

MINUTES
HAWAII STATE BAR ASSOCIATION
BOARD MEETING

Via Zoom
Honolulu, HI 96813

Thursday, June 22, 2023

A. **CALL TO ORDER**

President Rhonda Griswold 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

Rhonda Griswold
Mark M. Murakami
Alika Piper

Others Present

James Kawachika
Carole Richelieu
Bradley Tamm

Directors Present

Jocelyn Chong
Steven Chow
Vladimir Devens
Jessica Domingo
Geraldine Hasegawa
Kristin Izumi-Nitao
Ronette Kawakami
Carol Kitaoka
Jacob Lowenthal
Emiko Meyers
Mark K. Murakami
Mark Valencia
Lisa Yang

HSBA Staff Present

Patricia Mau-Shimizu
Iris Ito
Brian Simon

Officers & Directors Absent

Jesse Souki
Lanson Kupau
Erin Kobayashi
Paul Naso
Zale Okazaki

- B. **APPROVAL OF MINUTES** - A motion was made (S. Chow), seconded, and carried without opposition to approve the minutes of the May 25, 2023 board meeting.

- C. **TREASURER'S REPORT** - Treasurer Alike Piper reported that ending May 31, 2023, Year-To-Date dues-related revenue was \$1.5M, and YTD expenses were \$791K. Total liabilities were \$502K and the current mortgage balance was at \$402K.
- D. **EXECUTIVE DIRECTOR'S REPORT** - Executive Director Patricia Mau-Shimizu reported on the following items:
- Trial Academy - 55 students with good participation from Neighbor Island members.
 - Pau Hana Update - 15 Ilima tables, 3 Ohia tables, 8 Plumeria tables sold. Marketing will begin on single guest pass sales.
- E. **YLD PRESIDENT'S REPORT** - Young Lawyers Division President Lisa Yang reported that Law Week was quite successful with in-person clinics on Oahu, Maui, and Kauai. The LegalLine hotline also received many calls during the week.
- F. **UNFINISHED BUSINESS** - Discussed in executive session after New Business.
- G. **NEW BUSINESS**

1. **Proposed Commentary [1] and [5] to Rule 5.5 of the Hawaii Rules of Professional Conduct (HRPC)**

Bradley Tamm, Chief Disciplinary Counsel, and a member of the Unauthorized Practice of Law Committee of the Commission on Professionalism, described the steps the Commission took in developing the proposed comments to Rule 5.5, and proceeded to explain each proposed comment. He emphasized that changes to the Rule itself are not being proposed; only to the comments, which are meant to clarify the Rule.

James Kawachika, HSBA member and former Disciplinary Board Chair, stated that the proposed comment is not in the ABA model rules which the HRPC is based on. He also noted that the ABA is moving towards a more liberal direction, whereas these proposed comments appear to be going in the opposite direction, and seems to be in contradiction to the Fought v. Steel case.

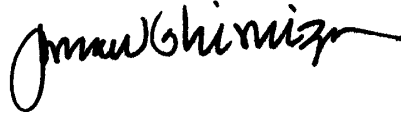
The Board discussed it further, and while generally supportive of the proposed comments, expressed some concern over communications between Hawaii counsel with their client's mainland counsel who may not be licensed to practice law in Hawaii. Board members favored leaving it to individual HSBA members to submit their comments directly to the Court.

Action taken: A motion was made, seconded, and carried without opposition to inform the Hawaii Supreme Court that, with respect to proposed comments to Rule 5.5, the HSBA Board appreciates and supports the work of the Commission on Professionalism in providing additional commentary in an effort to clarify the Rule, and that HSBA leaves it to members to submit their own comments directly to the Court. Director Vladimir Devens recused himself from voting.

H. ADJOURNMENT

The meeting adjourned at 1:20 p.m.

Submitted by:



Patricia Mau-Shimizu
HSBA Executive Director

Approved by:



Mark M. Murakami
HSBA Vice President