

MINUTES
HAWAII STATE BAR ASSOCIATION
BOARD MEETING

1100 Alakea Street, Suite 1000
Honolulu, HI 96813

Thursday, December 13, 2012

1. **CALL TO ORDER**

President Carol Muranaka called the meeting to order at 12:07 p.m. with a quorum present. The following persons were present for all or part of the meeting:

Officers Present

Carol Muranaka
Craig Wagnild
Calvin Young
Ronette Kawakami

Directors Present

Nadine Ando
Russ Awakuni
Vladimir Devens
David Farmer
Rhonda Griswold
Geraldine Hasegawa
Carol Kitaoka
Derek Kobayashi
Laurel Loo
Timothy McNulty
Mark Murakami
Alika Piper
Suzanne Terada

Board Members Absent

Steven Chow
Gregory Markham
Jodi Kimura Yi
John Roth

Others Present

Associate Justice Simeon Acoba
Kenneth Hoo
Louise Ing

HSBA Staff

Patricia Mau-Shimizu
Iris Ito
Debra White
Levi Ho'okano

2. **APPROVAL OF MINUTES** - A motion was made, seconded, and carried without opposition to approve the minutes of the November 15, 2012 board meeting.
3. **TREASURER'S REPORT** – In the absence of Treasurer Jodi Yi, Director of Operations Debra White reported that the HSBA is under budget for expenses as of November 30, 2012 and that the HSBA will have a positive balance at year's end. In light of the positive balance, staff recommended making the \$50,000 2012 budgeted additional payment on the office construction loan. After the Board's discussion, President Muranaka stated that she would inform the Treasurer that the HSBA will not make the 2012 budgeted additional payment in December, and further clarified that the additional payment will be made in January of 2013.
4. **EXECUTIVE DIRECTOR'S REPORT** - Patricia Mau-Shimizu reported that the attorney renewal portal opened on December 1st and to date, approximately 1900 members renewed with 5700 remaining.

Director of Programs Levi Hookano reported that attendance at the Bar Convention totaled 805 registered seats including 77 speakers. The top 3 programs with 100+ registrants were: How Good Lawyers Avoid Ethical Dilemmas and Malpractice Nightmares, Land Court, and Family & Divorce Law Update.

5. **UNFINISHED BUSINESS**

Proposed Amendment to Supreme Court Rule 2.8 - This amendment proposes to give counsel for the Disciplinary Board immunity from suit and liability for any conduct in the course of his/her official duties. Board members expressed concern over the broad language of the proposed amendment and questioned whether it captured the intent of amendment.

Action taken: Action taken: After further discussion, a motion was made, seconded, and carried without opposition for qualified support of the proposed Rule amendment raising to the Supreme Court the issue of the scope of the proposed immunity and requesting consideration of a limited or more narrow immunity.

6. **NEW BUSINESS**

- a. **Board Authorization for Percentage Fee Program** – Lawyer Referral and Information Service Committee Chair, Kenneth Hoo, described the concept of the percentage fee program, which has been implemented in many Mainland jurisdictions for their respective LRIS programs and which was previously raised to the HSBA Board in 2007-2008. HSBA LRIS panel attorneys currently pay a set fee for their annual panel subscription. The Chair then requested Board approval to survey members who are currently on the LRIS panel to solicit their comments on the possible implementation of a percentage fee program for the HSBA LRIS program.

Action taken: A motion was made, seconded, and carried without opposition to approve the LRIS Committee's request to seek comment from present LRIS panel members on the possible implementation of a percentage fee program.

- b. **Pro Bono Initiative Task Force** - Associate Justice Simeon Acoba thanked the HSBA for providing funding for the Bench-Bar Conference in 2012. He also commented on HSBA's assistance for the Oral Arguments on Maui project which had tremendous student participation. Finally, he explained that the purpose of Pro Bono Initiative is to encourage law firms to volunteer to staff the Access to Justice Rooms on Oahu and self-help centers on the neighbor islands and other legal service provider programs in need of pro bono volunteers.

