

MINUTES
HAWAII STATE BAR ASSOCIATION
BOARD MEETING

1100 Alakea Street, Suite 1000
Honolulu, HI 96813

Thursday, September 22, 2016

A. **CALL TO ORDER**

President Jodi Yi called the meeting to order at 12:05 p.m. with a quorum present. The following persons were present for all or part of the meeting:

Officers Present

Jodi Yi
Nadine Ando
Russ Awakuni
Mark M. Murakami

HSBA Staff

Patricia Mau-Shimizu
Iris Ito
Debra White
Christina Bae

Directors Present

Steven Chow
Rebecca Copeland
Vladimir Devens (by phone)
Rhonda Griswold
Geraldine Hasegawa
Kristin Izumi-Nitao
Carol Kitaoka
Derek Kobayashi
Mei-Fei Kuo
Kai Lawrence
Georgia McMillen
Lisa Munger
Mark K. Murakami
Alika Piper
Ryan Hew

Others Present

James Kawachika

Board Members Absent

Cecelia Chang
Howard Luke

B. **NEW BUSINESS** (item taken out of order due to the presence of a guest)

10. **Proposed Amendments to the Guidelines of Professional Courtesy and Civility for Hawaii Lawyers** - James Kawachika recommended an additional revision to the Supreme Court's Commission on Professionalism's proposed amendments to the Guidelines that replaces the statement "is honest and reasonable in settlement activities" with "does not make a false statement of material fact or law and is reasonable in settlement activities" and an additional statement to the preamble which clarifies that the Guidelines are not mandatory rules of professional conduct, and should not be used for independent ODC charges or claims of professional negligence.

Action taken: After discussion, a motion was made, seconded, and carried without opposition to submit a letter to the Hawaii Supreme Court requesting consideration of further revisions to the proposed amendments to the Guidelines of Professional Courtesy and Civility for Hawaii Lawyers as recommended by Mr. Kawachika. Director Rebecca Copeland, who is one of the HSBA's representatives appointed to the Commission of Professionalism which prepared the proposed amendments, recused herself.

C. **APPROVAL OF MINUTES** - A motion was made, seconded, and carried without opposition to approve the minutes of the Board meeting of August 25, 2016.

D. **TREASURER'S REPORT** - Treasurer Mark M. Murakami reported that dues receipts were slightly ahead of budget while credit card fee expenses were slightly over budget. He noted that the balance on the mortgage is \$1.34M.

E. **EXECUTIVE DIRECTOR'S REPORT** - Executive Director Patricia Mau-Shimizu reported on the following items:

- **Bar Convention:** In addition to the HSBA Annual Meeting, the YLD will also hold their annual meeting at the luncheon. Rai Saint Chu and Richard Turbin will hold an evening reception at their home for luncheon keynote speaker Linda Klein. HSBA Board members will be invited. Hawaii Women Lawyers are also having a pau hana reception (at the Convention Center) to network and increase their membership.
- **SCD:** Their annual meeting will be on November 6th at the Plaza Club. Maya Soetoro-Ng will be the guest speaker. SCD will hold legal clinics in Naalehu and Pahala on the Big Island on September 24th.
- **Law Day Golf Tournament:** Rescheduled for November 18th at Mamala Golf Course.
- **Hawaii Professionalism Course:** November 19th at Wm. S. Richardson School of Law.
- **Courts in the Community:** October 27th at McKinley High School; 200 McKinley students and 289 students from other schools will be participating.

- F. **YLD PRESIDENT'S REPORT** - YLD President Ryan Hew reported that volunteers will be needed for the Junior Judges Program in October and the upcoming Voter Education project. He also noted that there will be a volunteer appreciation social towards the end of the year.

G. **UNFINISHED BUSINESS**

1. **2017 GG4 Project Budget Requests** - Treasurer Murakami stated that the YLD and the Civic Education Committee submitted revised budgets at the request of the joint Executive-Finance Committee for projects under Goal Group 4. The proposed 2017 budget requests are now comparable to 2016 budgeted amounts.

The Board also discussed the funding request process through HSBF

Action taken: A motion was made, seconded, and carried without opposition to adopt the Executive and Finance Committees' recommendation to approve the proposed project requests of Goal Group 4.

H. **NEW BUSINESS**

2. **2017 Attorneys and Judges Assistance Program Budget** - Treasurer Murakami noted that there is no increase in the AAP fee for 2017. The lack of information on the AAP's proposed budget and ongoing program was also noted. It was suggested that AAP provide information (such as the amount of members being assisted by the program) to the HSBA Board annually.

