

MINUTES
HAWAII STATE BAR ASSOCIATION
BOARD MEETING

1100 Alakea Street, Suite 1000
Honolulu, HI 96813

Thursday, January 28, 2016

A. **CALL TO ORDER**

President Jodi Yi called the meeting to order at 2:55 p.m. with a quorum present. The following persons were present for all or part of the meeting:

Officers Present

Jodi Yi
Nadine Ando
Howard Luke
Russ Awakuni

Others Present

Hon. Mark Recktenwald
Rodney Maile
Liam Deeley
Peter Olson

Directors Present

Cecelia Chang
Steven Chow
Rebecca Copeland
Vladimir Devens (by phone)
Rhonda Griswold
Geraldine Hasegawa
Carol Kitaoka
Derek Kobayashi
Mei-Fei Kuo
Georgia McMillen
Lisa Munger
Mark K. Murakami
Kristin Izumi-Nitao
Alika Piper
Ryan Hew - YLD President

HSBA Staff

Patricia Mau-Shimizu
Iris Ito
Debra White
Christina Bae

Board Members Absent

Mark M. Murakami^x
Emiko Meyers^x

^xExcused Absence.

B. **PRESENTATION BY THE HAWAII STATE JUDICIARY** - Chief Justice Mark Recktenwald thanked the HSBA Board for its continuing support of the Judiciary. He expressed concern over proposed legislation on elected judges and Senate confirmation of judges up for retention. The Chief Justice also gave an overview of the Judiciary's legislative priorities for 2016.

C. **APPROVAL OF MINUTES** - A motion was made, seconded, and carried without opposition to approve the minutes of the December 17, 2015 Board meeting.

D. **EXECUTIVE DIRECTOR'S REPORT** - Executive Director Patricia Mau-Shimizu reported on the following items:

- 2016 Licensing Registration Update - 7661 received; 411 outstanding.
- Fees collected for the ODC, AAP, LFCP, and VLSH totaling \$1,533,348 have been distributed to the entities.

E. **YLD PRESIDENT'S REPORT** - YLD President Ryan Hew reported that the following projects are in the works: Voter Registration project and CLEs on ADR and Managing Finances.

F. **UNFINISHED BUSINESS**

1. **Proposed Amendments to Board Policy Manual** - Amendments are being proposed to sections 11.1.C and 11.2.D of the Board Policy Manual to reflect actual practice of the circulation of the *Hawaii Bar Journal* and the Hawaii Bar Directory. The Publications Committee submitted additional proposed amendments. President Yi disclosed that she is a member of the Publications Committee.

While discussing these proposed amendments, a board member further proposed that active Hawaii members be allowed to receive the digital version of the *Hawaii Bar Journal* as do active out-of-state members. It was noted that some members may find the digital version a more convenient format, especially the younger members of the Bar who are accustomed to reading publications online.

It was decided to table this item to get input from the Publications Committee on this latest proposed amendment.

2. **HSTJA-HSBA Committee**

Action taken: A motion was made, seconded, and carried without opposition to ratify the appointment of Andrew Park as the eighth attorney member on the joint committee of the Hawaii State Trial Judges Association and HSBA. Russ Awakuni recused himself from voting.

G. NEW BUSINESS

3. **HSBA 2016 Dues & Fee Waiver Requests for Inactive Status for Medical Reasons** - Ms. Mau-Shimizu explained that an HSBA member (Member A) had requested the status of “inactive for medical reasons” and had submitted a comprehensive packet of his medical situation, which Ms. Mau-Shimizu briefly described. She noted that another member (Member B) had made a similar request, but had not yet submitted the necessary documentation as required by the Rule 17(d)(8) of the Rules of the Supreme Court.

Action taken: After discussion, a motion was made, seconded, and carried without opposition to approve the Executive Director’s request to waive the 2016 HSBA dues and processing fee for HSBA Member A who is “inactive for medical reasons” in accordance with Rule 17(d)(8) of the Rules of the Supreme Court of the State of Hawaii, and for HSBA Member B upon receipt of the necessary documentation (“physician’s affidavit or declaration that the attorney is experiencing a serious medical condition”) within 60 days.

