

MINUTES  
HAWAII STATE BAR ASSOCIATION  
BOARD MEETING

1100 Alakea Street, Suite 1000  
Honolulu, HI 96813

Thursday, March 15, 2012

**1. CALL TO ORDER**

President Carol Muranaka called the meeting to order at 12:04 p.m. with a quorum present. The following persons were present for all or part of the meeting:

Officers Present

Carol Muranaka  
Craig Wagnild (by phone)  
Calvin Young  
Ronette Kawakami

Others Present

Leslie Chinn  
Roger Epstein  
Louise Ing  
Mihoko Ito  
James Kawachika

Directors Present

Nadine Ando  
Russ Awakuni  
Steven Chow  
Vladimir Devens  
David Farmer  
Rhonda Griswold  
Geraldine Hasegawa  
Carol Kitaoka  
Derek Kobayashi (by phone)  
Timothy McNulty (by phone)  
Alika Piper  
Suzanne Terada (by phone)  
John Roth (by phone)

HSBA Staff

Patricia Mau-Shimizu (by phone)  
Iris Ito  
Debra White  
Levi Ho'okano  
Angela Sablan

Board Members Absent

Jodi Yi  
Laurel Loo  
Gregory Markham  
Mark Murakami

2. **REPORT ON LEGISLATION** -- Legislation Committee Co-Chair Mihoko Ito reported that on HB 1875 regarding Mortgage Foreclosures, there appears to be resistance by legislators in removing the language on attorney affirmations. Ms. Ito recommended that HSBA request a meeting with key legislators to explain the importance of removing this language. President Muranaka stated that she will set up separate meetings with Senator Rosalyn Baker and Representatives Robert Herkes and Gilbert Keith-Agaran after further research is done on New York and Ohio jurisdictions. It was suggested that support from the ABA be obtained on HB 1875; Ms. Ito commented that national support would be helpful.
  
3. **APPROVAL OF MINUTES** – Minutes of the February 24, 2012 board meeting were approved by consensus with the amendment that “dry cleaning and other services” be deleted at agenda item 9.c.
  
4. **TREASURER’S REPORT** – In Treasurer Jodi Yi’s absence, Director of Operations Debra White reported that not much has changed in the financials from January to February. She noted that credit card charges will be higher than last year due to more members renewing online.
  
5. **EXECUTIVE DIRECTOR’S REPORT** - nothing new to report.
  
6. **REQUEST FOR FRIENDSHIP AGREEMENT WITH CHINA** - HSBA member Roger Epstein requested that HSBA enter into a friendship agreement with Huangju District Judicial Administration and Shanghai Bar Association and that they be invited to the annual bar convention in September. He remarked that there is a tremendous amount of business coming out of China. This is an opportunity for Hawaii to be a gateway for Chinese legal services, especially in the areas of tax, real estate, immigration, and trust law. Mr. Epstein asked that the concept of the friendship agreement be approved. He further clarified that the Chinese delegates would pay for their own travel expenses to attend the bar convention and that there would be no financial obligation to HSBA at this point in time.  
  
**Action taken:** A motion was made, seconded, and carried without opposition to approve moving forward on developing a friendship agreement with the Huangju District Judicial Administration and Shanghai Bar Association and extending to them an invitation to the HSBA annual bar convention in September. Final documents to follow.
  
7. **YLD REPORT** - YLD President John Roth reported that Law Week is coming up in late April/early May. Legal clinics at shopping centers and the May 4<sup>th</sup> golf tournament are some of the Law Week activities.

## 8. UNFINISHED BUSINESS

### a. Proposed Rule Amendments of the Rules of the Supreme Court

- 1) **Rules 1.14 and 22** - These proposed amendments seek to: (1) clarify that the Hawaii Professionalism Course is separate and distinct from the mandatory continuing professional education courses; and (2) require the HSBA to issue courtesy notification to attorneys facing administrative suspension due to noncompliance 1 month prior to the final opportunity to complete the professionalism course.

**Action taken:** After discussion, a motion was made, seconded, and carried without opposition to inform the Hawaii Supreme Court that HSBA has no objection to the proposed amendments except for the last two sentences in proposed rule amendment 1.14 which state that HSBA shall provide a 30-day courtesy notice to individuals affected, explaining that the last two sentences are unnecessary due to the numerous notices currently given to members.

