

MINUTES  
HAWAII STATE BAR ASSOCIATION  
BOARD MEETING

1100 Alakea Street, Suite 1000  
Honolulu, HI 96813

Thursday, March 28, 2013

1. **CALL TO ORDER**

President Craig Wagnild called the meeting to order at 12:22 p.m. with a quorum present. The following persons were present for all or part of the meeting:

Officers Present

Craig Wagnild  
Calvin Young  
Gregory Markham  
Ronette Kawakami  
Alika Piper

Directors Present

Nadine Ando  
Russ Awakuni  
Cecelia Chang  
Steven Chow  
David Farmer  
Rhonda Griswold  
Geraldine Hasegawa  
Carol Kitaoka  
Laurel Loo (by phone)  
Timothy McNulty  
Suzanne Terada (by phone)  
Jeffrey Kent (by phone)

Board Members Absent

Vladimir Devens  
Derek Kobayashi  
Mark Murakami  
Stephanie Rezents

Others Present

Midori Akamine  
Rai Saint Chu  
Jessica Domingo  
Rex Fujichaku  
Alan Fujimoto  
James Kawachika  
Carol Muranaka  
Richard Turbin

HSBA Staff

Patricia Mau-Shimizu  
Iris Ito  
Debra White  
Levi Ho'okano

2. **EXECUTIVE DIRECTOR'S REPORT** - Patricia Mau-Shimizu reported on the following item while the Board awaited a quorum:

- GoToMeeting participation for Board meetings now available for Neighbor Island and rural Oahu directors. In addition to the normal call-in conference service, members may now participate through video conferencing with a 2-way webcam or a 1-way webcam. This was demonstrated and explained by staff.

\*3. **NEW BUSINESS**

**Proposed Hawaii State Bar Association - Seoul Bar Association Friendship Agreement**

- International Law Section Chair Rex Fujichaku, Vice Chair Richard Turbin, and members Rai Saint and Alan Fujimoto were present to request the HSBA's approval of a friendship agreement with the Seoul Bar Association. Mr. Fujichaku noted that HSBA has existing friendship agreements with the Dai-Ichi Tokyo Bar Association and the Shanghai Bar Association. He further explained that a similar friendship agreement with the Seoul Bar Association would benefit Hawaii's legal community create international business, professional, and social opportunities. Mr. Fujichaku stated that there was no financial commitment from the HSBA at this time.

**Action taken:** A motion was made, seconded, and carried without opposition to approve the efforts to establish a friendship agreement with the Seoul Bar Association.

4. **APPROVAL OF MINUTES** - A motion was made, seconded, and carried without opposition to approve the minutes of the February 28, 2013 board meeting.
5. **TREASURER'S REPORT** - Treasurer Alika Piper stated that as of the end of February, HSBA is on budget for income, and noted that on the expense side there was a 5% increase in the building management fee for 2013.

Ms. Piper discussed recent pre-payments made to the construction loan. President-elect Calvin Young explained that the HSBA strategy of applying pre-payments to the construction loan as opposed to the acquisition loan. The current fixed refinanced interest rate of the construction loan (3.75%) will expire in 5 years. The current fixed refinanced interest rate (5.00%) of the acquisition loan will expire in 10 years. Using refinancing savings to make pre-payments to the construction loan could result in this loan being paid in full before the 5 year fixed term expires. Thereafter all funds appropriated by the Board for HSBA office loan payment could be applied to the acquisition loan.

On another note, Ms. Piper reported that HSBA member Duane Seabolt will volunteer his time to assist HSBA by preparing an actuarial study of the aging population of our members.

\* Due to the presence of guests, this item was taken out of order.

6. **EXECUTIVE DIRECTOR'S REPORT** (continued) - Patricia Mau-Shimizu reported on the other following items:

- 101 HSBA members were suspended as of March 1<sup>st</sup> for not submitting their license renewal registration form and nonpayment of dues and fees. 24 attorneys have since complied with requirements for reinstatement and have been reinstated.
- Approximately \$100k had been collected for Volunteer Legal Services Hawaii via attorney renewal and just under \$23k was collected for civic education activities. A procedure for the drawdown of funds for committee-approved events and activities will be transmitted to the Committee Co-chairs. For fund oversight purposes, a summary of expenditures will be sent in April, August, and December to the Committee Co-Chairs.
- Thirty three members were sent certified letters due to reported non-compliance of MCPE credits for 2012; 27 of those members have since complied. For the random audit of members who reported completion of MCPE credits for 2012, of 100 members, 58 had submitted their MCPE certificates to date.

