

MINUTES
HAWAII STATE BAR ASSOCIATION
BOARD MEETING

1100 Alakea Street, Suite 1000
Honolulu, HI 96813

Thursday, July 26, 2012

1. **CALL TO ORDER**

President Carol Muranaka called the 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

Carol K. Muranaka
Calvin Young
Ronette Kawakami
Jodi Yi

HSBA Staff

Patricia Mau-Shimizu
Iris Ito
Debra White
Levi Ho'okano
Julie Yang
Lynn Shizumura

Directors Present

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

Board Members Absent

Craig Wagnild
David Farmer
Suzanne Terada

Ex Officio Board Member

James Kawachika

Others

Wilfredo Tungol

2. **NEW BUSINESS**

HSBA Taking Position on Ad in Honolulu Star Advertiser¹ - In response to an email and phone call from Attorney General David Louie, President Muranaka added an item to the agenda requesting a discussion on whether the HSBA should respond to an advertisement in the *Star-Advertiser* on July 25, 2012, which criticized a Hawaii state court judge.

President Muranaka had previously emailed to the Board and referred to Chapter 13, Communications Guidelines, of the HSBA Board Policy Manual, which sets forth the procedures in dealing with unjust criticism. The Manual states that the circumstances in which responding to criticism is not appropriate are: (a) when the judge is adequately defended by himself/herself; (b) when there is a likelihood that a complaint against the judge will be presented to the Judicial Disciplinary Commission; (c) when a long investigation is necessary to learn the true facts; (d) when the issue is one of substantive law or requires legislative determination; (e) when the controversy is insignificant, and a reply would call attention to the criticism which might otherwise pass with little notice. After discussing the policy, Board members commented that it was not appropriate for the HSBA to take a position because of (b), (d), and (e) noted above.

Action taken: A motion was made, seconded, and carried without opposition that the HSBA Board take no position with respect to the advertisement as discussed above. Treasurer Jodi Yi recused herself from voting.

3. **APPROVAL OF MINUTES** - A motion was made, seconded, and carried without opposition to approve the minutes of the June 21, 2012 Board meeting.
4. **TREASURER'S REPORT** – Treasurer Jodi Yi reported that revenue in penalties from members not paying in a timely manner increased from the prior year; payroll expenses are down due to savings in eliminating half a position; credit card fee expenses increased due to more members registering online.
5. **EXECUTIVE DIRECTOR'S REPORT** - Executive Director Patricia Mau-Shimizu reported that professional liability insurance coverage for HSBA volunteers has been expanded to include legal advice. She also introduced MCLE Administrator Julie Yang and Communications Specialist Lynn Shizumura.
6. **YLD REPORT** - YLD President John Roth reported that he will attend the YLD conference next week as part of the ABA Annual Meeting. He also mentioned that he plans to attend a meeting/program on Project Salute at the conference in

¹ Addendum to the agenda.

anticipation of their own Project Salute project coming up this Fall.

7. NEW BUSINESS

- a. **Access to Justice Room - Memorandum of Understanding (“MOU”)**² - President Muranaka explained that the Executive Committee discussed that although the subject MOU is not a contract, cases have held that such memoranda of understanding will be treated as contracts. Other discussion included the insurance coverage for the volunteer attorneys under the HSBA professional liability insurance policy and the waiver of the training requirement for available Legal Aid attorneys who would be asked to staff the AJR if no other volunteers could be found.

Action taken: A motion was made, seconded, and carried without opposition to have the Executive Committee review and approve of the revised draft of the MOU between the HSBA, District Court, and Legal Aid regarding the Access to Justice Room. Mark Murakami, Derek Kobayashi, and Louise Ing volunteered to work on revising the language.

8. UNFINISHED BUSINESS

- a. **Japan Goodwill Trip** - Board members expressed the following concerns and questions over reimbursing the President and President-elect for travel expenses for the Japan trip: the 2012 conference travel line item will exceed its budgeted amount; how the trip will benefit bar members; bar members who made the goodwill trip to Japan in 2007 paid their own way; the HSBA should not spend funds if the trip does not benefit all bar members; reimbursement of trip expenses will set precedent for friendship agreements with other countries; a prior Board was concerned over the financial expectations that would result from establishing friendship agreements with other countries. Other comments were the trip will foster goodwill among Hawaii and Japan attorneys; would be positive for local international business opportunities; will put/keep Hawaii on the map as “a player” in the global market.

Action taken: A motion was made and seconded to fund the HSBA President’s travel up to \$3000 for the Japan goodwill trip planned for September 2012. The motion failed by a vote of 8 to 8.

- b. **Ninth Circuit Judicial Conference**

Action taken: A motion was made, seconded, and carried without opposition to approve that the HSBA President be reimbursed up to

² Item taken out of order.

\$1,500 for travel expenses related to the Ninth Circuit Judicial Conference on Maui in August 2012.

9. **NEW BUSINESS** (continued)

a. **Proposed Rule Amendments**

Action taken: A motion was made, seconded, and carried without opposition to solicit written member comments on proposed amendments to the following Rules of the Supreme Court: 17(d)(6)(i), 2.16(f), and 10.3.

b. **Funds in 2012 Budget**

1) **YLD Funds**

Action taken: A motion was made, seconded, and carried without opposition to consent to the YLD expending the balance of the 2012 Law Week budget, \$4524, for Project Salute and YLD appreciation event.

2) **Funds for the Self Help Center Collaboration**

Action taken: A motion was made, seconded, and carried without opposition to consent to the Delivery of Legal Services to the Public Committee expending the balance of the Equal Justice Conference travel budget, \$834, for expenses related to the Self Help Centers.

c. **2013 Budget - Goal Group Projects** - this item was deferred and will be placed on the August Board meeting agenda to allow more time for Board members to review the proposed 2013 budget on Goal Group projects.

d. **Committee on Diversity, Equality, and the Law**

Action taken: A motion was made, seconded, and carried without opposition to ratify President Muranaka's appointment of Daniel Gluck and Catherine Betts as co-chairs of the Committee on Diversity, Equality, and the Law.

e. **Bench-Bar Conference**

Action taken: After much discussion, a motion was made, seconded, and carried by a vote of 12 to 3 to fund this year's Bench-Bar Conference up to \$5,000.

10. **ADJOURNMENT**

The meeting adjourned at 2:53 p.m.

Submitted by:

A handwritten signature in black ink, appearing to read 'Patricia Mau-Shimizu', written in a cursive style.

Patricia Mau-Shimizu
HSBA Executive Director

Approved by:

A handwritten signature in black ink, appearing to read 'Ronette M. Kawakami', written in a cursive style.

Ronette M. Kawakami
HSBA Secretary