

MINUTES
HAWAII STATE BAR ASSOCIATION
BOARD MEETING

1100 Alakea Street, Suite 1000
Honolulu, HI 96813

Thursday, July 24, 2014

A. **CALL TO ORDER**

President Calvin Young 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

Calvin Young
Gregory Markham
Ronette Kawakami

Others Present

Miriah Holden
James Kawachika

Directors Present

Nadine Ando
Russ Awakuni
Malcolm Barcarse, Jr.
Steven Chow
Rebecca Copeland
Vladimir Devens
Rhonda Griswold
Geraldine Hasegawa
Karin Holma
Carol Kitaoka
Derek Kobayashi
Mei-Fei Kuo
Timothy McNulty
Stephanie Rezens

HSBA Staff

Patricia Mau-Shimizu
Iris Ito
Debra White

Board Members Absent

Cecelia Chang
Laurel Loo
Mark Murakami
Jodi Yi

- B. **APPROVAL OF MINUTES** - A motion was made, seconded, and carried without opposition to approve the minutes of the June 26, 2014 Board meeting with a revision to indicate that Director Rhonda Griswold recused herself from voting on the Legal Aid Board appointments.
- C. **EXECUTIVE DIRECTOR'S REPORT** - Executive Director Patricia Mau-Shimizu directed the Board's attention to the HSBA website which now has a rotating graphic on the homepage. This month's graphic features the site of this year's Annual Dinner.
- D. **YLD PRESIDENT'S REPORT** - YLD President Malcolm Barcarse reported that the YLD is planning for the launch of the annual Junior Judges in October, and will transmit a call for volunteers shortly.
- E. **UNFINISHED BUSINESS**

- 1. **Cyber Liability Insurance**

Action taken: A motion was made, seconded, and carried without opposition to adopt the recommendation of the Executive Committee to accept Monarch Insurance's proposal for cyber liability insurance that will include security event costs, network security & privacy liability, employee privacy liability, and loss of digital assets.

- 2. **Proposed Amendment to Rule 1.8** - President Young explained that the Executive Committee recommends forwarding member comments to the Hawaii Supreme Court without taking a position. The Board discussed whether to include the names of the members who commented when comments are forwarded to the Court.

Action taken: A motion was made, seconded, and carried without opposition to ask members who sent comments to HSBA on the proposed amendment to Rule 1.8 whether their names may be included with their comment when the comments are forwarded to the Hawaii Supreme Court.

The Board further discussed whether HSBA would state a position along with the member comments that are sent to the Court. It was suggested that the statement to the Court indicate that the rule should be decided on a case-by-case basis. President Young remarked that the proposed rule amendment is extremely narrow and will not apply to the HSBA membership as a whole, therefore making it difficult for HSBA to take a position.

Action taken: After further discussion, a motion was made and seconded to take a position on the proposed amendment. The motion failed by a vote of 4 to 10.

3. **ThinkTech Hawaii, Inc. Proposal** - President-elect Gregory Markham referred the Board to ThinkTech Hawaii's written proposal in the agenda material. He noted that HSBA would be recognized as an underwriter on ThinkTech's broadcast videos and all online publications. Mr. Markham stated that interview topics being considered for panel interviews are: Neighbor Island or country practice; the evolution of Hawaii's land use laws; the impact of the Big 5 on the practice of law; and pioneering Filipino lawyers. It was recommended that thought be given as to how the videotaped interviews may later be used after the 2015 Annual Dinner to increase viewership exposure.

Action taken: A motion was made, seconded, and carried without opposition to adopt the recommendation of the Executive Committee to approve the ThinkTech Hawaii proposal, after a minor revision concerning HSBA ownership rights, on an oral history project to videotape interviews of members with 3-digit JD numbers. The interviews will be live-streamed and placed on other social media, and will be compiled into a 15-20 minute production for the 2015 Annual Dinner.

4. **Subcommittee to Review Judicial Appointment Process** - Director Steve Chow reported that the Subcommittee met to discuss the issue and decided before making further revisions to the current HSBA procedures on the judicial/executive appointments, it would, perhaps, be appropriate to seek guidance on the threshold question of, if the HSBA should continue to be involved in this process. The Subcommittee recommended that Board members reach out to their constituents to seek guidance. Mr. Chow agreed to draft the list of inquiries that Board members will ask their constituents, for the sake of consistency, and also agreed to collect and compile any responses received by Board members.

F. **NEW BUSINESS**

5. **2015 HSBA Budget (Goal Group Project Budgets)** - Due to the Civics Education Committee's multiple project requests, Director Carol Kitaoka noted that the Committee would be revising its project submittals and project priority list. The Board decided to wait for this submittal before voting on the total budget of goal group project requests.

6. **Self Help Center MOUs**

Action taken: A motion was made, seconded, and carried without opposition to approve the recommendation of the Executive Committee to authorize the Executive Director to sign on behalf of the HSBA the Memorandum of Understanding between HSBA, Legal Aid, the Court, and the Neighbor Island Bar Association (if applicable) for the Self Help Centers/Desk and the Honolulu District Court Access to Justice Room.

7. **Member Survey Proposed by Board Strategic Planning Committee**

Action taken: A motion was made, seconded, and carried without opposition to adopt the recommendation of the Executive Committee to approve the dissemination of a member survey being proposed by the Board Strategic Planning Committee and modeled after the 2008 member survey.

8. **Professional Liability Insurance Policy for HSBA Volunteers**

Action taken: A motion was made, seconded, and carried by a vote of 13 to 1 to authorize the HSBA Executive Director to provide, upon request by an HSBA pro bono volunteer, a redacted version of the Certificate of Insurance to confirm professional liability insurance coverage for volunteers, if written proof of coverage is deemed necessary.

*9. **Termination of Publication Agreement**

Action taken: A motion was made, seconded, and carried without opposition to adopt the recommendation of the Executive Committee to terminate the Restated Book Publication Agreement with Evan Shirley due to the passing of June 30, 2014 deadline for the completion of the legal ethics and professional responsibility manual and non-receipt of the completed work product.

G. **ADJOURNMENT**

The meeting adjourned at 2:00 p.m.

Submitted by:



Patricia Mau-Shimizu
HSBA Executive Director

Approved by:



Ronette Kawakami
HSBA Secretary

* Conducted in executive session.