

MINUTES
HAWAII STATE BAR ASSOCIATION
BOARD MEETING

Keahuolu Courthouse
74-5451 Kamakaeha Avenue
Kailua-Kona, HI 96740

Thursday, November 21, 2019

A. **CALL TO ORDER**

President Derek Kobayashi called the meeting to order at 12:15 p.m. with a quorum present. He thanked everyone for attending the meeting and for welcoming the HSBA Board to Kona.

The following persons were present for all or part of the meeting:

Officers Present

Derek Kobayashi
P. Gregory Frey
Karin Holma
Russ Awakuni

Directors Present

Steven Chow
Rebecca Copeland
Vladimir Devens
William Harrison
Geraldine Hasegawa
Kristin Izumi-Nitao
Carol Kitaoka
Erin Kobayashi (by phone)
Corianne Lau
Lisa Munger
Mark K. Murakami
Zale Okazaki
Summer Kaiawe

Directors Absent

Paul Naso - excused
Jacob Lowenthal - excused
Laurel Loo - excused

Others Present

Hon. Melvin Fujino
Hon. Ronald Ibarra (retired)
Hon. Margaret Masunaga
Hon. Greg Nakamura
Lynne Toyofuku (HSBF)
WHBA Attorneys

HSBA Staff

Patricia Mau-Shimizu
Iris Ito (by phone)
Tiffany Laput

- B. **REMARKS OF THIRD CIRCUIT COURT CHIEF JUDGE** - In his last address to the HSBA as the Administrative Judge of the Third Circuit, Judge Greg Nakamura reflected on some of the major accomplishments on the Big Island: the over 10 years of planning and coordination involved for the new Kona court facility including the support of the West Hawaii Bar Association and the HSBA; the establishment of Self Help Centers in Hilo and Kona; and utilization of technology for more efficient court administration.

Judge Nakamura, who retires on November 30th also acknowledged the leadership of Judge Ronald Ibarra as a member of the Bench and longtime Third Circuit Administrative Judge.

- C. **HSBA PRESIDENT'S MESSAGE** - President Kobayashi expressed HSBA's appreciation for the West Hawaii Bar Association's legislative support of the building of the Kona Courthouse.

He reported on the following HSBA activities: a subcommittee of the Board is working on a plan for HSBA to provide more value to its members; participating on the Well-Being Task Force established by the Chief Justice via court order to explore ways to address lawyer well-being (physical as well mental) in Hawaii; good attendance by Kona attorneys and judges at the Annual Dinner; thanked West Hawaii Director Carol Kitaoka for arranging the tour of the Courthouse and the lunch; and remembered Kona practitioners who had recently passed away.

- D. **REMARKS OF JUDGE RONALD IBARRA** (Retired) - Judge Ibarra noted the passing of Kona attorneys this past year. He also mentioned the late Peter Bresciani, a long time active member of the West Hawaii Bar Association, who was well-known for his pro bono work at the Kona Self Help Center and other volunteer activities.

- E. **HSBF PRESIDENT'S MESSAGE** - Hawaii State Bar Foundation President Lynne Toyofuku provided background information about the establishment of the HSBF, the fundraising arm of the HSBA. She noted that proceeds from the Annual Dinner and other activities is used for the award of grants to organizations whose activities and projects are consistent with the HSBA and HSBF missions and goals. She also noted that a Big Island mediation organization has received HSBF grant funds in furtherance of services provided.

- F. **YLD PRESIDENT'S REPORT** - YLD President Summer Kaiawe thanked the West Hawaii Bar Association and the Judiciary staff for hosting the HSBA Board's meeting and the Kona attorneys for their participation in YLD projects.

Ms. Kaiawe described the Young Lawyers Division and its goals. She reported on the following YLD projects: the Fitness & Well-Being Challenge (YLD vs. SCD); Legal Lines - 500+ calls in 2019; Law Week - about 300 people served through Action Line calls and at the Legal Clinics across the state; the recently completed

Junior Judges Program which served almost 2000 students statewide; and the High School Mock Trial Program.

- G. **BUSINESS ITEM #1 Filling HSBA Board Vacancies** - President Kobayashi stated the Oahu Director John “Jack” Tonaki resigned from the Board in late October due to his recent appointment as a Circuit Court judge, and Rebecca Copeland will not fill her new two year term (2020 and 2021) due to her appointment as a District Family Court judge. Board Secretary Russ Awakuni proposed that the next highest vote getter, who did not get elected in the HSBA Board election, be offered the choice of Oahu Director’s vacant term (i.e. Tonaki or Copeland), and the other person be offered the other term [there were 2 people who ran and did not get elected for Oahu Director]. The Board discussed not filling Mr. Tonaki’s position due to the brevity of the remainder of his term.

Action taken: After discussion a motion was made, seconded, and carried without opposition to not fill John “Jack” Tonaki term since only one meeting remained in his term.

Another motion was made, seconded, and carried without opposition to offer the next highest vote getter for Oahu Director in the HSBA Board election the seat for a term of 01/01/2020-12/31/2021; and if declined, the seat would be offered to the other candidate who did not get elected.

- H. **BUSINESS ITEM #2 Upcoming Vacancies on Access to Justice Commission** (this item was presided over by President-elect P. Gregory Frey) - By written memo, the HSBA Nominating Committee recommended that HSBA’s existing commissioners, Derek Kobayashi and Joanna Sokolow, be reappointed.

Action taken: A motion was made, seconded, and carried without opposition to adopt the recommendation of the Nominating Committee that Derek Kobayashi and Joanna Sokolow be reappointed to the Hawaii Access to Justice Commission for a 3-year term beginning 01/01/2020. President Kobayashi recused himself from voting.

- I. **BUSINESS ITEM #3 - Judicial & Executive Appointments** - Director Steve Chow explained the HSBA’s involvement in judicial and executive appointments and the process HSBA follows. He emphasized the importance of members submitting comments on judicial nominees when asked by the HSBA.
- J. **BUSINESS ITEM #4 - Succession Planning and Trusteeships** - Director Vlad Devens described the difficulty for clients, the Office of Disciplinary Counsel, and others when a solo practitioner unexpectedly passes away or becomes incapacitated and does not have a successor trustee. In these cases, ODC has to take over the case files and take steps to close down the practice. He noted that it is especially challenging when it occurs on the Neighbor Islands and when it is a

solo practitioner. Mr. Devens also stated that the Disciplinary Board was contemplating the submittal of a rule change to the Supreme Court requiring the designation of a successor trustee by a solo practitioner. He noted that while the HSBA Board was supportive of a designation mechanism, there is an inclination not to support license suspension of solo attorneys for noncompliance, should a designation proposal be submitted.

K. **CLOSING ANNOUNCEMENTS** - President Kobayashi once again thanked the West Hawaii Bar Association members for their hospitality in welcoming the HSBA Board to Kona.

L. **ADJOURNMENT**

The meeting adjourned at 1:17 p.m.

Submitted by:



Patricia Mau-Shimizu
HSBA Executive Director

Approved by:



Russ S. Awakuni
HSBA Secretary