

MINUTES
HAWAII STATE BAR ASSOCIATION
BOARD MEETING

1100 Alakea Street, Suite 1000
Honolulu, HI 96813

Friday, February 24, 2012

1. CALL TO ORDER

President Carol Muranaka called the meeting to order at 2:33 p.m. with a quorum present. The following persons were present for all or part of the meeting:

Officers Present

Carol Muranaka
Craig Wagnild
Calvin Young
Ronette Kawakami
Jodi Yi

Directors Present

Nadine Ando
Russ Awakuni
Steven Chow
Vladimir Devens (by phone)
David Farmer
Geraldine Hasegawa
Carol Kitaoka
Derek Kobayashi (by phone)
Laurel Loo
Timothy McNulty
Mark Murakami
Alika Piper
John Roth (by phone)

Board Members Absent

Rhonda Griswold
Gregory Markham
Suzanne Terada

Others Present

Steven Guttman
Louise Ing
Mihoko Ito
Franz Juan
Miriam Loui
Lawrence Okinaga
David Rosen
Michael Scanlon

HSBA Staff

Patricia Mau-Shimizu
Iris Ito
Debra White
Joanie Shiroma

2. **EXECUTIVE SESSION** - The Board went into executive session to discuss personnel matters.

Action taken: A motion was made, seconded, and carried without opposition to approve the recommendation of the Executive Committee regarding the Executive Director's employment agreement.

3. **REPORT ON LEGISLATION** -- Legislation Committee Co-Chair Mihoko Ito reported that bills still alive that the HSBA would have an interest in include HB 626 regarding the Uniform Collaborative Law Act, HB 1744 regarding Judicial Salaries, HB 2343 regarding Disclosure of Judicial Nominees, and HB 1875 regarding Mortgage Foreclosures.

4. **APPROVAL OF MINUTES** – Minutes of the January 27, 2012 board meeting were approved by consensus.

5. **TREASURER'S REPORT** – Treasurer Jodi Yi reported that for the month of January most of the financial activity has been the collection of attorney license renewal fees. As a result, there is greater expense on credit card processing fees due to online renewals.

6. **EXECUTIVE DIRECTOR'S REPORT** - Executive Director Patricia Mau-Shimizu reported that Program Director Paulette Suwa will be leaving the HSBA in early March and that Levi Ho'okano has been hired for this position.

7. **YLD REPORT** - YLD President John Roth not available.

8. **UNFINISHED BUSINESS**

- a. **Mortgage Refinancing** - HSBA awaits final approval from First Hawaiian Bank on the terms of refinancing its mortgage loan. FHB will be conducting an appraisal of the property.
- b. **Proposed Rule Amendments of the Rules of the Supreme Court** - The Board awaits member comments on proposed amendments to Supreme Court Rules 1.14, 22, and 17(g) and will formulate its recommendation at the March Board meeting.
- c. **Judicial and Executive Nominations** - Director Steven Chow drafted proposed procedures for the dissemination and collection of documents of judicial and executive nominees. Proposed procedures will be included in the agenda for discussion at the March Board meeting.
- d. **Judicial Arbitration Commission**

Action taken: A motion was made, seconded, and carried without opposition to approve the recommendation of President Muranaka and the Executive Committee that Mr. Charles Crumpton be appointed as the HSBA's representative on the Judicial Arbitration Commission.

9. **NEW BUSINESS**

a. **Proposed Rule Amendments Hawaii Board of Bar Examiners Rules of Procedures**

Action taken: A motion was made, seconded, and carried without opposition to approve the recommendation of the Executive Committee that written comments be solicited from Bar members before the March Board meeting through notices in the *Hawaii Bar Journal*, the HSBA website, and the newsletter regarding the proposed rule amendment.

b. **2012 Fundraising Activity and HSBA Board Policy Manual, Section 2.1G**

Action taken: A motion was made, seconded, and carried without opposition to ratify and approve the departure from HSBA Board Policy for the 2012 annual fundraiser as it is a transition year pending the formation of a Bar foundation for 2013.

c. **Committee on Member Benefits and Services** - Member Benefits and Services Committee Chair Miriam Loui and Member Services Administrator Joanie Shiroma presented the Committee's idea of a discount card for restaurants for HSBA members. It is proposed that the card would initially start out with establishments in downtown Honolulu. Expansion to other establishments will be considered.

After inquiries from Board members, Ms. Loui stated that the Committee would research such items as costs and distribution raised, if the Board approves the proposal to pursue a discount card for HSBA members.

Action taken: After further discussion, a motion was made, seconded, and carried without opposition to authorize the Member Benefits and Services Committee to move forward with its proposal to pursue an HSBA member discount card.

*d. **HB1875 relating to the Mortgage Foreclosures Law** - Collection Law Section Chair Steven Guttman requested the HSBA Board to take a position against the declaration provision in HB1875 relating to attorney affirmations in judicial foreclosure cases. Comments from Mr. Guttman and others present noted that the provision oversteps the boundaries of the legislative branch of government; that there is already a mechanism in place to address the issue of regulating attorney conduct; and that the language raises the possible breaching of attorney-client confidentiality issues.

The Board also discussed Mr. George Zweibel's memo to President Muranaka stating that it would be inappropriate for HSBA as a whole to take a position against the attorney affirmation provision in HB1875. The Board also discussed the *Keller* case and its relevance to this situation.

Action taken: A motion was made, seconded, and carried without opposition to submit testimony on HB1875 that the HSBA oppose the requirement for an attorney affirmation while taking no position on the other provisions of the measure. Vice President Calvin Young and Directors David Farmer and Timothy McNulty agreed to draft testimony consistent with the Board's decision.

10. **ANNOUNCEMENTS**

Mr. Lawrence Okinaga, Chair of the Hawaii Federal Judicial Selection Commission, announced that the Commission will begin its process to assist in the selection of a candidate to fill the upcoming vacancy on the United States District Court in Hawaii due to the retirement of Judge David Ezra. He briefly described the nomination process that the Commission would follow and noted that application forms will be available on the websites of the HSBA, Senator Daniel Inouye, and Senator Daniel Akaka.

11. **ADJOURNMENT**

The meeting adjourned at 4:28 p.m.

Submitted by:



Patricia Mau-Shimizu
HSBA Executive Director

Approved by:



Ronette M. Kawakami
HSBA Secretary