

MINUTES
HAWAII STATE BAR ASSOCIATION
BOARD MEETING

1100 Alakea Street, Suite 1000
Honolulu, HI 96813

Thursday, April 24, 2014

A. **CALL TO ORDER**

President Calvin Young called the meeting to order at 1:33 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
Mark Murakami

Others Present

Craig Wagnild

Directors Present

Nadine Ando
Russ Awakuni
Malcolm Barcarse, Jr.
Steven Chow
Rebecca Copeland
Rhonda Griswold
Geraldine Hasegawa
Carol Kitaoka
Derek Kobayashi
Laurel Loo
Timothy McNulty

HSBA Staff

Patricia Mau-Shimizu
Iris Ito
Debra White

Board Members Absent

Cecelia Chang
Vladimir Devens
Karin Holma
Mei-Fei Kuo
Stephanie Rezents
Jodi Yi

- B. **APPROVAL OF MINUTES** - A motion was made, seconded, and carried without opposition to approve the minutes of the March 20, 2014 Board meeting.
- C. **TREASURER'S REPORT** - Treasurer Mark Murakami reported that HSBA is on track with budget as of March 31, 2014. He also noted that the outstanding balance was \$1.4M on the acquisition loan and \$109k on the construction loan. Mr. Murakami stated that the Public Services Fund, which funds projects under Goal Groups 4 and 5, will be depleted this year, and any outstanding expenses will need to be covered by Reserves or other funding alternatives.
- D. **EXECUTIVE DIRECTOR'S REPORT** - Patricia Mau-Shimizu reported that the HSBA staff is in the final stages of the migration to iMIS and doing training and intensive testing. The new website is expected to go live on April 30th.
- E. **YLD PRESIDENT'S REPORT** - On behalf of Malcolm Barcarse, President Young reported that upcoming Law Week activities include Action Line Monday through Friday next week and statewide legal clinics on Saturday, May 3rd.
- F. **UNFINISHED BUSINESS**
1. **ThinkTech Hawaii, Inc. Proposal** - President-elect Gregory Markham stated that he will ask Jay Fidell to come to the May Board meeting to explain his proposal.
 2. **International Friendship Agreement Policy** - Director Russ Awakuni reported that the committee studying this issue met earlier in the week and discussed next steps. They will inquire as to what other bar associations do and what the State does with respect to friendship agreements with other countries. The International Law Section will also be invited to comment.
 3. **Judiciary's Flat Fee Committee** - Director Derek Kobayashi informed the Board that other committee members include: Jessi Hall, Rick Sing, Diane Hastert, Phil Lowenthal, Jim Kawachika, and Charlene Norris. Mr. Kobayashi will give a report after the committee's May 8th meeting.
- G. **NEW BUSINESS**
4. **Judiciary Working Group regarding Pro Hac Vice Practice** - Director Nadine Ando stated that the committee met on April 4th to discuss the administration and enforcement provisions of Rule 19. The primary issue is whether the current rule provides sufficient oversight over approved Pro Hac Vice practitioners. Specific topics raised in their discussion included the following:
 - Currently the annual fee allows Pro Hac Vice counsel to request approval for appearance in an unlimited number of cases. In addition to the annual

fee, should a subsequent case fee be assessed for each additional appearance approved?

- The role and responsibilities of sponsoring Hawaii attorneys.
- Should Pro Hac Vice be required to notify the HSBA when their appearance in a case is completed?
- Should a standard form of order be developed with minimal court-imposed requirements which can be augmented with additional requirements imposed by the approving court?

The Committee is reviewing Pro Hac Vice rules from other jurisdictions and will probably convene for another meeting in June.

5. **Appointment to Special Committee on Judicial Performance** - The Nominating Committee's recommendation on nominees to fill the attorney positions on the Special Committee on Judicial Performance (aka Rule 19 Committee), approved by the Executive Committee, was distributed at the meeting.

Action taken: A motion was made, seconded, and carried without opposition to approve the nominees presented and forward those recommendations to the Hawaii Supreme Court for approval.

6. **Appointment to Legal Aid Society of Hawaii Board - Special Vacancy** - The Nominating Committee's recommendation on a nominee to fill the special vacancy on the Legal Aid Board due to a resignation, approved by the Executive Committee, was distributed at the meeting.

Action taken: A motion was made, seconded, and carried without opposition to approve the nominee presented, Gregory H. Meyers, and inform the Legal Aid Board of his appointment. Director Russ Awakuni abstained from voting.

7. **Board Policy Manual Revisions to Annual Fundraiser Dinner Policy** - A further revised Annual Dinner policy was distributed at the meeting for the Board's consideration. If approved by the HSBA Board, the policy will be forwarded to the Hawaii State Bar Foundation for approval.

The Board discussed the policy on the President's ability to designate the beneficiary of the Annual Dinner which is being amended from "shall select" to "may recommend." It was explained that as a 501(c)6, the HSBF could not make any guarantees to the HSBA on the proceeds of the Annual Dinner, but it could consider the beneficiary recommendations from the HSBA.

Action taken: A motion was made, seconded, and carried without opposition to approve the proposed amendments to Section 2.1.G of the Board Policy Manual related to the Annual Fundraiser Dinner.

H. **ADJOURNMENT**

The regular portion of the meeting adjourned at 2:25 p.m. before it proceeded into executive session to discuss the judicial nomination of Henry T. Nakamoto for the District Family Court position in the Third Circuit.

Submitted by:



Patricia Mau-Shimizu
HSBA Executive Director

Approved by:



Ronette Kawakami
HSBA Secretary