Action taken: A motion was made, seconded, and carried without opposition to adopt the Executive and Finance Committees' recommendation to concur with the proposed 2017 budget of the Attorneys and Judges Assistance Program.

3. **2017 Lawyer's Fund for Client Protection Budget** - The LFCP similarly requests no increase in 2017 fees. Treasurer Murakami noted that if claim reimbursements exceed the budgeted amount, LFCP may hold off payout until the following year.

Action taken: A motion was made, seconded, and carried without opposition to adopt the Executive and Finance Committees' recommendation to concur with the proposed 2017 budget of the Lawyers' Fund for Client Protection.

4. **2017 Disciplinary Board Budget** - Treasurer Murakami reported that the Disciplinary Board also proposes to maintain their current fee amount for 2017. He commented that the Office of Disciplinary Counsel has had to lay off staff in 2016, and as a result, the handling of trusteeship files is taking longer to review before determining whether to store or dispose the files.

Action taken: A motion was made, seconded, and carried without opposition to adopt the Executive and Finance Committees' recommendation to concur with the proposed 2017 budget of the Disciplinary Board.

5. **2017 HSBA Section Budgets, Neighbor Island Bar Dues, and Specialty Bar Dues**

Action taken: A motion was made, seconded, and carried without opposition to adopt the Executive and Finance Committees' recommendation to concur with the proposed 2017 budgets and dues amount of HSBA Sections and dues amount of Neighbor Island Bar Associations and Specialty Bar Associations.

6. **2017 Budget Request for HOD YLD Delegate** - Treasurer Murakami explained that this item will be part of the operating budget to be approved in October. He mentioned that a poll of other bar associations revealed that they use operating budget to fund their ABA-YLD Delegate's travel to the House of Delegates' meetings.

As with HSBA-ABA Delegate James Kawachika who votes on issues before the House of Delegates, the ABA-YLD Delegate's travel will be funded by pre-unified funds. It was noted that Mr. Kawachika had not sought reimbursement for his travel the past several years, but would likely start seeking reimbursement. Concern was expressed over the depletion of the pre-unified funds. Treasurer Murakami responded that the funds will likely last another 10-15 years, and as HSBA gets closer to that time, it should have a discussion on funding travel expenses HSBA Delegates to the ABA. He remarked that it is good for Hawaii to be represented and have some visibility in the ABA House of Delegates. President-elect Nadine Ando stated that the joint Executive-Finance Committee felt that the travel expense request was justified and she noted that this budget item is not automatic every year.

Action taken: A motion was made, seconded, and carried without opposition to adopt the Executive and Finance Committees' recommendation to approve the YLD's request to budget up to \$2500 out of pre-unified funds for the ABA-YLD Delegate to the House of Delegates to attend the 2017 ABA Midyear and Annual Meetings in Miami and New York.

7. **HSBA President's Award** - President Yi announced that she plans to present the President's Award to Rebecca Copeland and Sidney Ayabe for their immense contributions to HSBA and active involvement in the legal community. By consensus the Board wholeheartedly supported President Yi's selections.

8. **Appointment/Reappointment to Hawaii State Board of CLE (aka MCLE Board)**

Action taken: A motion was made, seconded, and carried without opposition to adopt the Nominating Committee's recommendation to reappoint the following individuals to the MCLE Board for 3-year terms beginning October 2, 2016: Carol Egan, Jane Kwan, David Proudfoot.

9. **Support of the Hawaii RFP in Response to the National Justice for All Project** - Access to Justice Commission Vice Chair and HSBA Director Derek Kobayashi explained that the Hawaii Access to Justice Commission along with the Hawaii Supreme Court and Hawaii Justice Foundation plan to submit a proposal for a national grant designed to encourage all stakeholders, including legal service providers, to work collaboratively to implement a comprehensive approach that will provide meaningful civil access to justice for all who need it.

Action taken: A motion was made, seconded, and carried without opposition to send a letter of support to Chief Justice Mark Recktenwald and the Hawaii Access to Justice Commission for the RFP to be submitted for a national Justice for All project grant designed to “support efforts by the states to include relevant stakeholders in the civil justice community in a partnership to better understand, adopt, and move toward implementation...meaningful access to justice for all.”

I. **ADJOURNMENT**

The meeting adjourned at 1:22 p.m.

Submitted by:



Patricia Mau-Shimizu
HSBA Executive Director

Approved by:



Russ S. Awakuni
HSBA Secretary