

MINUTES  
HAWAII STATE BAR ASSOCIATION  
BOARD MEETING

1100 Alakea Street  
Honolulu, HI 96813

Thursday, May 27, 2010

**1. CALL TO ORDER**

President Hugh Jones called the meeting to order at 11:36 a.m. a quorum present. The following persons were present for all or part of the meeting:

Officers Present

Hugh Jones  
Louise Ing  
Carol Muranaka  
Ronette Kawakami  
Craig Wagnild

Others Present

Rebecca Gardner  
Jennifer Rose  
Carroll Taylor

Directors Present

Steven Chow  
Robert Harris  
William Harrison  
Geraldine Hasegawa  
Derek Kobayashi (by phone)  
Christine Kubota  
Gregory Markham  
Gerald Matsunaga  
Alika Piper  
Kenneth Robbins (by phone)  
Gordon Stewart (by phone)  
Calvin Young  
Lisa Nakahara (YLD)

HSBA Staff

Lyn Flanigan  
Iris Ito  
Debra White

Board Members Absent

Nadine Ando  
Carol Kitaoka  
Suzanne Terada

## 2. **CONSENT AGENDA**

**Action taken:** By consent the Board approved the following agenda items:

- a. **Ratification of Maui Director** - ratified appointment of Gordon Stewart to HSBA Board.
  - b. **Approval of Minutes** - approved minutes of April 22<sup>nd</sup> board meeting.
  - c. **Approval of Co-Beneficiary to Fundraiser** - approved Volunteer Legal Services Hawaii as this year's co-beneficiary (HSBA Public Services Fund is the other beneficiary).
3. **TREASURER'S REPORT** – Treasurer Craig Wagnild reported that as of 04/30/2010, overall income and overall expenses were below budget. He noted the profit/loss figure of \$12,000 in the black. Mr. Wagnild also offered to present fancy pie charts for future meetings if anyone was interested.
4. **EXECUTIVE DIRECTOR'S REPORT** - Executive Director Lyn Flanigan and President Jones explained the situation with the HSBA Sections and the reason for their presence at last month's board meeting (see handout "Organizational Relationship between HSBA and Sections). Ms. Flanigan also reported that the Supreme Court will not promulgate the proposed amendments to the trusteeship rule. See agenda for other HSBA activities.

HSBA Director and Judicial Administration Committee Chair Steven Chow reported on the Talk Story session held on May 12<sup>th</sup> between some members of the bench and bar (see agenda item under Executive Director's report). He stated that both sides agreed that there needed to be more information sharing between the bench and bar. He also remarked that the Litigation Section was taking the lead in developing a survey for judges to answer so that attorneys could be aware of a judge's preferences or procedures.

## 5. **UNFINISHED BUSINESS**

- a. **Honoring Chief Justice Moon** (see agenda item 6.a.)
- b. **Request by Government Lawyers Section to Become a Division** (see agenda item 6.b.)
- c. **Annual Fundraiser** (see agenda item 6.c.) - there was discussion over whether donations for silent auction items could somehow be claimed as a tax deduction. Director Calvin Young indicated that if this was possible, he may be able to get big ticket items such as a car. President Jones said that he would look into it.

- d. **Minor Misconduct Program** (see agenda item 6.d.) - Ms. Flanigan reported that twelve Oahu attorneys have agreed to be mentors for this program; we are in the process of getting neighbor island mentors. The time commitment is about 6-10 hours a year.
- e. **Strategic Planning Committee** (see agenda item 6.e.) - FYI only.
- f. **Proposed Disclaimer Language for Section Communications** (see agenda Item 6.f.) - FYI only.
- g. **Hawaii Rules of Professional Conduct** (see agenda item 6.g.) - FYI only. HSBA is waiting for a clean copy of the proposed rules. The Judiciary is working on reformatting the document, but currently busy with implementing their e-filing system.
- h. **Proposed Amendment to RSCH Rule 17(d)(1)(iii)** (see agenda Item 6.h.) - HSBA Professional Liability Insurance Committee Chair Carroll Taylor stated that the Supreme Court's proposed amendment gives an appearance of being open (about having professional liability insurance), but not truly being open, and that it gives an illusion of protection. He further explained that a related amendment to the HRPC, Rule 1.4, proposes the disclosure of only the absence of insurance to new or existing clients.

The Board discussed the reasoning behind insurance disclosure and its effect. Mr. Taylor stated that the premise of the HRPC rule amendment comes from the view of client protection.

President Jones reminded the Board that the issue before them was whether to take a position on the proposal which will require HSBA to provide online disclosure of whether an attorney has professional liability insurance. He suggested that HSBA recommend to the Court that this proposed amendment be put aside and the issue be treated more comprehensively as part of the amendments to the HRPC. President Jones urged board members to read the proposed rule amendment carefully and review comments by the State Bar of Texas on a similar proposed rule amendment in their state. This agenda item will be more fully discussed at the June board meeting. Staff was asked to explore the technical difficulty, if any, to HSBA of being required to disclose on its website whether or not members have insurance and maintaining a current list.

## 6. **NEW BUSINESS**

- a. **Proposed Amendments to RSCH Rules 1.3, 1.9, 2.16 and Addition of New Rules 1.15, 1.25, 8.16** - Director Derek Kobayashi questioned the need, in the proposed amendment, for deleting the listing of information that is required on the bar admission application form. President Jones suggested that HSBA ask the Court for more information as to the form of the application.

b. **Report from Chair of HSBA Diversity, Equality, and Access to the Law Committee, Jennifer Rose** - Ms. Rose described the activities of the committee and upcoming programs, including those projects that are a part of the Judiciary's Office of Equality & Access to the Courts and a subcommittee of the Access to Justice Commission, in which Ms. Rose is involved. These included: a series of trainings to Kokua Kalihi Valley, roundtable discussions with community organizations and legal service providers, a gender equity survey, working with interpreters, and CLE on cultural access.

7. **YLD REPORT** - YLD President Lisa Nakahara thanked everyone for volunteering during Law Week and reported that it went really well. She also noted that Moanalua High School came in last at the national mock trials, but one of their students won an outstanding performance award. Finally, she announced that the HSBA YLD received an ABA grant for their Mock Trial and Law Week projects.

8. **ADJOURNMENT**

The meeting adjourned at 1:07 p.m.

Submitted by:



Lyn Flanigan  
HSBA Executive Director

Approved by:



Ronette M. Kawakami  
HSBA Secretary