4. **Admission Date Errors in Bar Directory**

Action taken: After discussion, a motion was made, seconded, and carried without opposition to adopt the Executive Committee’s recommendation to take no further action on the admission date errors in the 2016 Annual Bar Directory. President Yi recused herself from discussion on this item due to being a member of the Publications Committee.

5. **Request in Name Change of Natural Resources Section**

Action taken: A motion was made, seconded, and carried without opposition to adopt the Executive Committee’s recommendation to approve the change in name from the Natural Resources Section to the Environment, Energy, and Resources Section.

6. **HSBA President's Signature on Judiciary's Invitation re: Judicial Evaluation**

Action taken: A motion was made, seconded, and carried without opposition to adopt the Executive Committee’s recommendation to remove the HSBA President’s signature from the Judiciary letter, which asks for participation in the Judiciary’s judicial evaluation, to lessen the confusion among HSBA members on whose judicial evaluation is being conducted.

*7. **Special Vacancy on the Access to Justice Commission**

Action taken: A motion was made, seconded, and carried without opposition to adopt the HSBA Nominating Committee's recommendation to appoint Mark K. Murakami to the Hawaii Access to Justice Commission to fill the remainder of a term which expires on 12/31/17 created by the resignation of a sitting board member.

*8. **Special Vacancy on the Hawaii State Bar Foundation**

Action taken: A motion was made, seconded, and carried without opposition to adopt the HSBA Nominating Committee's recommendation to appoint Jeffrey K. Sia to the Hawaii State Bar Foundation Board to fill the remainder of a term which expires on 12/31/16 created by the resignation of a sitting board member.

*9. **Nomination of Clare E. Connors to U.S. District Court in Hawaii** - The Board discussed whether it should follow the same Board procedure for U.S. District Court Nominee Clare Connors given that the U.S. Senate Judiciary Committee had already held its confirmation hearing.

It was suggested that Ms. Connors be asked whether she would like to go through the HSBA's process and whether it would be beneficial to her. It was noted that Andrew Winer, Chief of Staff to U.S. Senator Brian Schatz, had commented that it may cause confusion if the HSBA took a position on Ms. Connors because the ABA had rated her "highly qualified" and the HSBA has no option to give her the same rating.

After further discussion, the Board decided that Ms. Connors be contacted and offered the opportunity to participate in the HSBA's judicial appointment process if she felt it would benefit her.

*10. **Judicial Election and Retention Measures** - In accordance with HSBA Board policy, the Board discussed the germaneness of proposed legislation (SB2239/HB2139 and SB2238/HB2138 which proposes a constitutional amendment to establish judicial elections, and SB2420/HB2140 which proposes a constitutional amendment to require consent of Senate for judicial retention) to the purpose of regulating the legal profession, and whether members would generally support the Board's position, if one was taken.

Action taken: After full discussion, a motion was made, seconded, and carried without opposition to determine that these issues are germane to the purposes of regulating the legal profession, and therefore meets the *Keller* test. Director Kristin Izumi-Nitao recused herself from voting.

* Addendum to Agenda.

Board members commented that they had emailed or talked to their colleagues about the proposed legislation and everyone had opposed it. The Board discussed sending an e-blast to all members for their input/comments on the legislation.

Action taken: After further deliberation, a motion was made, seconded, and carried without opposition to oppose the legislative bills noted above, to inform HSBA members of the Board's intent to submit such testimony unless there is overwhelming disagreement to the Board's position, and to invite comments from members on the Board's position on these bills.

H. ADJOURNMENT

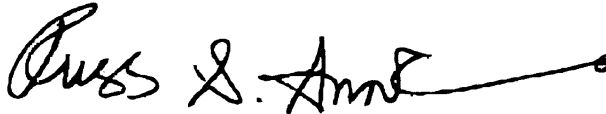
The meeting adjourned at 5:18 p.m.

Submitted by:



Patricia Mau-Shimizu
HSBA Executive Director

Approved by:



Russ S. Awakuni
HSBA Secretary