

MINUTES
HAWAII STATE BAR ASSOCIATION
BOARD MEETING

1100 Alakea Street, Suite 1000
Honolulu, HI 96813

Monday, February 20, 2017

A. **CALL TO ORDER**

President Nadine Ando 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

Nadine Ando
Howard Luke
Derek Kobayashi
Russ Awakuni
Karin Holma

Directors Present

Cecelia Chang
Steven Chow
Rebecca Copeland
Vladimir Devens
Rhonda Griswold
Kristin Izumi-Nitao
Carol Kitaoka
Mei-Fei Kuo
Lisa Munger
Mark K. Murakami
Zale Okazaki
Alika Piper

Board Members Absent

Geraldine Hasegawa
Kai Lawrence
Shannon Sheldon
Trejur Bordenave

Others Present

Michele Acosta
Lynda Arakawa

HSBA Staff

Patricia Mau-Shimizu
Iris Ito
Levi Hookano

G. **NEW BUSINESS** - This item was taken out of order due to the presence of guests.

3. **SB329 Funding for Legal Services for Low and Moderate Income Individuals** - This bill proposes to make an appropriation to the Judiciary to purchase civil legal services for low- and moderate-income persons.

HSBA Delivery of Legal Services to the Public (DLSP) Committee Chair Lynda Arakawa explained that the DLSP Committee submitted testimony in support of SB32 and is requesting that HSBA submit similar testimony. Volunteer Legal Services Hawaii Executive Director Michelle Acosta further explained that SB329 proposes to restore funding to 2008 levels. She added that the bill has passed out of the Senate Judiciary and Labor Committee and is now before the Ways and Means Committee. Ms. Acosta also noted that the Judiciary submitted testimony in support of SB329, and is not aware of any opposition to the bill.

Action taken: After discussion, a motion was made and seconded to determine that the issue of SB329 is germane to the purposes of the unified bar as set forth in Keller v. State Bar of California. The Board then discussed whether the issue would generally be supported by the HSBA members (Board Policy Manual 7.2 B.2), and whether the members should be polled as was done on a previous occasion. Board members agreed that the issue is one that would be generally supported by members. It was determined that polling the membership would not be necessary for this proposed legislation. The question was called and the motion was carried without opposition.

Action taken: A motion was made, seconded, and carried without opposition to submit testimony on SB329 supporting the position of the DLSP Committee.

[The Board recessed the meeting to handle other business in executive session. The regular part of the meeting resumed at 2:15 p.m.]

- B. **APPROVAL OF MINUTES** - A motion was made, seconded, and carried without opposition to approve the minutes of the January 26, 2017 Board meeting.
- C. **TREASURER'S REPORT** - Treasurer Karin Holma reported that although 2017 licensing fees were collected in December, that income is not reflected in the December financials because HSBA is on a modified cash basis system whereby the income for 2017 will be reflected in 2017 financials. She also noted that CLE seminar income was \$21k less than anticipated.
- D. **EXECUTIVE DIRECTOR'S REPORT** - Executive Director Patricia Mau-Shimizu reported that suspension warning letters were mailed to 281 members who had not completed their 2017 licensing registration form. She also stated that 22 letters of MCLE non-compliance were mailed; 10 members responded; waiting to hear back from 12 members.

E. **YLD PRESIDENT’S REPORT** - None.

F. **UNFINISHED BUSINESS** - None.

G. **NEW BUSINESS** (continued)

1. **Upcoming Board Vacancies**

a. **Commission on Professionalism**

Action taken: A motion was made, seconded, and carried without opposition to adopt the recommendation of the HSBA Nominating Committee to recommend to the Hawaii Supreme Court the appointment of the individuals listed below for 4-year terms beginning March 14, 2017. Directors Mark K. Murakami, Mei-Fei Kuo, and Rebecca Copeland recused themselves from voting.

- **Erika Amatore** new appointment
- **Kenneth Wong** new appointment

b. **Rule 19 Committee**

Action taken: A motion was made, seconded, and carried without opposition to adopt the recommendation of the HSBA Nominating Committee to recommend to the Hawaii Supreme Court the appointment of the individuals listed below for 3-year terms beginning March 29, 2017. Director Zale Okazaki disclosed that she is a law firm partner of John Nishimoto.

- **Rosemary Fazio** reappointment
- **Jeen Kwak** reappointment
- **R. Patrick McPherson** reappointment
- **John Nishimoto** new appointment

2. **HB1274 District Court Specific Performance Jurisdiction**- This bill proposes to raise the District Courts' jurisdictional limit for civil actions involving specific performance. Director Rebecca Copeland recused herself from voting on this item.

Action taken: After discussion, a motion was made, seconded, and carried without opposition to determine that the issue of HB1274 is germane to the purposes of the unified bar, and would be generally supported by the members.

Action taken: A motion was made, seconded, and carried without opposition to submit testimony in support of HB1274.

H. INFORMATION

- Karin Holma, Rhonda Griswold, and Derek Kobayashi volunteered to serve on a subcommittee to review Sections 7.1 and 7.2 of the HSBA Board Policy Manual and determine whether any amendments need to be made for consistency and clarity with respect to *Keller* issues.
- Vice President Derek Kobayashi, also an HSBA representative on the Access to Justice Commission, informed the Board that the Commission will ask the HSBA for another nomination due to a nominee not meeting the criteria, namely, active member from a law firm of 10 or more attorneys, for the fourth position of the HSBA representatives.

I. ADJOURNMENT

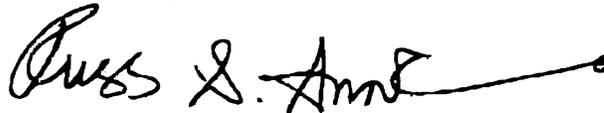
The meeting adjourned at 2:46 p.m.

Submitted by:



Patricia Mau-Shimizu
HSBA Executive Director

Approved by:



Russ S. Awakuni
HSBA Secretary