

MINUTES
HAWAII STATE BAR ASSOCIATION
BOARD MEETING

1100 Alakea Street, Suite 1000
Honolulu, HI 96813

Thursday, February 28, 2013

1. **CALL TO ORDER**

President Craig Wagnild 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

Craig Wagnild
Calvin Young
Ronette Kawakami
Alika Piper

Others Present

Mihoko Ito
James Kawachika
Carol Muranaka
Alana Peacott-Ricardos

Directors Present

Nadine Ando
Russ Awakuni
Steven Chow
Vladimir Devens
Rhonda Griswold
Geraldine Hasegawa
Carol Kitaoka
Derek Kobayashi
Laurel Loo
Timothy McNulty
Mark Murakami
Stephanie Rezents
Suzanne Terada
Jeffrey Kent (by phone)

HSBA Staff

Patricia Mau-Shimizu
Iris Ito
Debra White
Levi Ho'okano
Natalie Millon
Debbie Blanton
Brian Simon

Board Members Absent

Cecelia Chang
David Farmer
Gregory Markham

2. **APPROVAL OF MINUTES** - A motion was made, seconded, and carried without opposition to approve the minutes of the January 24, 2013 board meeting.

3. **TREASURER'S REPORT** - Treasurer Alike Piper noted the January financial report indicates that CLE revenues are higher than anticipated and that credit card fees were higher than budgeted due to 2013 attorney renewal. She also noted that the Finance Committee will have a discussion on the budget process at the March Board meeting.

4. **EXECUTIVE DIRECTOR'S REPORT** - Patricia Mau-Shimizu reported on the following items:
 - Natalie Millon was promoted to Member Benefits Administrator; Brian Simon was hired as the new CLE Assistant; Debbie Blanton was hired as the new MCLE Administrator.
 - One hundred twenty seven HSBA members had not completed attorney renewal to date. Suspension notification letters (certified) were mailed on February 15th.
 - PBN will present results of its 2013 Attorney Brand Awareness study on March 18th at the HSBA.
 - 2012 "fellows" of the Leadership Institute program have selected commitment projects as indicated in the final report. Applicants for the 2013 program are now being accepted.

5. **LEGISLATION REPORT** - Legislation Committee Co-Chair Mihoko Ito reported that March 1st is the deadline for the filing of bills for the First Crossover deadline. Bills still moving through the process include:
 - The Judiciary budget which includes a provision to increase the ceiling amount for the release of funds collected from court filing fees (ILAF).
 - Mandatory mediation for mortgage foreclosure actions.

6. **YLD PRESIDENT'S REPORT** - Jeffrey Kent reported on the following items:
 - The Mock Trial project will have its final round March 23rd at the Supreme Court.
 - Law Week activities are being planned for the first week in May.
 - An ABA/YLD mixer was recently held.

7. UNFINISHED BUSINESS

Approval of Remaining 2013 HSBA Committee Chairs

Action taken: A motion was made, seconded, and carried without opposition to approve President Wagnild's appointment of the following 2013 committee chairs:

- Attorney/Client Relations - Charles Crumpton and Beverly Hiramatsu
- Continuing Legal Education - Vladimir Devens and Jesse Souki
- Lawyer Referral & Information Services - Diane Haar
- Member Benefits & Services - Miriam Loui and Keith Agena
- Professional Responsibility & Risk Management - Keith Hiraoka and John Yamano

8. NEW BUSINESS

- a. **Access to Justice Commission HSBA Appointee** - the HSBA Nominating Committee's recommendation of Darien Nagata, along with Ms. Nagata's resume, was distributed at the Board meeting.

Action taken: A motion was made, seconded, and carried without opposition to adopt the Executive and Nominating Committees' recommendation to appoint Darien Nagata to fill the remainder of a term of the HSBA Neighbor Island representative position on the Hawaii Access to Justice Commission which expires on 12/31/2014.

- b. **2013 Bench/Bar Committee Name Change** - Ms. Carol Muranaka, current co-chair of this year's Bench/Bar Committee along with Judge Barbara Richardson, explained that the purpose for the suggested name change of the Committee was to avoid confusion with the Bench/Bar Conference.

