

MINUTES
HAWAII STATE BAR ASSOCIATION
BOARD MEETING

1100 Alakea Street, Suite 1000
Honolulu, HI 96813

Thursday, January 24, 2013

1. **CALL TO ORDER**

President Craig Wagnild called the meeting to order at 12:08p.m. with a quorum present. The following persons were present for all or part of the meeting:

Officers Present

Craig Wagnild
Calvin Young
Gregory Markham
Ronette Kawakami
Alika Piper

Directors Present

Nadine Ando
Russ Awakuni (by phone)
Cecelia Chang
Steven Chow
Vladimir Devens
Rhonda Griswold
Geraldine Hasegawa
Carol Kitaoka
Derek Kobayashi
Laurel Loo
Timothy McNulty
Mark Murakami
Stephanie Rezents
Suzanne Terada (by phone)
Jeffrey Kent (by phone)

Board Members Absent

David Farmer

Others Present

Hon. Mark Recktenwald
Hon. Sabrina McKenna
Carol Muranaka
Rozelle Agag
Steven Dixon
Rod Maile
Frederick Rohlfing, III
David Squeri

HSBA Staff

Patricia Mau-Shimizu
Iris Ito
Debra White
Levi Ho'okano

2. **PRESENTATION BY CHIEF JUSTICE MARK RECKTENWALD** - President Wagnild welcomed Chief Justice Recktenwald and Associate Justice Sabrina McKenna to the HSBA Board meeting. The Chief Justice remarked that the Judiciary's highlights of 2012 included the following items:

- holding oral arguments at Farrington High School on Oahu and Baldwin High School on Maui;
- establishing self-help centers statewide at the courts where 1000+ people were assisted by attorney volunteers; a successful Bench-Bar Conference;
- completing its strategic plan which considered input from judges, Judiciary staff, HSBA members, and others on a shared vision of how the Judiciary can most effectively achieve its mission.

The Chief Justice commented that while he had met with over 50 legislators regarding the Judiciary's budget for the coming fiscal year, he welcomed HSBA's support on the Judiciary's bills. Among their bills, request for funding is being made to restore salaries for judges and staff; converting temporary positions to permanent ones in Girls' Court; raising the ceiling on ILAF; relocating the Juvenile Services Section to Kapolei; funding for Kona Courthouse, Wahiawa District Courthouse, and Kaahumanu Hale; funding positions to support the Veteran's Treatment Court; and funding positions for the sheriff's department to address security issues.

The Chief Justice also remarked how he appreciated the working relationship between the Judiciary and the HSBA. He then answered questions from board members.

3. **APPROVAL OF MINUTES** - A motion was made, seconded, and carried without opposition to approve the minutes of the December 13, 2012 board meeting.
4. **TREASURER'S REPORT** - Treasurer Alika Piper reported that as of 12/31/2012, the HSBA was ahead of budget due to expenses coming in under budget and revenues coming in over budget. She also stated that a payment was made towards its office construction loan, and that the Finance Committee is studying whether any revisions should be made to the current policy on reserves.
5. **EXECUTIVE DIRECTOR'S REPORT** - Patricia Mau-Shimizu reported on the following items: a) 404 HSBA members had still not completed their attorney renewal for 2013; b) an updated Employee Handbook was distributed to and discussed with staff; c) guidelines for protecting personnel and member information was also distributed to and discussed with staff; d) Director of Programs Levi Hookano announced that the 2013 Bar Convention is set for September 27th at the Hilton Hawaiian, and that 800 attendees is the goal.
6. **YLD PRESIDENT'S REPORT** - Jeffrey Kent reported on the following: a) the YLD held its first social event for 2013 with the Shidler College of Business on January 23rd; b) the Mock Trial project started this past week; c) the next YLD Board meeting is February 1st.

7. **UNFINISHED BUSINESS** - None.

