

MINUTES  
HAWAII STATE BAR ASSOCIATION  
BOARD MEETING

1100 Alakea Street, Suite 1000  
Honolulu, HI 96813

Thursday, July 27, 2017

**A. CALL TO ORDER**

President Nadine Ando called the meeting to order at 12:08 p.m. with a quorum present. The following persons were present for all or part of the meeting:

Officers Present

Nadine Ando  
Howard Luke  
Derek Kobayashi  
Russ Awakuni  
Karin Holma

HSBA Staff

Patricia Mau-Shimizu  
Iris Ito  
Christina Bae  
Levi Hookano

Directors Present

Cecelia Chang  
Rebecca Copeland  
Vladimir Devens (by phone)  
Rhonda Griswold  
Geraldine Hasegawa  
Carol Kitaoka  
Kai Lawrence  
Lisa Munger  
Mark K. Murakami  
Zale Okazaki  
Alika Piper  
Trejur Bordenave (by phone)

Others Present

Chief Justice Mark Recktenwald  
Judge Jeannette Castagnetti  
Brandon Kimura

Board Members Absent

Steven Chow  
Kristin Izumi-Nitao  
Mei-Fei Kuo  
Shannon Sheldon

- B. CHIEF JUSTICE MARK E. RECKTENWALD** - Chief Justice Recktenwald thanked the Board for its support on the Courts in the Community projects. He noted that he was looking forward to the Annual Dinner [proceeds from the Dinner often benefit the Courts in the Community].

Chief Justice Recktenwald reported on the Civil Justice Reform Summit, which he recently attended on the mainland with Rod Maile, Judge Jeanette Castagnetti, and Nadine Ando, and actions being taken with respect to civil justice reform on a national level. He stated that results of a survey undertaken by the Civil Justice Improvements Committee of the Conference of Chief Justices indicated that the system requires updating to reflect the needs of public access to the courts. Thirteen recommendations were documented, one of which was to right-size case management. Chief Justice Recktenwald explained that when a civil case enters the system, it should be directed into 1 of 3 tracks: streamlined, complex, or general. For each track, procedures would be established to deal with those particular types of cases.

Chief Justice Recktenwald said that Hawaii courts would use its existing structure to see what might work in civil justice reform, such as changing rules to empower court staff to send out notices and making changes in procedure (rather than substantive law). He welcomed the Board's input and comments. Judge Jeannette Castagnetti remarked that this is an access to justice issue, and that the civil circuit judges plan to review, meet, and address issues in this area in September 2017.

- C. **APPROVAL OF MINUTES** - A motion was made, seconded, and carried without opposition to approve the minutes of the May 25, 2017 and June 22, 2017 board meetings.
- D. **TREASURER'S REPORT** - Treasurer Karin Holma reported that as of June 30, 2017, YTD dues income was \$1.479M, compared to anticipated dues income for the entire year at \$1.438M. Total income as of June 30<sup>th</sup> was \$1.633M and appears to be on par with last year's total at this time. On the expense side, CLE expenses were significantly higher compared to last year, but there is a corresponding higher amount in CLE income. Goal Group project expenses are on track with budget.

Treasurer Holma reviewed the timeline for the 2018 budget process. She confirmed with Director and Finance Committee member Alika Piper that the reserves will be invested in money market funds as discussed earlier with HSBA investment advisors from the Heim McCollum Group.

- E. **EXECUTIVE DIRECTOR'S REPORT** - Executive Director Patricia Mau-Shimizu reported on the following items:
- The amount of newly admitted attorneys have decreased over the last few years. This needs to be taken into consideration when developing future HSBA budgets.
  - Supreme Court entities were informed earlier in the year that HSBA can no longer absorb the cost of credit card fees that it is charged for the amount collected for the entities.
  - Onsite work for the annual independent audit by KMH was recently conducted.
  - Five hundred guests are anticipated at the Annual Dinner. \$38k in silent auction items have been donated to date.

- F. **YLD PRESIDENT'S REPORT** - YLD President Trejur Bordenave reported that the YLD's next project is Junior Judges where they are awaiting school participation.

G. **UNFINISHED BUSINESS**

1. **Proposed Amendments to Guidelines of Professional Courtesy and Civility**

- President Ando summarized the background of this issue. She stated that she had been invited to attend the July 14<sup>th</sup> meeting of the Commission on Professionalism, at which she clarified the HSBA Board's comments on the proposed amendments to the Guidelines. President Ando further explained that the Commission proposed further additional comments at this meeting for the Board's consideration, namely the deletion of the phrase "nor rules of practice," due to its ambiguity. She noted that the additional phrase "as well as for reference by the courts" was in the original proposed amendment which the HSBA had not commented on earlier and was therefore not up for discussion.

**Action taken:** After discussion, a motion was made, seconded, and carried by a vote of 11 to 2 (with 1 abstention) to approve the Commission on Professionalism's proposed further revision to the Guidelines of Professional Courtesy and Civility which intends to reduce ambiguity and which reformats content for clarification purposes.

3. **Review of HSBA's Keller Policy** - No action needed at this time. See written subcommittee report.

H. **NEW BUSINESS**

4. **Request from Senators Hirono and Schatz to Oppose Ninth Circuit Split** -

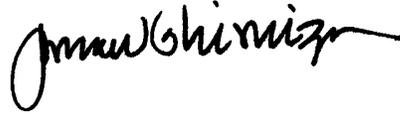
President Ando stated that U.S. Senators Mazie Hirono and Brian Schatz have asked the HSBA to oppose pending federal legislation to split the Ninth Circuit Court of Appeals. It was noted that Hawaii's Federal Court judges, as well as Chief Justice Recktenwald, had sent letters opposing the split of the Ninth Circuit.

**Action taken:** After discussion, a motion was made, seconded, and carried by a vote of 10 to 2 to approve the recommendation of the Executive Committee to send a letter to Senators Mazie Hirono and Brian Schatz, as well as the Chair and the Ranking Member of the Committee on Judiciary of the U.S. Senate, Senators Chuck Grassley and Dianne Feinstein, respectively, stating the HSBA Board's opposition to federal legislation which proposes to split the Ninth Circuit Court of Appeals.

I. **ADJOURNMENT**

The meeting adjourned at 1:30 p.m.

Submitted by:



Patricia Mau-Shimizu  
HSBA Executive Director

Approved by:



Russ S. Awakuni  
HSBA Secretary