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Public Good Meets Private Property: the Hydra-Headed Takings Clause

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RAHIMI: THE CHALLENGES OF SECOND AMENDMENT HISTORY AND TRADITION

By: Ravinder Arneja, IMLA Associate Counsel

The Supreme Court recently declared that constitutional questions are to be analyzed through the societal lens in effect when that seminal document was written. A current firearms case illustrates the complexity of applying Eighteenth Century norms in a contemporary context. An opinion later this Term should provide further insights into the Court's "history and tradition" jurisprudence.

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PRIVATE PROPERTY AND PUBLIC GOOD: THE HYDRA-HEADED TAKINGS CLAUSE

By: Erich Eiselt, IMLA Deputy General Counsel and Director of Legal Advocacy

America's founders enshrined in twelve words the principle that private property may not be taken for public use without just compensation. That tenet continues to spawn ever-increasing debate, challenging the meaning of property, the parameters of a Taking, and the character of use. Local governments are at the epicenter of that conflict.

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DAY IN THE LIFE

An interview with
VICTORIA J. TAKAYESU,
Corporation Counsel,
Maui County, Hawaii

By: AVERY MORRIS,
IMLA Editorial Staff

Ditching the Pinstripes for Paradise



ML: Aloha, Tori! Why don't you tell us about your life leading up to your position as Corporation Counsel?
I was born in Queens, NYC, and moved to Manhattan when I was 10 years old. I read *Clarence Darrow for the Defense* in my teens, and that's when I knew I wanted to be a lawyer. Reading was my escape from my chaotic family life. This chaos actually led to me dropping out of high school. It took a couple of years to undo my earlier decisions, but I did go back to finish high school. I was still committed to being an attorney, so I applied and was accepted into an amazing program for urban legal studies at the City College of New York. It offered a combined B.A.-J.D.

ML: That sounds like a great opportunity. Tell us about your time there.
I ended up only completing two years of the program. I ride motorcycles, and was in a really bad accident in Central Park that had me in the hospital for a month. It took me a couple of years to get back to feeling passionate about a law career. When that time came, I was accepted into a general pre-law program. I was later accepted to the Benjamin Cardozo School of Law in New York, which offered a combined accelerated entry. The program was amazing. I ended up graduating and got a great job with a private civil law firm in Manhattan. Living the dream, right? I was making a lot of money, but I was so unhappy. I had gotten married, I had my daughter, and I was just looking around, thinking "This is not Clarence Darrow land." It was just a grind.

ML: You were still in New York at this point. How did you end up in Maui?
I was going through my drawer in the office, and I found a letter from the Maui Prosecutor's office. I pulled it out and read that I was invited to go to Maui and interview for the Deputy Prosecuting Attorney position. I didn't even remember receiving the letter! My secretary urged me to go for it, so that's what I did. After speaking to the deputy, I was full of confidence. They told me I would have to take the Hawaii bar, but they could hire me as an intern if I pass the interview. So, we picked up and moved to Maui.

ML: Tell us about your career path while working for Maui County.
I passed the bar and was hired as the Deputy Prosecuting Attorney. I really enjoyed what I was doing, and I felt like I had a purpose. I worked my way up through all the divisions, and then left to become a Deputy of administrative law at the Corporation Counsel. I moved into the Civil Litigation Division there, which was a steep learning curve. I went from focusing on solely state or criminal law to learning civil law. I then ended up in both state and federal courts, which was next level for me in terms of being prepared and knowing the law. At some point I wanted to take everything to another level. A position opened up at the Attorney General's office to head the Maui branch of the Child Support Enforcement Agency. I became a manager over there, and that really helped me to develop my managerial skills. As a prosecutor and Deputy Corporation Counsel, I was more on my own, but here, I was able to build a team. They were really supportive. I also got to have input in drafting a proposing new legislation and get into the political side of things. I was there for about 20 years before retiring.

ML: How did you end up as Corporation Counsel?
I went into private practice for about two years, and then my manager cacalled to hire me back, so I went back. Three months in, the position for Corporation Counsel came up. I decided to apply, and



here I am. It's super gratifying to be here when I think back to my past and the work it took me to overcome everything. It was a big transition for myself and the entire department because I have a different way of doing things. I was very into team building and never wanted anyone to feel disenfranchised. We had quite a few vacancies, which was a bit challenging, but my First Deputy has become my other half, and we have been able to build an incredible department. We're now fully staffed with amazing, smart, and communicative people. I don't think we could have pulled through the fires as successfully as we are without a team like this.

ML: What does a typical day look like for you as Corporation Counsel?
I start my day pre-dawn. We get in the water, and we paddle canoe for an hour. I can't think of a better way to start the day. The sun comes over the mountains, and sometimes you see dolphins or whales. It's amazing. Other days I'll ride my Harley, because I'm still riding, so that's also a nice way to clear your head. I come in, I do check-in, and I have meetings. I feel very strongly that I need to be available if there are questions or if people want to come in and chat. We've recently been doing a lot with the litigation and our departments are under unprecedented strain and pressure from the fires. We're working with agencies that we've never worked with, like FEMA or Army Corp.

ML: What about municipal law appeals to you most?
I would say the diversity. We also advise and appear before our County Council. We work closely with the Mayor's office and County departments in helping and advising them as well. These are challenging yet incredibly exciting times for us. We're navigating waters that we've never seen before. The community of municipal attorneys is so tight knit. When the fires happened, we were able to reach out to municipal attorneys from California, Washington, Arizona, Colorado, all over the country to give us advice. The outpouring of support we received was invaluable. I also love that you never know what's going to come through the door.

ML: What are some unique characteristics of working for Maui County?
We all have our own islands, so when Maui needs something, we might not want, or agree, with what O'ahu is doing. The County of Maui includes three different islands. We have the island of Maui, we have the island of Moloka'i, and we have the island of Lāna'i, so we have to make sure that we address the needs of all of our geographically separate communities. Historically, the people on the outer islands feel that they are sometimes neglected, so we really make an effort for them not to feel that way. So, I would say geographically, that's what makes us most distinct, trying to pull us all together and make sure everybody has a voice.

ML: What are some of your interests outside of the office?
As I mentioned earlier, I love to paddle canoe and ride my bike with friends on the weekends. I also volunteer for Maui Search and Rescue. We search for lost hikers, people with Alzheimer's, and people that are missing with no discernable reason. We fulfill a need for the community that I think is helpful, and we enjoy working together. I also do cake decorating. I haven't had much time recently, but I love to do that in my spare time. That's my creative outlet. I have my physical outlet and my volunteerism to help counter the stress. I also have four adorable little dogs. When you've had a hard day and you come home to a bunch of little dogs, you can't be mad about anything. **ML**

We would love to hear about a day in your life as a municipal lawyer! Email Avery (amorris@imla.org) if you are interested in being included in this series.



Avery Morris is the Administrative Coordinator for the International Municipal Lawyers Association. Avery joined the organization in 2023. Prior to joining IMLA, she attended La Salle University, where she received her BA in English. During her time at La Salle, she was an athlete on the Women's Rowing team.