Action taken: A motion was made, seconded, and carried without opposition to adopt the Executive Committee's recommendation to approve the request to change the name of the "Bench/Bar Committee" to "HSTJA/HSBA Committee."

- c. **Member Profile Information**

Action taken: A motion was made, seconded, and carried without opposition to adopt the Executive Committee's recommendation to affirm the HSBA staff's practice to only release to the general public member information that is available through the HSBA website's Search Membership Directory.

d. **Proposed Amendments to Rules 11 and 17 of the Rules of the Supreme Court of the State of Hawaii and**

Action taken: A motion was made, seconded, and carried without opposition to adopt the Executive Committee's recommendation to include a notice in an eblast, and in the Hawaii Bar Journal if time permits, to inform members of the proposed amendments to Rules 11 and 17 of the Rules of the Supreme Court of the State of Hawaii which concern changing cross-references to rules governing the management of client funds and clarifying the process for promulgating rules.

e. **Proposed Amendments to Rule 2 of the Rules of the Supreme Court of the State of Hawaii**

Action taken: A motion was made, seconded, and carried without opposition to include a notice in an eblast, and in the Hawaii Bar Journal if time permits, to inform members of the proposed amendments to Rule 2 of the Rules of the Supreme Court of the State of Hawaii regarding the administration of the Office of the Disciplinary Counsel and the hearings process of the Disciplinary Board.

f. **Biennium Budget Proposal for the Hawaii State Judiciary (HB197)**

Action taken: A motion was made, seconded, and carried without opposition to adopt the Executive Committee's recommendation to submit prepared HSBA testimony on HB197 regarding support for the three priority items included in the proposed biennium budget of the Hawaii State Judiciary: statewide Capital Improvement Projects including the Kona Court Complex, funding of judicial salaries proposed by a prior state salary commission, and an increase to the ceiling released for legal services (ILAF).

g. **Special Task Force on Aging Bar Issues** - President Wagnild explained that the purpose of forming a task force is to address the issues of an aging bar. He noted that the Disciplinary Board is supportive of forming a task force. A suggestion was made to include the Chair of the Professional Responsibility and Risk Management Committee in addition to representatives being considered from these other groups: HSBA Board, Disciplinary Board, Judiciary, Attorneys & Judges Assistance Program, HSBA Senior Counsel Division.

Action taken: A motion was made, seconded, and carried without opposition to adopt the Executive Committee's recommendation to form a Special Task Force on Aging Bar Issues to address the matter facing the HSBA in the coming years.

h. **Licensing Fees for Attorneys Employed by Legal Service Providers** -

President Wagnild stated that he had received an email from Nalani Fujimori Kaina asking that the Legal Service Provider Consortium have an opportunity to discuss with the HSBA their request for a fee waiver before the HSBA Board votes upon it.

Action taken: A motion was made, seconded, and carried without opposition to refer the request for waiver of bar dues for attorneys who work for non-profit and law school legal service providers back to the Executive Committee to allow time for discussion with the Legal Service Provider Consortium and for further consideration.

- i. **Recommendation on Special Committee on Judicial Performance Vacancies** - the Judicial Administration Committee's recommendation of the James McWhinnie and Audrey Stanley, along with their resumes, was distributed at the Board meeting.

Action taken: A motion was made, seconded, and carried without opposition to adopt the Judicial Administration Committee's recommendation to submit to the Hawaii Supreme Court for approval the reappointment of James McWhinnie and the new appointment of Audrey Stanley to a 3-year term on the Special Committee on Judicial Performance beginning March 6, 2013. Directors Steven Chow and Mark Murakami abstained from voting.

9. **INFORMATION**

Request for Amicus Brief - President Wagnild reported that after discussing the request with the Executive Committee, he responded to a member's request for HSBA to prepare and file an amicus brief that this issue before the appellate court was not appropriate. Subsequently, another HSBA member made a similar request on the same matter. It was decided that the issue was not of significant importance to the HSBA as a whole, and therefore, HSBA would decline the request to file an amicus brief. President Wagnild stated that he would respond to the second request accordingly.

10. **ADJOURNMENT**

The meeting adjourned at 1:14 p.m.

Submitted by:



Patricia Mau-Shimizu
HSBA Executive Director

Approved by:



Ronette Kawakami
HSBA Secretary