

MINUTES  
HAWAII STATE BAR ASSOCIATION  
BOARD MEETING

1100 Alakea Street, Suite 1000  
Honolulu, HI 96813

Friday, January 27, 2012

**1. CALL TO ORDER**

President Carol Muranaka called the meeting to order at 2:31 p.m. with a quorum present. The following persons were present for all or part of the meeting:

Officers Present

Carol Muranaka  
Craig Wagnild  
Calvin Young  
Ronette Kawakami  
Jodi Yi

Directors Present

Nadine Ando  
Russ Awakuni  
Steven Chow  
Vladimir Devens  
Rhonda Griswold  
Geraldine Hasegawa  
Carol Kitaoka  
Derek Kobayashi  
Laurel Loo  
Gregory Markham  
Timothy McNulty  
Mark Murakami  
Alika Piper  
Suzanne Terada (by phone)  
John Roth (by phone)

Board Members Absent

David Farmer

Others Present

Justice Simeon Acoba  
Charles Crumpton  
Damien Elefante  
Miles Furutani  
Judge Leslie Hayashi  
Beverly Hiramatsu  
Keith Hiraoka  
Janet Hunt  
Charles Hurd  
Louise Ing  
Mihoko Ito  
Cynthia Johiro  
Jeffrey Kent  
Miriam Loui  
Khaled Mujtabaa  
Darien Nagata  
Mei Nakamoto  
E. Gunner Schull  
Mark Shklov

HSBA Staff

Patricia Mau-Shimizu  
Iris Ito  
Debra White

2. **APPROVAL OF MINUTES** – Minutes of the December 28, 2011 board meeting were approved by consensus.
3. **TREASURER'S REPORT** – Treasurer Jodi Yi presented the preliminary December 2011 financials and reported a positive balance of approximately \$59,700. She noted that 2011 Treasurer Robert Godbey had recommended paying down the mortgage loan if there was a surplus at year's end, so she recommended the same.

**Action taken:** A motion was made, seconded, and carried without opposition to approve a prepayment on the mortgage loan of \$59,700 from the surplus of the 2011 budget.

4. **EXECUTIVE DIRECTOR'S REPORT** - Executive Director Patricia Mau-Shimizu reported that planning has begun for the Leadership Institute program for 2012.
5. **YLD REPORT** - YLD President Jeffrey Kent reported that YLD is currently working on the high school mock trial program.

6. **UNFINISHED BUSINESS**

**Mortgage Refinancing** - see discussion above under Treasurer's Report.

7. **NEW BUSINESS**

- a. **2012 Committee Chair Appointments** - President Muranaka announced that in addition to the list of committee chairs in the agenda, Mark Shklov has been added as a Co-Chair to the CLE Committee, and Calvin Young and Geraldine Hasegawa are presented as Co-Chairs of the Mentoring Committee.

**Action taken:** A motion was made, seconded, and carried without opposition to approve the ratification of President Muranaka's 2012 Committee Chair appointments.

**Action taken:** A subsequent motion was made, seconded, and carried without opposition to approve President Muranaka's request to combine the Professional Responsibility Committee and Professional Liability Insurance Committee and name it the Committee on Professional Responsibility and Risk Management.

b. **Proposed Rule Amendments of the Rules of the Supreme Court**

- 1) **Rules 1.14 and 22** - The proposed amendments seek to clarify that the Hawaii Professionalism Course is separate and distinct from the mandatory continuing professional education courses.

**Action taken:** A motion was made, seconded, and carried without opposition to approve the recommendation of the Executive Committee that written comments be solicited from Bar members before the March board meeting through notices in the *Hawaii Bar Journal*, HSBA website, and newsletter regarding the proposed rule amendment.

- 2) **Rule 17(d)** - The proposed amendment seeks to make 17(d) consistent with Rule 6.1 of the Hawaii Rules of Professional Conduct regarding financial contributions made as an alternative to pro bono service.

**Action taken:** A motion was made, seconded, and carried without opposition to approve the recommendation of the Executive Committee that written comments be solicited from Bar members before the March board meeting through notices in the *Hawaii Bar Journal*, HSBA website, and newsletter regarding the proposed rule amendment.

- c. **Judicial and Executive Appointments** - The Board discussed options on the procedures for receiving and reviewing background material on future judicial and executive nominees.

