

MINUTES
HAWAII STATE BAR ASSOCIATION
BOARD MEETING

1100 Alakea Street, Suite 1000
Honolulu, HI 96813

Thursday, January 10, 2019

A. **CALL TO ORDER**

President Derek Kobayashi called the meeting to order at 3:34 p.m. with a quorum present.

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

Officers Present

Derek Kobayashi
P. Gregory Frey
Karin Holma
Russ Awakuni
Paul Naso

Others Present

Chief Justice Mark Recktenwald
Daniel Jacob
William Pannell

Directors Present

Rebecca Copeland
Vladimir Devens
William Harrison
Geraldine Hasegawa
Kristin Izumi-Nitao
Erin Kobayashi
Corianne Lau
Kai Lawrence
Jacob Lowenthal
Lisa Munger
Mark K. Murakami
Zale Okazaki
John Tonaki
Summer Kaiawe

HSBA Staff

Patricia Mau-Shimizu
Iris Ito
Christina Bae
Katra Cuskaden

Directors Absent

Steven Chow - excused
Carol Kitaoka - excused

- B. **HAWAII STATE JUDICIARY UPDATE** - Chief Justice Mark Recktenwald thanked the Board for its support for Judiciary programs, such as the Courts in the Community, Access to Justice Room, and Self Help Centers. He also highlighted the Judiciary's legislative budget requests which includes: 4 judicial positions and accompanying support staff positions; other essential staffing positions; and CIP requests totaling \$23.3M in FY2020 and \$15.9M in 2021. In response to a board member's question, he noted that bar members may assist by submitting testimony and contacting their legislators to support the Judiciary's legislative bills. **Note:** See item 6.b. for Board discussion and action on the Judiciary's budget and legislative priorities.
- C. **APPROVAL OF MINUTES** - A motion was made, seconded, and carried without opposition to approve the minutes of the December 20, 2018 board meeting.
- D. **TREASURER'S REPORT** - Due to year-end reconciliation, no financials were available for the month ending December 2018.
- E. **EXECUTIVE DIRECTOR'S REPORT** - Executive Director Patricia Mau-Shimizu reported on the following items:
- 2019 License Renewal - Approximately 8% of members have not yet renewed. There was a slowdown in online processing on 12/31/2018 when the HSBA website experienced extremely heavy traffic as many members tried to get on the system at the same time.
 - CLE Seminars - In December 2018, \$70k in income was made on CLE.
 - Attorney General Nomination - Awaiting the notice for Senate confirmation hearing for Clare Connors.
- *F. **KAUAI RECOVERY UPDATE** - Kauai Director Kai Lawrence reported that the Hawaii Community Foundation (HCF) raised \$2M and gave \$1.2M in grants to assist Kauai residents/businesses in their flood recovery efforts. He stated that attorneys assisted by providing legal and insurance information to flood victims. He further remarked that for the future, it would be beneficial to start work with HCF early on and be better prepared ahead of time.
- G. **YLD PRESIDENT'S REPORT** - YLD President Summer Kaiawe reported on the following items:
- YLD Board Retreat & Meeting - Will be held on Saturday, January 19th.
 - Mock Trial Program - Competition round begins on January 29th; final competitions in Georgia.
 - Law Week - Coming up in May.

* Addendum to agenda.

H. UNFINISHED BUSINESS

1. **Proposed Amendment to HRPC Rule 1.5 re: Written Free Agreements** - At HSBA's request, the Supreme Court extended the comment deadline until February 25th on the proposed amendment to Rule 1.5 of the Hawaii Rules of Professional Conduct which would require all fee agreements with new clients, and amended fee agreements with current clients, to be in writing. HSBA has informed members via e-blast of the extended deadline for comment.

Action taken: A motion was made, seconded, and carried without opposition to approve the Executive Committee's recommendation that no further formal action be taken.

2. **HSBF Request for HSBA Sponsorship on MoveMeHawaii Fundraiser** - President Kobayashi reported that the HSBF decided to get its own insurance for this event, therefore, no further action is needed on this item.

I. NEW BUSINESS

3. **2019 HSBA Committee Chair Appointments**

Action taken: A motion was made, seconded, and carried without opposition to ratify President Kobayashi's appointment of 2019 HSBA Committee Chairs:

- Attorney/Client Relations - Charles Crumpton & Beverly Hiramatsu
- Awards - Erin Kobayashi & Mark K. Murakami
- Civic Education - Ruth Oh & Ryan Hamaguchi & Troy Andrade
- Consumer Protection - Paul Alston & Bernie Bays
- CLE - Lissa Andrews & Brian Black
- Delivery of Legal Services to the Public - Christine Daleiden
- Diversity, Equality, and the Law - Catherine Betts & Miriah Holden
- Judicial Administration - Steven Chow & Justice Simeon Acoba (ret.)
- Legislation - Matt Matsunaga
- Nominating - Judge Linda Luke
- Professional Responsibility & Risk Management - Hayley Cheng & David Hayakawa & Jill Otake
- Publications - Cynthia Johiro & Carol Muranaka
- Staff & Facilities - Paul Naso
- Technology - Jacob Lowenthal
- Transitioning Lawyers - Geraldine Hasegawa

4. **2019 HSBA Nominating Committee Members**

Action taken: A motion was made, seconded, and carried without opposition to ratify President Kobayashi's appointment of the following individuals as 2019 HSBA Nominating Committee members: Judge Linda Luke (chair), P. Gregory Frey, Rosalyn Loomis, Judge Henry Nakamoto, Zale Okazaki, and Judge Michael Soong.

5. **HSBA Representatives on 2019 Supreme Court Nominating Committee**

Action taken: A motion was made, seconded, and carried without opposition to ratify President Kobayashi's appointment of the following individuals as 2019 HSBA representatives to the Supreme Court Nominating Committee: Sidney Ayabe, Sherry Broder, Judge Linda Luke, and Stephanie Rezents.

6. **Legislative Positions and Activities**

a. **Fleck Case**

Action taken: After discussion, a motion was made, seconded, and carried without opposition to create a *Fleck* subcommittee to address specific issues surrounding this case, and begin a discussion considering alternative bar governance structures. Directors Vlad Devens and Mark K. Murakami agreed to serve on this subcommittee.

b. **2019 Judiciary Budget and Legislative Requests**

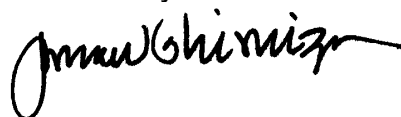
Action taken: A motion was made, seconded, and carried without opposition to undertake a discussion on this item taking into consideration the HSBA's *Keller* policy, and to testify in support of the top priorities of the Judiciary's legislative budget request for FY 2020/2021, as identified by Chief Justice Recktenwald, when the bills are scheduled for hearings at the Legislature, specifically the following:

- ◆ Essential staffing for court/administrative operations
- ◆ CIP - Building repair and maintenance

J. **ADJOURNMENT**

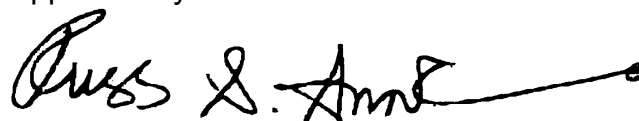
The meeting adjourned at 5:04 p.m.

Submitted by:



Patricia Mau-Shimizu
HSBA Executive Director

Approved by:



Russ S. Awakuni
HSBA Secretary