

MINUTES
HAWAII STATE BAR ASSOCIATION
BOARD MEETING

1100 Alakea Street, Suite 1000
Honolulu, HI 96813

Thursday, February 28, 2019

A. **CALL TO ORDER**

President Derek Kobayashi called the meeting to order at 12:04 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

Colleen Hanabusa
Cheryl Park

Directors Present

Steven Chow
Rebecca Copeland
William Harrison
Geraldine Hasegawa
Kristin Izumi-Nitao
Carol Kitaoka
Erin Kobayashi
Kai Lawrence
Lisa Munger
Mark K. Murakami
Zale Okazaki
John Tonaki
Summer Kaiawe

HSBA Staff

Patricia Mau-Shimizu
Iris Ito
Christina Bae
Katra Cuskaden

Directors Absent

Vladimir Devens - excused
Corianne Lau - excused
Jacob Lowenthal - excused

***B. NEW BUSINESS**

1. **Understanding Fleck** - Colleen Hanabusa presented an overview of the 8th Circuit *Fleck v. Wetch* case, as well as the *Janus* and other related cases. The Board discussed the impact these cases would have on the future of HSBA and what similarly situated unified bar associations are doing to meet challenges.

Action taken: After discussion and meeting in executive session, a motion was made, seconded, and carried without opposition to expand the mandate of the *Fleck* subcommittee to develop recommendations for Board consideration in addressing issues raised by *Fleck v. Wetch*. The following board members agreed to join Co-Chairs Vlad Devens and Mark K. Murakami in serving on this subcommittee: Karin Holma, Summer Kaiawe, Carol Kitaoka, Derek Kobayashi, Kai Lawrence, and Paul Naso. **Note:** subsequent to the meeting, President Kobayashi approved the inclusion of former HSBA Board member Rhonda Griswold.

The need to involve significant stakeholders in the dialogues was also discussed.

- C. **APPROVAL OF MINUTES** - A motion was made, seconded, and carried without opposition to approve the minutes of the January 10, 2019 and February 4, 2019 board meetings.
- D. **TREASURER'S REPORT** - Treasurer Paul Naso reported that for 2018, total income exceeded budgeted income. Net income was also significantly greater than budgeted, and as a result, an extra \$125k payment was made towards the mortgage in 2018. As of January 31, 2019, subtotal dues income was below budget but is anticipated to meet budget after newly admitted attorneys join the bar during the year.
- E. **EXECUTIVE DIRECTOR'S REPORT** - Executive Director Patricia Mau-Shimizu reported on the following items:
 - 2019 License Renewal - To date, 155 members have not renewed compared to 300 members this time last year.
 - Legislation - Bills of concern upon which HSBA submitted testimony, except the Judiciary's budget request, have not been acted upon before significant internal legislative deadlines, so will not be proceeding any further during the remainder of the 2019 session. Neighbor island members were encouraged to submit testimony in support of the Judiciary's CIP budget requests that were deleted in the House version which affect their island.
- F. **YLD PRESIDENT'S REPORT** - YLD President Summer Kaiawe reported on the following items:
 - Mock Trial Program - State semi-finals and finals to be held on March 9th at the Hawaii Supreme Court. Chief Justice Recktenwald will preside over the final competition to determine the 2019 Hawaii state champion team. National competitions will be held in May in Georgia.
 - Law Week - Scheduled for May 6-12 will include attorney interviews on KHON morning show, daily Action Line call in, and legal clinics on the weekend.
 - Social - Set for March 29th at Bar 35; all HSBA members welcome.

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

G. UNFINISHED BUSINESS

2. **Request for HSBA Partnership on MoveMeHawaii Fundraiser** - HSBF Board member Cheryl Kakazu Park explained the proposed partnership for HSBA to join the HSBF and the Beta Beta Gamma Foundation on the MoveMeHawaii event, a 50-minute film on the internment of people of Japanese ancestry during WWII, followed by a panel discussion. Ms. Park stated that the partnership would involve HSBA marketing this award-winning film, "And Then They Came for Us," to its members, and in return, HSBA members could receive a \$5 discount off the \$35 ticket price.

Action taken: After discussion, a motion was made, seconded, and carried without opposition for HSBA to agree to be a partner in the MoveMeHawaii fundraiser, along with the Hawaii State Bar Foundation and the Beta Beta Gamma Foundation, by marketing this event to HSBA members via promotional announcements in the e-calendar and e-newsletter. Members would be able to receive a \$5 discount on each ticket to the April 28th MoveMeHawaii event.

H. NEW BUSINESS (continued)

3. **Independent Auditors** - In following industry best practices, management recommends a change in auditors, having been with KMH for at least 5 years. After a review of proposals from 3 companies, management recommends Wikoff Combs & Co due to its extensive experience with non-profit organizations. Board members who had worked with Wikoff made positive comments about the company.

Action taken: A motion was made, seconded, and carried without opposition to adopt the recommendation of the Executive Committee to select Wikoff Combs & Co as its new auditor.

4. **SB 1286 District Courts' Jurisdiction** - This bill seeks to raise the District Courts' jurisdictional limit for civil actions involving specific performance. Ms. Mau-Shimizu reported that this bill is still alive and the Collection Law Section has asked that the HSBA submit testimony to support it.

Action taken: A motion was made, seconded, and carried without opposition to submit testimony as requested by the Collection Law Section in support of SB1286 which raises the District Courts' jurisdictional limit for civil actions involving specific performance to \$40,000, if a hearing is scheduled.

5. **Board Vacancies on the Special Committee on Judicial Performance (aka Rule 19 Committee) and the Commission on Professionalism** - The recommendations of the HSBA Nominating Committee were distributed at the meeting.

Action taken: A motion was made, seconded, and carried without opposition to adopt the recommendation of the HSBA Nominating Committee to recommend to the Hawaii Supreme Court the appointment of the following individuals:

Special Committee on Judicial Performance (Rule 19)- for a 3-year term

- Clarissa Malinao - term begins March 6, 2019
- Alan Van Etten - term begins March 6, 2019

Commission on Professionalism - for a 4-year term

- Susan Arnett - term begins March 14, 2019
- Rebecca Copeland - term begins April 27, 2019
- Jane Kwan - term begins March 14, 2019
- Judith Pavey - term begins April 27, 2019

6. **Annual Fundraiser Dinner Policy** - Director Mark K. Murakami reported that the subcommittee that reviewed Section 2.1 G of the HSBA Board Policy Manual regarding the annual fundraiser dinner has some proposed revisions to the beneficiary designation. Since a redlined version of the proposed policy was not readily available, this item was tabled and will be further discussed at the March board meeting.

I. **ADJOURNMENT**

The meeting adjourned at 1:40 p.m.

Submitted by:



Patricia Mau-Shimizu
HSBA Executive Director

Approved by:



Russ S. Awakuni
HSBA Secretary