On the option to review a nominee's material at the HSBA office only, although the information would be contained and therefore more secure, the concern expressed was whether there would be sufficient time for Board members to review the background information before the interview and vote on the nominee. There may be instances where time constraints would present inquiries of others if Board members had questions on the nominee.

On the option to receive the nominee's background material via hard copy, through delivery in the downtown area and by mail for those outside the downtown area, Board members preferred this method, with the inclusion of a unique watermark on each page of each material packet.

**Action taken:** After further discussion, a motion was made, seconded, and carried without opposition that HSBA would photocopy the nominee's information with a unique "watermark" on each page of each set of materials. Hard copies marked "confidential" will be delivered to the Board members in the downtown area with receipt signatures obtained. Neighbor Island Board members and Board members outside of the downtown area will receive the hard copy by certified mail/return receipt requested.

Director Steve Chow agreed to develop written procedures on the dissemination and collection of nominees' background information.

The Board also agreed that HSBA will inform Board members of its position on a nominee at the same time as the testimony is submitted to the Senate Committee on Judiciary and Labor.

d. **Request to attend 11<sup>th</sup> Annual Legal Malpractice/Risk Management Conference**

**Action taken:** A motion was made, seconded, and carried without opposition to adopt the Executive Committee's recommendation to approve the request of Mr. Keith Hiraoka, Co-Chair of the Committee on Professional Responsibility and Risk Management, to attend the Legal Malpractice and Risk Management Conference (LMRM) in Chicago in late February/early March. As a condition of attendance, Mr. Hiraoka will be asked to present a 3-hour HSBA-sponsored MCPE course to Bar members in 2012 on this subject, which would include any relevant information from the conference.

e. **Proposed Amendments to the Amended and Restated Charter of the Hawaii Federal Judicial Selection Commission**

**Action taken:** A motion was made, seconded, and carried without opposition to approve the recommendation of the Ad Hoc Committee to appoint Ms. Janice Kim to fill the vacant seat as one of HSBA's representatives on the Hawaii Federal Judicial Selection Commission.

- f. **Fundraiser Dinner** - President Muranaka stated the need to address the issue of how fundraiser dinner proceeds would be handled to determine whether to proceed with the dinner. She commented that fundraiser committee volunteers have said that if donors cannot take charitable deductions, then volunteers will have a difficult time getting donations.

Board members discussed the 2007 tax opinion from Cades Schutte, the impending establishment of the Hawaii State Bar Foundation, and the different options available to HSBA on how to handle the fundraiser proceeds.

**Action taken:** After further discussion, a motion was made and seconded to move forward with the dinner with the Hawaii Justice Foundation. The motion was carried by a vote of 12 to 3. Rhonda Griswold, Gregory Markham, and Jodi Yi abstained from voting.

g. **Request to Co-sponsor the 2012 Access to Justice Conference**

**Action taken:** A motion was made, seconded, and carried without opposition to approve the request from Associate Judge Daniel Foley, Chair of the Access to Justice Commission, that HSBA serve as a co-sponsor of the 2012 Access to Justice Conference.

h. **Judicial Salaries Legislation** - the Board discussed legislation which would correct ambiguities in Act 57 relating to compensation for executive, judicial, and legislative officials. The Judiciary submitted testimony in support of this legislation, and Chief Justice Recktenwald had also requested HSBA's support on this legislation. Although no formal motion was made, the Board was in general support of this legislation.

i. **HSBA Nominating Committee and Supreme Court Nominating Committee**

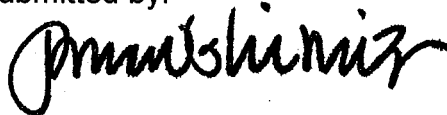
**Action taken:** A motion was made, seconded, and carried without opposition to approve President Muranaka's appointments of the following individuals to the:

- 1) HSBA Nominating Committee: Judge Linda Luke (chair); Sidney Ayabe, Rosalyn Loomis (Maui); Henry Nakamoto (Big Island); Craig Wagnild, and Jodi Yi.
- 2) Supreme Court Nominating Committee: Sidney Ayabe; Sherry Broder; Judge Linda Luke; and Stephanie Rezens.

9. **ADJOURNMENT**

The meeting adjourned at 6:20 p.m.

Submitted by:



Patricia Mau-Shimizu  
HSBA Executive Director

Approved by:



Ronette M. Kawakami  
HSBA Secretary