Court of Appeal. See page 3 for representative cases.

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## ADDITIONAL EXPERIENCE

**DPR Panel of Neutrals**, 2016-present, and **CAAP Arbitrator**, 2011-present.

Served as CAAP arbitrator in several matters. Conducted hearing and issued award.

**President**, 2012-16, and **Vice President**, 2017, 2009-12, Hawai'i LGBT Legal Ass'n.

Serve as founding board member of this HSBA specialty bar association. Organized and presented at public seminars, panel discussions and community events.

**Member**, ACLU of Hawai'i Litigation Committee. 2008 to 2016.

Served as member of standing committee composed of experienced private attorneys who provide strategic insights regarding pending and proposed litigation matters.

**Commentator**, KQED-FM (88.5), San Francisco. 1998 to 2016.

Regular contributor to "Perspectives," the public affairs commentary series of KQED-FM, an NPR-member radio station owned by Northern California Public Broadcasting.

**Member**, California State Bar Committee on Sexual Orientation Discrimination. 1996-99.

Served as member of standing committee established by the California State Bar to fight anti-gay bias in the legal profession. Appointed by Board of Governors in 1996.

**Board Member, Fundraising Chair**, AIDS Legal Referral Panel, San Francisco. 1992-96.

Served as fundraising chair of non-profit organization providing free and low-cost legal services to people with HIV. Organized annual law firm fundraiser.

**Moot Court Instructor**, Boalt Hall School of Law, UC Berkley. 1990.

**Legal Writing Instructor**, Hastings College of the Law, UC San Francisco. 1986-88.

Taught small sections of first-year law students brief writing and oral advocacy skills.

## PROFESSIONAL HONORS

Martindale-Hubbell AV (Preeminent) Rating, 2015 to present

Best Lawyers in America for Commercial Litigation, 2016

Super Lawyers: Business Litigation, 2013 to 2016

Benchmark Litigation, "Litigation Star": Appellate, General Commercial, 2015

Lambda Legal 1996 Liberty Award

Nominee, California State Bar President's 1995 Pro Bono Service Award

Wilson Sonsini Goodrich & Rosati 1994 Pro Bono Service Award

## EDUCATION

**UCLA School of Law**, J.D., May 1984

UCLA Law Review, Editor, 1983-84, and Staff Member, 1982-83

Western State/William Murray Scholarship

**Princeton University**, A.B. magna cum laude, Politics, June 1980

Selected to Woodrow Wilson Honorary Debate Panel

Director of Individual Events, Princeton Debate Panel

## PUBLICATIONS

"Defending Securities Class Actions: Current Strategies," in *Securities Litigation* 1993, 478 PLI Lit. & Admin. Prac. Series 87 (1993) (co-authored).

"Materiality After *Basic, Inc. v. Levinson*," in *Securities Litigation* 1989, 378 PLI Lit. & Admin. Prac. Series 275 (1989) (co-authored).

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## REPRESENTATIVE CASES

### Government Litigation

- *In re Thirty Meter Telescope (TMT)*, 143 Hawai'i 379 (2018): Served as chief appellate counsel for the State in appeal challenging permit to build the TMT. Argued before the Hawaii Supreme Court, which ruled 4-1 in the State's favor.
- *Flores v. Board of Land & Nat. Resources*, 143 Hawai'i 114 (2018): Served as chief appellate counsel for the State in appeal challenging the sublease for the TMT. Argued before the Hawaii Supreme Court, which ruled unanimously in the State's favor.
- *Hamamoto v. Ige*, 881 F.3d 719 (9th Cir. 2018): Served as appellate counsel for the State in appeal challenging the temporary appointment process to fill a vacated Senate seat. Argued before the Ninth Circuit, which ruled 3-0 in the State's favor.
- *LC v. MG*, 143 Hawai'i 302 (2018): Served as appellate counsel for the State as amicus curiae in appeal of family court order applying the marital presumption of parentage to a married same-sex couple. Argued successfully before the Hawaii Supreme Court.
- *Hawai'i v. Trump*, 138 S. Ct. 2392 (2018), *rev'g* 878 F.3d 662 (9th Cir. 2017): Served as co-counsel for the State in challenge to the President's travel and refugee bans.

### Commercial Litigation

- *BlueEarth Biofuels, LLC v. Hawaiian Electric Co.*, 2011 WL 2116989 (D. Haw. 2011), and 531 Fed. Appx. 784 (9th Cir. 2013): Successfully defended HECO and MECO against a \$40 million breach of contract/trade secret claim involving a large biofuels project on Maui. Briefed and argued a series of successful summary judgment motions.
- *Critchfield Pacific Inc. v. RCUH*: Represented a mechanical subcontractor in a suit against RCUH for interference with prospective economic advantage. Briefed and argued sovereign immunity and insurance issues. Obtained monetary settlement.
- *Growney v. Central Pacific Bank*: Represented a bank customer in a suit against an investment manager for breach of contract and fiduciary duty. Successfully defended against summary judgment motions. Obtained monetary settlement during trial.
- *Evolution Capital Management v. Mayus*: Represented an investment manager in a suit against former consultants for misappropriation of a confidential trading strategy.

### Pro Bono Constitutional/Civil Rights Litigation

- *Jackson v. Abercrombie*, 585 Fed. Appx. 413 (9th Cir. 2014): Served as appellate co-counsel for same-sex couples seeking the right to marry in Hawai'i. Successfully argued before the Ninth Circuit, which vacated an unfavorable district court decision.
- *Hensala v. Dep't of the Air Force*, 343 F.3d 951 (9th Cir. 2003): Counsel for former service member challenging recoupment. Successfully argued before Ninth Circuit.
- *Romer v. Evans*, 517 U.S. 620 (1996): Co-counsel for plaintiffs in successful constitutional challenge to state law barring anti-discrimination protections. Briefed equal protection issues and helped formulate appellate strategy.
- *Citizens for Responsible Behavior v. Superior Court*, 1 Cal. App. 4th 1013 (1991): Counsel for citizens' group challenging constitutionality of local measure barring anti-discrimination protections. Successfully argued before the California Court of Appeal.
- *In re Molina-Agustin*, No. A27 205 233 (Board of Immigration Appeals, U.S. Dept. of Justice 1988). Counsel for Guatemalan refugee seeking political asylum in the U.S.