8. **NEW BUSINESS**

a. **Approval of 2013 HSBA Nominating Committee**

Action taken: A motion was made, seconded, and carried without opposition to adopt the Executive Committee's recommendation to approve President Wagnild's appointment of the following individuals as 2013 HSBA Nominating Committee members: Judge Linda Luke (chair), Sidney Ayabe, Rosalyn Loomis, Henry Nakamoto, Caryn Okinaga, and Calvin Young.

b. **Approval of 2013 HSBA Representatives to Supreme Court Nominating Committee**

Action taken: A motion was made, seconded, and carried without opposition to adopt the Executive Committee's recommendation to approve President Wagnild's appointment of the following individuals as 2013 HSBA representatives to the Supreme Court Nominating Committee: Sidney Ayabe, Sherry Broder, Judge Linda Luke, and Stephanie Rezens. Director Stephanie Rezens abstained from voting.

c. **Approval of 2013 HSBA Committee Chairs**

Action taken: A motion was made, seconded, and carried without opposition to adopt the Executive Committee's recommendation to approve President Wagnild's appointment of the following individuals as 2013 HSBA Committee Chairs/Co-Chairs:

- Civics Education: Ted Pettit and Ruth Oh
- Consumer Protection: Paul Alston and Bernard Bays
- Delivery of Legal Services to the Public: Regan Iwao
- Judicial Administration: Justice Simeon Acoba and James Kawashima
- Legislation and Public Policy: Mihoko Ito and Gary Slovin
- Nominating: Judge Linda Luke
- Professional Responsibility and Risk Management: Keith Hiraoka
- Publication: Carol Muranaka and Cynthia Johiro
- Technology: Damien Elefante
- Other committees: TBA

d. **Survey of Active Members on CLE Proposal** - President-elect Calvin Young explained the background of the proposal pending before the Supreme Court's Commission on Professionalism to increase mandatory continuing legal education hours from the current annual 3 MCPE credit requirement to a biennial 12 CLE credit requirement. HSBA has been asked for assistance to conduct an online survey of active members on this proposal. Mr. Young noted that the Commission Committee studying this issue will review data on

how/whether the MCLE requirement had a positive impact. The Committee's plan is to gather information by March and report back to the Commission by June.

Comments from board members included: the wording in the small box description in the survey is important to get members to complete the survey; it is hard to convey the various concerns of increasing the CLE requirement in a survey; it is important to allow members to give their comments in the survey;

Action taken: A motion was made, seconded, and carried without opposition to adopt the Executive Committee's recommendation to approve the request to conduct an online member survey on the proposal before the Commission on Professionalism to increase MCLE hours as noted above.

* e. **Access to Justice Commission HSBA Appointee**

Action taken: A motion was made, seconded, and carried without opposition to approve that the HSBA Nominating Committee make a recommendation on filling the HSBA representative vacancy on the Access to Justice Commission created by the passing of B. Martin Luna.

- * f. **Proposed ABA Resolutions** - HSBA/ABA Delegate James Kawachika explained that at the upcoming ABA Meeting in early February, the House of Delegates will consider, among other resolutions, four final proposals from the ABA Commission on Ethics 20/20. These proposals include changes to: 1) permit foreign lawyers to serve as in-house counsel in the U.S., but with the added requirement that foreign lawyers not advise on U.S. law except in consultation with a U.S.-licensed lawyer; 2) add to the requirement for registration of in-house counsel, a foreign lawyer who also seeks to serve an in-house counsel for a company in a jurisdiction in which he is not admitted to practice; 3) add that a foreign lawyer may also be admitted *pro hac vice* under certain restrictive circumstances; and 4) provide that an attorney and his client may select ahead of time which jurisdiction's conflict-of-interest rules will apply for their case or circumstance.

Action taken: After discussion, a motion was made, seconded, and carried without opposition to authorize HSBA/ABA Delegate James Kawachika to abstain from voting on the four proposals from the ABA Commission on Ethics 20/20 that will come before the ABA House of Delegates at the February Mid-year Meeting since Hawaii is still grappling with 2002 changes to the ABA Model Rules of Professional Conduct.

* Addendum to Agenda

8. **ADJOURNMENT**

The meeting adjourned at 2:07 p.m.

Submitted by:



Patricia Mau-Shimizu
HSBA Executive Director

Approved by:



Ronette Kawakami
HSBA Secretary