- 2) **Rule 17(d)** - This proposed amendment seeks to make language consistent with Rule 6.1 of the Hawaii Rules of Professional Conduct regarding financial contributions made as an alternative to pro bono service.

**Action taken:** A motion was made, seconded, and carried without opposition to inform the Hawaii Supreme Court that HSBA that the HSBA has no objection to this proposed rule amendment.

- b. **Proposed Amendment to Hawaii Board of Bar Examiners Rules of Procedures** - The proposal clarifies that a hearing shall commence no more than 180 days after an applicant's request for review is received, unless time is extended at the request of the applicant for good cause.

**Action taken:** A motion was made, seconded, and carried without opposition to inform the Hawaii Supreme Court that HSBA has no objection to this proposed rule amendment.

- c. **Judicial and Executive Nominations** - the Board discussed further minor revisions to Section 1.8 of the Board Policy Manual. President Muranaka stated that the additional revisions would be included and a clean version of Section 1.8 would be distributed and ratified at the April board meeting.

9. **NEW BUSINESS**

- a. **Waiver of Fees for Judges Doing *Pro Bono*** - The Board discussed a member's request for HSBA to waive bar dues for retired judges that continue to serve on the bench on a pro bono basis. Vice President Calvin Young stated that HSBA does not have the authority to grant this request, however, the Hawaii Supreme Court does. The Board further talked about the prudence of asking the Court to amend the rule to include retired judges in the Inactive-Pro Bono category (the Executive Committee's recommendation) considering the infrequency of a retired judge serving on bench *pro bono*.

**Action taken:** After discussion, a motion was made, seconded, and carried without opposition to inform the Hawaii Supreme Court, for its consideration, of a member's request to waive payment of attorney dues and fees for retired judges who sit on the bench doing pro bono service.

- b. **Hawaii State Bar Foundation** - President-elect Craig Wagnild explained that now that the 501(c)(3) Committee has completed its job and the HSBA Board has approved the formation of a foundation, it is time to move forward with the Foundation in order to have it in place by 2013. Referring to an implementation proposal which was distributed at the meeting, Mr. Wagnild outlined the next steps that needed to be taken.

**Action taken:** After discussion, a motion was made, seconded, and carried without opposition to approve the proposed Interim Directors (Louise Ing, Craig Wagnild, Calvin Young) for the Hawaii State Bar Foundation, in addition to the initial Directors (Rai Saint Chu, Lyn Flanigan, Jeffrey Sia) named in the Articles of Incorporation.

- c. **RCL Portrait Design** - Vice President Young explained that a company from Texas is offering free photography services for members to update their bar directory pictures, as well as a chance to purchase individual portraits for members' personal or professional needs. There was discussion of offering local companies the same opportunity to present their photography services to HSBA, but the conclusion was that it would be highly unlikely that local companies could make the same offer to members.

**Action taken:** A motion was made, seconded, and carried without opposition to authorize the Executive Director to execute the agreement with RCL Portrait Design for professional photography services for free bar directory pictures of members on Oahu, Maui, Kauai and the Big Island.

- d. **West Hawaii Civic Education**

**Action taken:** After discussion, a motion was made, seconded, and carried without opposition to approve the request made by West Hawaii Director Carol Kitaoka for HSBA to cover the airfare costs in the amount of \$552 for

four William S. Richardson law students to fly to Kona to teach classes on the First Amendment at Kealakehe Intermediate School and Konawaena High School.

- e. **Proposed Amendments to Rules 2, 5, 6, 9, 10 and Forms 1 to 4 of the Hawaii Court Records Rules** - The Board discussed the need to review all proposed rule amendments that come to HSBA. Some board members stated that it was important for the Executive Committee to review all proposed amendments to determine whether the Board should take a position on it. After further discussion, the Board decided that when HSBA staff receives notices of proposed rule amendments, it should be posted on the website and included in the e-newsletter and e-calendar, and sent to Section Chairs, neighbor island bar presidents, and specialty bar presidents.

## 10. **ADJOURNMENT**

The meeting adjourned at 2:13 p.m.

Submitted by:



Patricia Mau-Shimizu  
HSBA Executive Director

Approved by:



Ronette M. Kawakami  
HSBA Secretary