

MINUTES
HAWAII STATE BAR ASSOCIATION
BOARD MEETING

1100 Alakea Street, Suite 1000
Honolulu, HI 96813

Thursday, May 24, 2018

A. **CALL TO ORDER**

Vice President P. Gregory Frey called the meeting to order at 12:02 p.m. with a quorum present. The following persons were present for all or part of the meeting:

Officers Present

P. Gregory Frey
Karin Holma
Russ Awakuni

Others Present

David Farmer
Carol Muranaka
Brett Pruitt

Directors Present

Cecelia Chang
Steven Chow
Rebecca Copeland
Vladimir Devens
Rhonda Griswold
Geraldine Hasegawa
Kristin Izumi-Nitao
Carol Kitaoka
Kai Lawrence
Lisa Munger
Zale T. Okazaki
Alika Piper
Shannon Sheldon
John Tonaki
Jamila Jarmon - YLD President

HSBA Staff

Patricia Mau-Shimizu
Iris Ito
Christina Bae
Katra Cuskaden

Board Members Absent

Howard Luke (absent excused)
Derek Kobayashi (absent excused)
Mark K. Murakami (absent excused)

B. **APPROVAL OF MINUTES** - A motion was made, seconded, and carried without opposition to approve the minutes of the March 22, 2018 board meeting. A motion was made, seconded, and carried without opposition to approve the minutes of the April 27, 2018 board meeting.

* G. **NEW BUSINESS**

3. **Request for Funding of Hawaii Bar Journal**: Treasurer Karin Holma gave an overview of the request from the publisher of Grass Shack Productions for financial support of \$2500/month to continue producing the *Hawaii Bar Journal*.

Publisher Brett Pruitt stated that his request is a small percentage of the HSBA's total revenue. He further explained that in addition to the hard copies, 2,300 digital copies are sent to active members outside of Hawaii, and inactive members upon request.

A motion was made and seconded to approve the request of \$2500/month retroactive to April 2018 for the production of the *Journal*. The Board discussed the period of financial support for the *Journal*.

Carol Muranaka, Publications Committee Co-Chair and Editor-in-Chief of the *Journal*, remarked that Mr. Pruitt had been operating at a loss for over a year, and that Publication Committee members have volunteered countless hours for many years reviewing and editing articles for the *Journal*. For these reasons, the HSBA should support the *Journal*. Due to the advance planning to get authors for articles, the Publications Committee needs to know whether the *Journal* will be given financial support moving forward by being a part of the HSBA's operating budget.

Board members asked some follow up questions that included: whether other alternatives to increase revenue for the *Journal* had been considered, what the \$2500/month in expenses consisted of, and whether the publisher could provide an operating budget to the HSBA Board. Board members expressed that they had a fiduciary responsibility to ensure that HSBA funds were being spent wisely. Mr. Pruitt responded that the \$2500 in expenses consisted of production, printing, and shipping costs, and that he would be able to provide an operating budget to the Board.

Executive Director Pat Mau Shimizu asked Mr. Pruitt during the motion discussion if he would execute a vendor service contract, so as to comply with any future audit of the association's expenses. Mr. Pruitt agreed.

Action taken: A motion was made and seconded to amend the first motion to approve the request of \$2500/month retroactive to April 2018 for the production of the *Journal* for calendar year 2018, and to provide financial support for the *Journal* in future years by including it as part of the HSBA operating budget, subject to the annual budget and review process. The motion was carried by a vote of 16 to 1.

* Item taken out of order due to the presence of guests.

- C. **TREASURER'S REPORT** - Treasurer Holma reported that revenues appear to be below budget, however, this is due to anticipated income that is normally generated later in the year. She also noted that the large expense under employee benefits for the month of April was due to the payment for employees' 401(k) plan.
- D. **EXECUTIVE DIRECTOR'S REPORT** - Executive Director Patricia Mau-Shimizu introduced new the Director of Programs, Katra Cuskaden.
- Kokua for Kauai - Kauai Director Kai Lawrence reported that two legal clinics were held on Kauai for the flood disaster victims. There was good turnout from the residents, and various organizations and state agencies were present at the clinic to provide information and assistance. Hotlines were also established at the HSBA office to answer calls from the flood disaster victims.
 - Kokua for Puna - East Hawaii Director Geraldine Hasegawa reported that on May 29th, Legal Aid will have 3 insurance presenters to provide basic training to volunteer attorneys. They plan to have in-person clinics, and may also need hotlines.
- E. **YLD PRESIDENT'S REPORT** - YLD President Jamila Jarmon reported on the following items:
- Mock Trial - Island School, a private school on Kauai, is the winner of the state competition, and will travel to the nationals in Reno, Nevada.
 - Law Week - This year, LegalLine at Action Line had a record of callers and new locations were established for the in-person legal clinics.

F. **UNFINISHED BUSINESS**

1. **Upcoming Vacancies on Legal Aid Society of Hawaii Board:** This item will be tabled until the June meeting.
2. **Proposed Amendment to Rules 1.5 and 1.16(d) of the Hawaii Rules of Professional Conduct:** The proposal to amend HRPC Rule 1.5 would introduce standards and procedures regarding the use by attorneys of flat fees, and the preparation of a written fee agreement while the amendments to HRPC Rule 1.16(d) would clarify the duty to provide to clients, upon request, an accounting of client funds.

Board members discussed how civil law practitioners would likely not have an objection to supporting the amendment while criminal law practitioners would not support it because the additional documentation required would be burdensome.

Action taken: A motion was made, seconded, and carried without opposition to send a stand-alone e-blast to active members informing them of the proposed rule amendments to Rules 1.5 and 1.16(d) of the Hawaii Rules of Professional Conduct and anyone wishing to submit comments, may do so directly to the Court by July 9, 2018.

H. ADJOURNMENT

The meeting adjourned at 3:55 p.m.

Submitted by:



Patricia Mau-Shimizu
HSBA Executive Director

Approved by:



Russ S. Awakuni
HSBA Secretary