

MINUTES
HAWAII STATE BAR ASSOCIATION
BOARD MEETING

(via Zoom)
Honolulu, HI 96813

Thursday, May 28, 2020

A. **CALL TO ORDER**

President P. Gregory Frey called the teleconference meeting to order at 12:05 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
Levi Hookano
Russ Awakuni
Paul Naso

HSBA Staff

Patricia Mau-Shimizu
Iris Ito
Christina Bae
Adrienne Hayashi

Directors Present

Steven Chow
Craig De Costa
Vladimir Devens
Jessica Domingo
William Harrison
Geraldine Hasegawa
Kristin Izumi-Nitao
Carol Kitaoka
Jeen Kwak
Corianne Lau
Jacob Lowenthal
Mark K. Murakami
Ralph O'Neill
Addison Bonner, YLD President

Directors Absent

Erin Kobayashi - excused
Zale Okazaki - excused

- B. **APPROVAL OF MINUTES** - A motion was made, seconded, and carried without opposition to approve the minutes of the April 24, 2020 board meeting with the correction that Director Vladimir Devens was present at the meeting.

C. **TREASURER'S REPORT** - Treasurer Paul Naso, reported that revenues YTD (04/30/2020) was about \$1.5M, a slight decline from last year at this time. Total expenses were about \$563,000 was slightly above last year's figure, but still within budget. He noted that about \$6,700 was spent on goal group projects to date, and about \$37,000 in special reserves were spent primarily on the building the new website and member portal enhancements.

D. **EXECUTIVE DIRECTOR'S REPORT** - Ms. Mau-Shimizu reported on the following items:

- Potential furlough of Judiciary employees - Ms. Mau-Shimizu referred board members to Chief Justice Recktenwald's letter addressed to the chairpersons of the budget committees of the House and Senate which explained that a furlough may be necessary to reduce the Judiciary's budget by \$12.7M for FY 2020 unless there is a deferral on the final vote on the Judiciary's budget. Select groups were informed due to the potential impact a Judiciary furlough would have on HSBA members. Ms. Mau-Shimizu stated that the furlough is now off the table until June 15th when the Legislature is scheduled to reconvene.
- Re-opening HSBA Office - The HSBA prepared today to re-open the office on June 1st by providing hand sanitizers in strategic parts of the office; removing commonly shared office supplies; identifying high-touch areas; wiping it down; preparing signs that urge facial mask use, frequent hand washing, staying at home if sick, etc.

E. **YLD PRESIDENT'S REPORT** - YLD President Addison Bonner reported that the YLD has restarted Legal Line by forwarding calls to the HSBA number to the cell phone of a volunteer attorney. Overflow calls to this cell phone are then forwarded to the cell phone of the next volunteer attorney. The volunteers have been receiving about 6 calls per evening. Mr. Bonner noted that the remote model has worked well for Legal Line.

F. **UNFINISHED BUSINESS**

President Frey reported that the Judiciary Committee on Operational Solutions meets weekly and has had 5 meetings to date. He noted that every court has its challenges from dealing with remote hearings to plexiglas installations to planning for jury trials with 6-foot distancing requirements. The Committee continues to work on getting all courts in the State fully operational.

Director Steven Chow reported that the Judiciary Committee will focus its forum in the Fall on challenges faced by HSBA members and the Courts in this pandemic. The Committee is looking at virtual meeting options for its forum.

G. **NEW BUSINESS**

1. **Email from HSBA Member** - An HSBA member had objected to the HSBA sending an e-blast on behalf of the Attorney General's office that provided information on procedural changes for service of process.

Action taken: A motion was made, seconded, and carried without opposition to respond to the HSBA member, as recommended by the Executive Committee, which states that as a part of HSBA's responsibility to educate members and to keep them informed about practice management issues, the e-blast was transmitted to members without comment or position strictly as a courtesy to the AG's office.

2. **Partnership with Hawaii Foodbank** - President-elect Karin Holma briefly explained that an HSBA member had asked President Frey whether HSBA could do something for the community during this pandemic. After considering various non-profit groups, Hawaii Foodbank was selected since it serves all community members in need.

Action taken: After discussion, a motion was made, seconded, and carried without opposition to approve of HSBA efforts to coordinate a statewide legal community fundraising project in partnership with Hawaii Foodbank to assist local residents in meeting their nutritional needs.

3. **CARES Act Employer Program** - FYI only.
4. **Volunteer Legal Services Hawaii (VLSH) Donation on License Registration Form** - Currently on the HSBA attorney registration form, contribution for Volunteer Legal Services Hawaii is an opt-out choice while membership to join Sections, neighbor island bars, and specialty bar associations are opt-in choices. Ms. Mau-Shimizu stated that as a result of the *Fleck* case, and others cases making their way through the federal court process, bar associations across the country are offering, where applicable, opt-in choices only for voluntary dues and/or contributions on their attorney license registration form. She discussed "best practice" with VLSH Executive Director Angela Kuo Min in the first part of this year and explained that this (opt-in choice only) would be proposed for HSBA's attorney registration form. It was also noted that HSBA has been incurring the cost to collect VLSH contributions for years but have not passed on that cost to VLSH, and that a request would be made for recoupment moving forward.

Board members discussed the formation of VLSH by HSBA members and HSBA's past financial support to the organization. They also discussed the option of allowing members of the Legal Service Provider Consortium and other legal service providers to be listed as opt-in choices, a recommendation of the Executive Committee. A board member expressed that if opt-in is offered to all Consortium members and others, it would have a significant negative impact on VLSH.

The Board deliberated whether to defer their decision-making to allow for further discussion. While it may be possible to wait 1 month, if changes need to be made to the attorney registration form, the software provider needs to be informed in the near future to program the changes and allow for needed testing before deployment. The Board also discussed and agreed that if they took something away from the form, that there is enough time to add things back to it.

Action taken: After much discussion, a motion was made, seconded, and carried by a vote of 9 to 6 to remove Volunteer Legal Services Hawaii from the annual attorney renewal form for 2021.

5. **Board Vacancies on Legal Aid Society of Hawaii** [Secretary Russ Awakuni excused himself and left the meeting]

Action taken: A motion was made, seconded, and carried without opposition to approve the recommendation of the HSBA Nominating Committee to appointment/reappoint the following individuals to the Board of the Legal Aid Society of Hawaii for a term of 3 years beginning July 1, 2020:

- ◆ John Duchemin (new appointment)
- ◆ Nathaniel Higa (reappointment)
- ◆ Robin Kobayashi (reappointment)
- ◆ Emily Marr (reappointment)
- ◆ Kurt Murao (reappointment)

H. **ADJOURNMENT**

The meeting adjourned at 1:53 p.m.

Submitted by:



Patricia Mau-Shimizu
HSBA Executive Director

Approved by:



Russ S. Awakuni
HSBA Secretary