

MINUTES  
HAWAII STATE BAR ASSOCIATION  
INFORMAL BOARD MEETING

1100 Alakea Street, Suite 1000  
Honolulu, HI 96813

Tuesday, March 22, 2016

A meeting was held on March 22, 2016 at the request of Chief Justice Mark Recktenwald to discuss HB2006 HD1 which proposed to reduce the benefit multiplier for judges who become judges, are reappointed, or promoted after June 30, 2016.

**A. CALL TO ORDER**

President Jodi Yi 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

Jodi Yi  
Nadine Ando  
Howard Luke  
Mark M. Murakami

Others Present

James Shigeo Dixon  
Rodney Maile  
Associate Justice Sabrina McKenna  
Chief Justice Mark Recktenwald

Directors Present

Cecelia Chang  
Rebecca Copeland  
Vladimir Devens  
Geraldine Hasegawa  
Carol Kitaoka  
Derek Kobayashi  
Mei-Fei Kuo  
Georgia McMillen  
Lisa Munger  
Mark K. Murakami  
Alika Piper  
Ryan Hew

HSBA Staff

Patricia Mau-Shimizu  
Iris Ito

**B. Legislation Relating to the Employees' Retirement System:**

Chief Justice Mark Recktenwald explained that HB2006, HD1, if passed by the Legislature, would have a tremendous negative effect on the community at large because of the potential loss of current experienced judges.

- It encourages experienced judges to retire leaving the bench with less knowledgeable/skilled judges that could lead to a back-logged calendar.
- It discourages judges from seeking retention or applying for a higher court.
- It targets judges only; no other state employees are being affected by this legislation.
- It undercuts the work of the constitutionally convened Salary Commission.
- It will result in increased administrative expenses for the State Employees' Retirement System.

After further discussion and comments from Associate Justice Sabrina McKenna and Administrative Director of the Courts Rod Maile, Chief Justice Recktenwald thanked the Board and expressed appreciation for HSBA's support of previous legislation and the continued support of the Judiciary's FY2016-2017 supplemental budget request.

Once the guests from the Judiciary departed, President Yi asked the Board whether it wished to take formal action on the Chief Justice's request to oppose HB2006, HD1, and if yes, to make such a motion including a *Keller* analysis.

**Action taken:** A motion was made, seconded, and carried without opposition that HSBA take formal action on the request from the Chief Justice.

**Action taken:** A motion was made, seconded, and carried without opposition that the Board determined to a reasonable certainty that taking a position on HB2006, HD1, and companion measure SB2244, is germane to the regulation of the legal profession or improving the quality of legal services available to the people of Hawaii. It was noted that the leaders at the Legislature who introduced SB2244 are HSBA members.

**Action taken:** After further discussion, a motion was made, seconded, and carried by a vote of 10 to 3 that the Board believes that opposition to HB2006, HD1 and companion measure SB2244 would generally be supported by HSBA members, and at the next opportunity, should one arise, the HSBA will submit testimony to oppose legislation to reduce judicial pension benefits through modification of the calculation formula. The 3 members who did not support the measure supported opposition to HB2006/SB2244, but had indicated a preference for membership notification via email of the Board's intent to oppose HB2006/SB2244, and inviting members to indicate their support or opposition to the Board's intended action.

**NOTE:** *On March 23<sup>rd</sup> the Senate Judiciary and Labor Committee held a public hearing on HB2006, HD1. At decision making, the JDL Chair recommended that the measure move out of Committee with amendments. Lacking support of a majority of Committee members, the motion failed and the measure remains in the JDL Committee, and did not meet the Senate's deadline to refer the measure to the Senate Ways and Means Committee for further consideration. As a result, the HSBA will not have an opportunity to submit public testimony on HB2006, expressing opposition.*

*Similarly SB2244, SD1, HD1 is stalled in the House Judiciary Committee, and did not meet the House's deadline to refer the measure to the House Finance Committee for further consideration. The HSBA will not have an opportunity to submit public testimony on SB2244, expressing opposition.*

**C. ADJOURNMENT**

The meeting adjourned at 1:37 p.m.

Submitted by:



Patricia Mau-Shimizu  
HSBA Executive Director

Approved by:



Jodi L.K. Yi  
HSBA President