7. **YLD PRESIDENT'S REPORT** - Jeffrey Kent reported on the following items:

- Moanalua High School Team B won the State Mock Trial finals.
- Law Week activities are being planned for the first week in May.
- Due to YLD President Kent's move to Australia in June, YLD Vice-President Malcolm Barcarse will move into the YLD President's position for the remainder of 2013.

8. **UNFINISHED BUSINESS**

**Licensing Fees for Attorneys Employed by Legal Service Providers** - the Executive Committee will continue its discussion on this issue and submit its recommendation(s) at a future board meeting.

9. **NEW BUSINESS**

- a. **HSBA Room at the Kapolei Court Complex** - Ms. Mau-Shimizu reported that according to the Family Law Section Chair Jessi Hall, attorneys rarely use the HSBA Room on the 4<sup>th</sup> floor of the Kapolei Courthouse. Ms. Hall noted that sometimes the door to the room is open and sometimes it is closed. Board members have observed that most practitioners go to the 2<sup>nd</sup> or 3<sup>rd</sup> floor to use the offices/rooms there, and that the offices on these floors are considered premium space. Board members also commented that practitioners may not be aware of the availability of the HSBA Room, and that practitioners should be polled before HSBA gives up the room to Domestic Violence Action Center.

**Action taken:** After further discussion, a motion was made, seconded, and carried without opposition that HSBA will:

- Arrange for signage to indicate the room is for HSBA member use
- Inform members of the availability of the HSBA room
- Arrange for an access system with a pass code and key to enter the room
- Inform all members of the access system
- Inform DVAC that the HSBA room will not be available for their sole use at this time, but it may be an option for the future

**Note:** Subsequent to meeting adjournment, a Board member reported that a sign designating the space for HSBA use was already posted on the room's door. In addition, an HSBA staff member inspected the room and noted that there is minimal public access to the 4th Floor, as in addition to designated legal service provider and government agency work rooms, only the court complex judges' private chambers are located on this floor. The Family Law Section will be asked to monitor the use of the room by family law practitioners.

- b. **Mailing Label Policy and Agreement** - President-elect Calvin Young explained the discussions the subcommittee had over the current mailing label policy and agreement. He commented that the subcommittee recommended that the policy be revised to reflect general categories of law-related organizations rather than listing the names of specific entities; that the language in the policy be refined; and that a younger group of members who are more technically savvy be asked to investigate further about the sale of email addresses of HSBA members.

Although the subcommittee also recommended that email addresses of members not be sold, Mr. Young noted that the email addresses of members are available through the printed bar directory and the HSBA website. Board members were in agreement that HSBA should not sell the email addresses of members.

**Action taken:** After further discussion, motion was made, seconded, and carried without opposition to table the issue of the sale of email address lists of HSBA members. The subcommittee will review the board policy on the use of mailing labels/lists (Section 10.1) and submit specific amendments for the Board's consideration.

- c. **Hawaii Supreme Court's Commission on Professionalism** - the Board will await a recommendation from the HSBA Nominating Committee to fill a vacancy for an HSBA representative on the Commission on Professionalism.

- d. **Maui County Bar Association Reimbursement Request** - Maui Director Timothy McNulty explained the reimbursement request for the Maui County Bar Association's 2012 CLE program. He commented that it would set bad precedent if Neighbor Island bar associations cannot get reimbursed for projects completed in the prior year for HSBA members. Mr. McNulty stated that the Board policy of submitting reimbursement requests within 30 days of the event applies to HSBA Sections and not to Neighbor Island bar associations. Other Board members noted that monies budgeted for the prior year is no longer available for the current year. It was explained that HSBA is on a modified cash basis accounting system which allows certain items to be credited/debited, such as attorney renewal dues or the mortgage loan, to a prior or future year. In response to a question, West Hawaii Director Carol Kitaoka confirmed that the West Hawaii Bar Association had made a similar request several years ago and was not reimbursed due to board policy.

**Action taken:** After further discussion, a motion was made, seconded, and carried by a vote of 9 to 1 to approve the Maui County Bar Association's request for reimbursement up to \$1500 of their 2012 Neighbor Island CLE expenses, as an exception to Board policy. It was also recommended that the Board Policy Manual be clarified to indicate that reimbursement requests for budgeted items must be made within the fiscal year.

10. **EXECUTIVE SESSION** - The Board moved into executive session to discuss renewal of the Executive Director's 2013 contract.

11. **ADJOURNMENT**

The meeting adjourned at 2:29 p.m.

Submitted by:



Patricia Mau-Shimizu  
HSBA Executive Director

Approved by:



Ronette Kawakami  
HSBA Secretary