

MINUTES
HAWAII STATE BAR ASSOCIATION
BOARD MEETING

1100 Alakea Street, Suite 1000
Honolulu, HI 96813

Thursday, May 25, 2017

A. **CALL TO ORDER**

President Nadine Ando called the meeting to order at 12:15 p.m. with a quorum present. The following persons were present for all or part of the meeting:

Officers Present

Nadine Ando
Howard Luke
Russ Awakuni

HSBA Staff

Patricia Mau-Shimizu
Iris Ito
Christina Bae
Levi Hookano
Blaine Kawakami

Directors Present

Cecelia Chang
Steven Chow
Rebecca Copeland
Vladimir Devens
Geraldine Hasegawa
Kristin Izumi-Nitao
Carol Kitaoka
Kai Lawrence
Mark K. Murakami
Zale Okazaki
Alika Piper
Shannon Sheldon
Trejur Bordenave

Others Present

Douglas Chin

Board Members Absent

Derek Kobayashi
Karin Holma
Rhonda Griswold
Mei-Fei Kuo
Lisa Munger

- B. **ATTORNEY GENERAL DOUGLAS CHIN** - Mr. Chin explained the importance of the travel ban lawsuit and how the ban would affect the State of Hawaii. He also shared his insights on a recent national meeting of the Attorneys General.
- C. **APPROVAL OF MINUTES** - A motion was made, seconded, and carried without opposition to approve the minutes of the April 27, 2017 board meeting.
- D. **TREASURER'S REPORT** - In the absence of Treasurer Karin Holma, Director of Operations Christina Bae reported that the March financials indicate that revenues are going down due to a drop in anticipated dues income. Expenses, however, are tracking normally.
- E. **EXECUTIVE DIRECTOR'S REPORT** - Executive Director Patricia Mau-Shimizu reported on the following items:
- Recently renewed 10 liability and business insurance policies which reflected an increase of about \$1000 in premiums from the prior renewal period.
 - Anticipated judicial appointments - A special legislative session will probably be scheduled in the later part of the year.
 - Courts in the Community - Maui had close to 600 students in April. Next up is Hilo on October 27th and the Windward area on December 14th.
 - Bar Convention is scheduled for Wednesday, October 18th.
 - Annual Dinner is scheduled for Saturday, August 19th.
- F. **YLD PRESIDENT'S REPORT** - YLD President Trejur Bordenave reported that the YLD wrapped up Law Week and will now focus on Junior Judges. Volunteers will be needed for this project.
- G. **UNFINISHED BUSINESS**

1. **Proposed Amendments to Guidelines of Professional Courtesy and Civility** - Director Rebecca Copeland, who also serves as a member of the Judiciary's Commission on Professionalism, explained that the Commission wanted to know whether the HSBA Board still wants to add the statement to the Preamble to the Guidelines of Professional Courtesy and Civility that the guidelines are not mandatory given that the Preamble already states that the guidelines "are offered for the guidance of lawyers and for the information of their clients" and that the Office of Disciplinary Counsel does not use the Guidelines as a basis for attorney violations.

In answer to a question over timing, Ms. Copeland remarked that this is time sensitive in that the Supreme Court is waiting for the Commission's proposed amendments. She also noted that the Commission felt it important to consider the HSBA's comments carefully since the Guidelines were initially adopted by the HSBA.

Action taken: A motion was made and seconded to table the discussion for one month until the Board could hear from James Kawachika who had

recommended the additional statement to the Preamble. After discussion, the motion and second were withdrawn.

The Board fully discussed the concerns raised by the Commission and concluded that the additional language would not contradict existing language and would provide in the Preamble that the Guidelines are not mandatory.

Action taken: After discussion, a motion was made, seconded, and carried without opposition to inform the Commission on Professionalism that the HSBA Board reaffirms its position on the proposed additional language, which was voted upon in September 2016, to the Preamble to the Guidelines of Professional Courtesy and Civility.

2. **Ninth Circuit Court of Appeals Restructuring** - The Board reviewed and discussed the results of an online HSBA membership survey which indicated that members opposed a restructuring of the Ninth Circuit by a 77% to 23% margin. Director Kai Lawrence stated that he also polled his Kauai constituents and found that a handful of attorneys who may not have participated in the HSBA online survey were in favor of restructuring the Ninth Circuit.

Action taken: After further discussion, a motion was made, seconded, and carried by a vote of 12 to 2 to co-sponsor a resolution, presented at the request of the ABA Standing Committee on the American Judicial System, to oppose the restructuring of the Ninth Circuit Court of Appeals.

H. NEW BUSINESS

3. **Board Vacancies**
 - a. **Access to Justice Commission**

Action taken: A motion was made, seconded, and carried without opposition to adopt the recommendation of the Nominating Committee to appoint Joanna Sokolow as an HSBA representative on the Hawaii Access to Justice Commission.

- b. **Legal Aid Society of Hawaii Board**

Action taken: A motion was made, seconded, and carried without opposition to adopt the recommendation of the Nominating Committee to appoint the following individuals to 3-year terms beginning July 1, 2017 on the Legal Aid Society of Hawaii Board: Edmund Burke, Robin Kobayashi, Kurt Murao, Jan Tamura, and Elijah Yip. Russ Awakuni abstained from voting

4. Banking Resolution and Signature Cards

Action taken: A motion was made, seconded, and carried without opposition to approve the amended banking resolution and updated signature cards to allow the new Director of Operations to transfer funds between HSBA banking and investment accounts, in the absence of the Executive Director.

I. INFORMATION

President Ando reported that she attended the Civil Justice Reform Summit where the discussion focused on the idea that civil litigation in courts could become irrelevant in the future due to its cost, complexity, and length. She stated that some jurisdictions have made significant changes to its rule of civil procedure. She also noted that Chief Justice Recktenwald would like to address the Board about this issue.

J. ADJOURNMENT

The meeting adjourned at 1:53 p.m.

Submitted by:



Patricia Mau-Shimizu
HSBA Executive Director

Approved by:



Russ S. Awakuni
HSBA Secretary