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Tuesday, July 12, 2005

DAVID SCHUTTER / 1940-2005

Isle attorney made headlines in '70s and '80s

By Venus Lee
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Former Hawaii trial attorney David C. Schutter, who dominated local headlines in the 1970s and '80s for winning freedom for high-profile defendants, died Sunday at the Kailua home of his son Chris. He was 64.

"David was a brilliant lawyer, easily one of the best over the past 30 years," former Gov. Ben Cayetano said of his former law partner.

Schutter was often seen driving around town in one of his two cars with personalized license plates -- a Rolls-Royce reading "SUE EM" and a red Ferrari, "LITIGR."

He worked on many criminal and civil cases in Hawaii from 1969 until 1997, when he suffered a stroke while at the state courthouse.



David Schutter:
Colleagues remember
his eloquence,
intelligence and will to
win

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Doctors predicted he would be reduced to a vegetative state, but after rehabilitation at the Craig's Institute in Colorado for six months, Schutter was able to return to Hawaii. He lived an active life, attending University of Hawaii sporting events, going to movies and frequently dining out.

"He defied the medical experts and all odds," said Chris Schutter, one of David's sons, who referred to his father as his "best friend" and often dined with him at Nicholas Nickolas, the restaurant since renamed Aaron's atop the Ala Moana Hotel.

"He enjoyed those years and spent a lot of quality time with his family, who meant a lot to him ... especially his five grandsons and great-granddaughter."

In May, Schutter was taken to the Queen's Medical Center for internal bleeding in the brain. On June 16 he suffered a massive stroke, this time to the right side of the brain. The 1997 stroke had been on the left side.

His family took him out of Queens. "The decision was made by myself and my three brothers that we would bring him home, ... There was not much more they could do for him," Chris Schutter said yesterday.

On Wednesday, with Cayetano, state Supreme Court Justice James Duffy and other friends at their side, family members removed his feeding tube.

Schutter, whose firm took in more than \$1 million a year at times, represented prominent figures such as U.S. Rep. Neil Abercrombie, Mufi Hannemann, Alfred Ruis, Robert Hall and Rodney Kiyota.

He also grilled "Hawaii Five-O" star Jack Lord in a 1975 trial for breach of contract, and 20 years later helped file a class-action lawsuit against the former Honfed bank (now Bank of America), alleging fraud and deceptive trade practices.

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Schutter owned several properties and businesses throughout his life, including a 17-bedroom Kahala estate that was once listed at \$45 million. Besides his law firm, he owned several restaurants, a travel agency and a Waikiki nightclub.

Schutter, who had always wanted to become a lawyer, began debating in the fourth grade in Appleton, Wis. He entered Marquette University in 1958 and graduated in 3 1/2 years with a 3.5 grade-point average and cum laude honors.

He continued his education at the University of Wisconsin, where he graduated at the top of his class with a law degree.

In 1965, Schutter began criminal defense work in Phoenix with the firm Lewis & Roca and worked with noted attorney John Flynn, who defended Ernesto Miranda in the landmark Supreme Court case that eventually led to the Miranda rights that must be read to every person upon arrest.

After three years with the firm, Schutter was forced to move to Hawaii when his Arizona 277th National Guard reserve unit was relocated to Schofield Barracks. He was a corporal.

Schutter and fellow guardsman Henry Peters, who later became a state House speaker and Bishop Estate trustee, led a petition revolt that gathered 1,500 signatures to deactivate the 29th Infantry Brigade so the infantry and Schutter's unit would not have to go to war.

The effort failed, and Schutter served for a short time in Vietnam. He returned to Hawaii in 1969, started his own law office and was elected president of the Honolulu Young Democrats.

He grew to love Hawaii. On non-court days, he would toss his coat and tie and pad around town in shorts and bare feet.

Eleven years later, Schutter was criticized after winning a plea deal for Rodney Kiyota, who was accused of murder in the 1976 stabbing death of Jeanine Kansaki. The deal meant 10 years in prison rather than a life sentence.

Schutter also used the "white wine defense" in winning an acquittal in the early 1980s for Robert Hall, who was accused of attempted murder in the shooting of developer Rodney Inaba and three others at the Waikiki Yacht Club. Schutter and experts said an ingredient in white wine caused a brain dysfunction that resulted in "pathological intoxication" so Hall could not control his actions.

"He had an incredible ability as a lawyer who fought for the proverbial underdog," said Paul Smith, a former partner in Schutter's law firm.

"I remember one time, he was in court arguing his case to the jury, and he seemed to be the only person in the courtroom because he was so dominant and had become the center of attention."

Cayetano noted: "There are many highly intelligent lawyers in town, but what separated David from the rest was his overpowering will to win, his willingness to take big risks and his extraordinary ability to connect with jurors and persuade them to his cause.

"He was innovative and often would take cases which other lawyers would not touch."

Chris Schutter described his father also as an "avid sports fan."

Merv Lopes was the basketball coach at Chaminade University when Schutter was on the school's board of regents. Schutter was a big Silverswords fan, hosting the team at his Kahala home. He also hosted NBA players during the Pete Newell Big Man Camp.

In 1989, Lopes and Sheryl Paz-Kaahea were married at Schutter's home. The couple flew in from the Big Island to visit Schutter on Thursday.

"I don't know if he heard me, but I told him how much I appreciated him and everything he did for me, my family and the school," Lopes

said. "He was such an awesome guy, so heavy-duty when he went to court, but at the same time he was so generous to his friends."

In 1981, Schutter donated \$25,000 to start the nonprofit Schutter Foundation to "ban handguns in Hawaii and help develop a criminal justice system that was more effective and accountable."

Schutter was born Sept. 2, 1940, and adopted by a Wisconsin couple six days later.

In 1971 he married Patrice Kashiwai. The couple married and divorced twice. In 1977, Schutter married Carole Whang. They later divorced.

He is survived by stepdaughter Michelle and sons Tony, Chris, Devin and Stefan.

Services are pending.

Star-Bulletin reporters Rod Antone and Cindy Luis contributed to this report.

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