

MINUTES
HAWAII STATE BAR ASSOCIATION
BOARD MEETING

1100 Alakea Street
Honolulu, HI 96813

Thursday, December 16, 2010

1. CALL TO ORDER

President Hugh Jones called the meeting to order at 11:50 a.m. with a quorum present. The following persons were present for all or part of the meeting:

Officers Present

Hugh Jones
Louise Ing
Carol Muranaka
Ronette Kawakami
Craig Wagnild

Directors Present

Nadine Ando
Steven Chow
William Harrison
Geraldine Hasegawa
Derek Kobayashi
Christine Kubota
Gerald Matsunaga
Kenneth Robbins
Gordon Stewart (phone)
Suzanne Terada
Calvin Young
Lisa Nakahara (YLD)

Board Members Absent

Robert Harris
Carol Kitaoka
Gregory Markham
Alika Piper

Others Present

Rai Saint Chu
Joachim Cox
Vladimir Devens
Robert Godbey
Rhonda Griswold
Levi Hookano
Timothy McNulty
Elspeth Newlands
Gary Quiming

HSBA Staff

Lyn Flanigan
Iris Ito
Debra White

2. **APPROVAL OF MINUTES** – Minutes of the November 19th board meeting were approved by consensus.
3. **TREASURER’S REPORT** – The financial statements were distributed at the meeting. Treasurer Craig Wagnild did a Powerpoint presentation and reported that as of November 30, 2010, HSBA was behind in total income, but ahead in total expenses. The remainder after December’s income and expenses is anticipated to be approximately \$66,500. Mr. Wagnild stated that, with the anticipated balance, the plan is to pay down the \$500,.000 build-out loan by at least \$50,000.
4. **EXECUTIVE DIRECTOR’S REPORT**-- Executive Director Lyn Flanigan reported that: a) although there was a delay in sending out the attorney renewal forms this year, 300+ members had already registered online. b) Many members were not aware of or have questions on MCPE requirements; c) Joachim Cox of the VLSH Board was present to thank HSBA for making VLSH the co-beneficiary of the Annual Fundraiser Dinner. He urged board members to tell their colleagues to check off the optional \$75 contribution on the attorney renewal form to help support VLSH programs; c) at least seven judicial appointments will be made in 2011. See agenda for other HSBA activities.
5. **YLD REPORT** - YLD President Lisa Nakahara reported that the YLD Annual Meeting at which Chief Justice Recktenwald spoke was well attended. YLD President-elect Levi Hookano was sworn in at the meeting and an iPad and iPod were given away as door prizes.
6. **UNFINISHED BUSINESS**
 - a. **Review of HSBA’s Judicial Selection Procedures and Policy** (see agenda exhibit [B](#)) - President Jones briefly explained the reason for the proposed changes to the HSBA procedures. Director Steven Chow thanked the subcommittee members for their work on the proposed revisions. He brought to the board’s attention significant items among the proposed revisions: 1) recusal by board members in the discussion/vote on a nominee; 2) addition of duties and responsibilities criteria; 3) oral testimony of the HSBA President at the confirmation hearing.

The board had a lengthy discussion on whether board members should be allowed to participate in the discussion on nominees when they plan to recuse themselves from voting. In the end, the board decided that participation in the discussion would be allowed. However, it was noted that it should be clear that the board was allowing this deviation from Roberts’ Rules of Order. The board also debated whether the HSBA President or designee should have to appear before the confirming authority to give oral testimony. The board agreed that it was important for the HSBA President or designee to be present at the confirmation hearing when HSBA submits testimony to the Hawaii State Legislature.

Action taken: After further discussion, a motion was made, seconded, and carried without opposition to approve the Executive Committee's recommendation to adopt the proposed revisions to the HSBA procedures on judicial/executive appointments.

- b. **Review of HSBA Judicial Evaluations** - President Jones reported that HSBA-elected JSC representatives James Bickerton and Susan Ichinose reported to the Executive Committee that HSBA's online judicial evaluation provides valuable information to the JSC process (see agenda item [6.b.](#)). He also noted that in 2011 HSBA will consider the following changes to its policy on the judicial evaluations: 1) providing the results of the mid-term evaluation to the JSC; 2) making evaluation results available to the Board for review when a sitting judge who has been evaluated is nominated for another judicial seat; and 3) conducting an evaluation per diem judges, who are not currently evaluated but are often applicants for district court positions. He recommended that the 2011 Board appoint a committee

7. **NEW BUSINESS**

- a. **Expiration of Terms of HSBA Reps on Access to Justice Commission**

Action taken: A motion was made, seconded, and carried without opposition to approve the Executive Committee's recommendation to reappoint Shannon Wack and to newly appoint Derek Kobayashi as HSBA representatives on the Access to Justice Commission for a 3-year term beginning January 1, 2011.

- b. **Evaluation of Executive Director** - fyi only.

- c. **Proposed Revisions to Hawaii Rules of Professional Conduct** (see agenda item [7.c.](#)) - HSBA will ask the Supreme Court to extend the comment period for another 90 days to June 11, 2011.

- *d. **2011 Banking Resolution**

Action taken: A motion was made, seconded, and carried without opposition to approve the Voted to approve a banking resolution to authorize the 2011 HSBA Officers and the Executive Director to execute checks on HSBA accounts and to authorize the Director of Operations to transfer funds among HSBA accounts.

- *e. **Support for the Judiciary** - Louise Ing, Derek Kobayashi, and Ronette Kawakami volunteered to serve on a committee to testify at the Legislature in support of the Judiciary should there be a need this legislative session. Carol Kitaoka will be asked to serve also to represent the neighbor islands.

- *f. **Thank You to 2010 HSBA Board** - President Jones thanked the HSBA Board for their service and their support in 2010 and presented each board

member with a flashdrive with the HSBA logo and “Reel Justice,” a softcover video guide to the world of courtroom movies.

8. **ADJOURNMENT**

The meeting adjourned at 2:15 p.m.

Submitted by:

A handwritten signature in black ink, appearing to read "Lyn Flanigan". The signature is written in a cursive, flowing style.

Lyn Flanigan
HSBA Executive Director

Approved by:

A handwritten signature in black ink, appearing to read "Ronette M. Kawakami". The signature is written in a cursive, flowing style.

Ronette M. Kawakami
HSBA Secretary