

MINUTES
HAWAII STATE BAR ASSOCIATION
BOARD MEETING

1100 Alakea Street, Suite 1000
Honolulu, HI 96813

Thursday, May 22, 2014

A. **CALL TO ORDER**

President Calvin Young called the meeting to order at 11:55 a.m. with a quorum present. The following persons were present for all or part of the meeting:

Officers Present

Calvin Young
Gregory Markham
Ronette Kawakami (by phone)
Mark Murakami (by phone)

Others Present

Associate Justice Sabrina McKenna
Jay Fidell
James Kawachika
Rebecca Vogt
Craig Wagnild

Directors Present

Russ Awakuni
Malcolm Barcarse, Jr. (by phone)
Cecelia Chang
Steven Chow
Rebecca Copeland
Vladimir Devens
Rhonda Griswold
Geraldine Hasegawa
Carol Kitaoka
Derek Kobayashi
Mei-Fei Kuo
Laurel Loo
Timothy McNulty (by video-conf.)
Stephanie Rezents

HSBA Staff

Patricia Mau-Shimizu
Iris Ito
Debra White

Board Members Absent

Nadine Ando
Karin Holma
Jodi Yi

- *B. **SPECIAL GUEST** - Associate Justice Sabrina McKenna of the Hawaii Supreme Court expressed appreciation to the HSBA and HSBF for their support of the Judiciary's programs, especially the Courts in the Community program. She also indicated that an order will shortly be issued on the proposed rule amendment regarding mandatory continuing legal education (RSCH 17 and 22). With respect to the temporary rules on the use of electronic devices in the courtroom, Justice McKenna stated that it would likely go back into effect after minor revisions to the rule to address concerns by trial judges.
- *C. **UNFINISHED BUSINESS** - due to the presence of a guest, this item was taken out of order.
1. **ThinkTech Hawaii, Inc. Proposal** - President-elect Gregory Markham described his idea of the 3-digit member project to preserve the experiences and oral history of these members, and to honor these members at the Annual Dinner in 2015. He further explained that ThinkTech Hawaii would be able to record the interviews of the 3-digit members and prepare a high-quality video for later presentation. Jay Fidell of ThinkTech Hawaii described his non-profit company and its operations. He stated that in addition to 3-digit project, they could also produce quality videos for CLE purposes. Mr. Fidell said that the company would like to be involved with HSBA activities and thinks the 3-digit project will produce great stories from the older members of the bar. The Executive Director will contact Mr. Fidell for more specific information on the ThinkTech Hawaii proposal for the HSBA.
- D. **APPROVAL OF MINUTES** - A motion was made, seconded, and carried without opposition to approve the minutes of the April 24, 2014 Board meeting with an amendment to correctly identify the Hawaii State Bar Foundation as a 501(c)3 entity instead of a 501(c)6.
- E. **TREASURER'S REPORT** - Treasurer Mark Murakami reported that there were no major changes to report financially. He noted that a \$25,000 grant was received from the Hawaii State Bar Foundation for the Courts in the Community project.
- F. **EXECUTIVE DIRECTOR'S REPORT** - Patricia Mau-Shimizu referred the Board to the numerous list categories of HSBA membership and their descriptions.
- G. **YLD PRESIDENT'S REPORT** - YLD President Malcolm Barcarse reported that Law Week activities went well and that the YLD is now coordinating the Membership Appreciation project.

*This occurred prior to the meeting being called to order due to lack of a quorum at the time.

H. **UNFINISHED BUSINESS** (continued)

2. **Proposed Amendment to Rule 2.22(a)(7)(B)** - President Young explained that the Executive Committee recommended forwarding to the Hawaii Supreme Court James Kawachika's comment on the proposed rule amendment and informing the Court that HSBA had no position on the amendment since it did not have the opportunity to poll HSBA members on Mr. Kawachika's viewpoint. Mr. Kawachika explained that the proposed amendment does not go far enough in protecting the confidentiality of a respondent lawyer and further explained the rationale for his comments. He stated that the HSBA's comment to the Court would carry greater weight than a single member's comment, but if the HSBA could not support his position, he would prefer to further embellish his comments and send it directly to the Court himself.

Action taken: After further discussion, a motion was made, seconded, and carried without opposition to inform the Hawaii Supreme Court that HSBA supports the proposed amendment to Rule 2.22(a)(7)(B), and requests the Court to consider Mr. Kawachika's comments, as the comments present issues of interest to the members.

I. **NEW BUSINESS**

3. **Request for Funding for Pro Bono Celebration**

Action taken: A motion was made, seconded, and carried without opposition to approve the recommendation of the Executive Committee to forward the request from Associate Justice Simeon Acoba (retired) for \$1500 for the October 23, 2014 Pro Bono Celebration to the Hawaii State Bar Foundation as a new grant request for consideration and action.

4. **Cyber Liability Insurance** - Ms. Mau-Shimizu explained that although this type of insurance is not yet an industry standard, it will likely be in the near future. She is waiting for a response from the insurance agent on certain coverages that the Executive Committee had discussed and requested from the agent, particularly security event costs, network security & privacy liability, employee privacy liability, and cyber terrorism. Director Tim McNulty informed the Board that loss of digital data may also be important to look into.

The Board decided to defer this item to next month's meeting to allow time to receive information back from the insurance agent.

5. **AJS-Hawaii Chapter Committee on Judicial Selection, Retention, and Accountability**

Action taken: A motion was made, seconded, and carried without opposition to approve the recommendation of the Executive Committee that President Calvin Young accept the invitation of the AJS-Hawaii Chapter to participate as a member of their Judicial Selection, Retention, and Accountability Committee, and that he attend their next meeting along with Board members Ronette Kawakami and Steven Chow.

H. **ADJOURNMENT**

The meeting adjourned at 1:07 p.m.

Submitted by:



Patricia Mau-Shimizu
HSBA Executive Director

Approved by:



Ronette Kawakami
HSBA Secretary