Action taken: After discussion, a motion was made, seconded, and carried without opposition to approve co-sponsorship of the February 21, 2013 event, and the proposed members of the Pro Bono Initiative Task Force: Associate Justice Simeon Acoba, President Carol Muranaka, Judge Ronald Ibarra, Audrey Stanley, Dew Kaneshiro, Regan Iwao, Jill Hasegawa, Judge Barbara Richardson, Kristin Shigemura, Rex Fujichaku, and Tracey Wiltgen.

Action taken: A further motion was made, seconded, and carried without opposition to approve funding up to \$1000 for refreshment expenses incurred for the Pro Bono Initiative event.

- c. **2013 Access to Justice Conference**

Action taken: A motion was made, seconded, and carried without opposition to adopt the Executive Committee's recommendation to approve co-sponsorship of the Access to Justice Conference scheduled for June 21, 2013 at the William S. Richardson School of Law.

- d. **HSBA Board Policy Manual Revisions to Section 11.3 HSBA Website** - President Muranaka briefly explained the Technology's Committee proposed amendments to Chapter 11.3 of the Board Policy Manual:

- Deleted the phrase "...or set up their own groups under the HSBA Members Only site" from 11.3 E. "Discussion Groups".
- Inserted the phrase "...or disparaging comment(s)" into 11.3 F.c. "Content" in addition to the terms pornography, libel, slander to describe prohibited content to comply with HSBA and Keller policies.
- Inserted a sentence to 11.3 F.3 to have the Sections include or reference the HSBA website disclaimer.

Action taken: A motion was made, seconded, and carried without opposition to adopt the Executive Committee's recommendation to approve the Technology Committee's proposed revisions to Section 11.3 of the HSBA Board Policy Manual regarding the HSBA website.

- e. **Appointment of HSBF Board Members** - During the discussion, Board members noted: the absence of Neighbor Island representation; and the ambiguity of the HSBF Bylaws as to whether HSBA Board members are eligible to serve on the HSBF Board in view of language prohibiting a director, officer, or individual in a leadership position in other organizations that may apply for, or receive, funds from the HSBF. It was suggested that the HSBA Board move forward in the appointment of the proposed HSBF Board members and commit to clarifying the language in the HSBF Bylaws to address HSBF Board member qualifications.

Action taken: A motion was made, seconded, and carried by a vote of 12 to 3 to adopt the Executive Committee's recommendation to approve the Nominating Committee's recommendation on the following appointments to the HSBF Board:

- Rai Saint Chu, Louise Ing, and Jeffrey Sia for a three-year term
- Bart Howk, Curtis Saiki, and Lynne Toyofuku for a two-year term
- Lyn Flanigan, Carol Tom, and Calvin Young for a one-year term

Directors Derek Kobayashi, Suzanne Terada, and Vice-President Calvin Young recused themselves from voting. Director Laurel Loo abstained from voting.

- f. **Banking Resolution 2013 HSBA Officers**

Action taken: A motion was made, seconded, and carried without opposition to approve a banking resolution which authorizes the 2013 HSBA Officers, the Executive Director, and the Director of Operations (in the absence of the Executive Director) to make monetary transactions on behalf of the HSBA.

- g. **Executive Session**

Action taken: A motion was made, seconded, and carried without opposition to move into executive session to discuss a personnel matter. The 2013 Board members were invited to participate.

- h. **Thank You to the 2012 HSBA Board** - President Muranaka thanked the Board members for their year of service on the HSBA Board in 2012 and presented each Board member with a memento.

- i. **Gift for HSBA President** - On behalf of the HSBA, President-elect Craig Wagnild presented a gift to President Muranaka for her leadership and hard work throughout 2012.

- j. **Passing of the Gavel** - President Muranaka presented a gavel to President-elect Wagnild to guide the HSBA in the upcoming year.

8. **ADJOURNMENT**

The meeting adjourned at 1:50 p.m.

Submitted by:

A handwritten signature in black ink, appearing to read 'Patricia Mau-Shimizu', written in a cursive style.

Patricia Mau-Shimizu
HSBA Executive Director

Approved by:

A handwritten signature in black ink, appearing to read 'Ronette Kawakami', written in a cursive style.

Ronette Kawakami
HSBA Secretary