

MINUTES
HAWAII STATE BAR ASSOCIATION
BOARD MEETING

1100 Alakea Street, Suite 1000
Honolulu, HI 96813

Thursday, January 26, 2017

A. **CALL TO ORDER**

President Nadine Ando called the meeting to order at 12:07 p.m. with a quorum present. The following persons were present for all or part of the meeting:

Officers Present

Nadine Ando
Howard Luke
Derek Kobayashi
Russ Awakuni
Karin Holma

Directors Present

Cecelia Chang
Steven Chow
Rebecca Copeland
Vladimir Devens
Rhonda Griswold
Geraldine Hasegawa
Kristin Izumi-Nitao
Carol Kitaoka
Mei-Fei Kuo
Kai Lawrence
Lisa Munger
Mark K. Murakami
Alika Piper
Shannon Sheldon (by phone)
Trejur Bordenave - YLD President

Board Members Absent

Zale Okazaki

Others Present

James Kawachika

HSBA Staff

Patricia Mau-Shimizu
Iris Ito
Christina Bae
Levi Hookano
Blaine Kawakami
Aidan Quevedo
Tiffany Laput

- B. **INTRODUCTION OF HSBA BOARD & NEW STAFF MEMBERS** - For the benefit of new members, Board members introduced themselves and their representative capacity. New staff members were also introduced.
- C. **APPROVAL OF MINUTES** - A motion was made, seconded, and carried without opposition to approve the minutes of the December 22, 2016 Board meeting.
- D. **TREASURER'S REPORT** - Due to year-end reconciliation, no financials were available for the month of December.
- D. **EXECUTIVE DIRECTOR'S REPORT** - Executive Director Patricia Mau-Shimizu reported on the following items:
- 2016 Licensing Registration Update - 7721 processed; 750 yet to renew.
 - Credit card fees are increasing due to more online renewals. Approximately incurring \$31-\$33k per year in credit card fees.
 - Jurist-in-Residence - February 10th, 3:00-5:15pm, with Ruth Bader Ginsburg, at Hawaii Supreme Court.
 - Annual Dinner - Saturday, August 19th, Hawaii Convention Center.
 - Bar Convention - Wednesday, October 18th, Hawaii Convention Center.
- E. **YLD PRESIDENT'S REPORT** - YLD President Trejur Bordenave reported on the following items:
- First YLD Board meeting held on January 14th where committee chairs were assigned for 2017 projects
 - Mock Trial competition starts in 2 weeks.
 - YLD Board member set to attend the ABA Midyear Meeting in Miami.
- F. **UNFINISHED BUSINESS** - None.
- G. **NEW BUSINESS**
1. **2017 HSBA Committee Chair Appointments**
Action taken: A motion was made, seconded, and carried without opposition to ratify President Ando's appointment of 2017 HSBA Committee Chairs. Directors Steven Chow and Geraldine Hasegawa recused themselves from voting.
 2. **2017 HSBA Nominating Committee Members**
Action taken: A motion was made, seconded, and carried without opposition to ratify President Ando's appointment of the following individuals as 2017 HSBA Nominating Committee members: Judge Linda Luke (chair), Sidney Ayabe, Darolyn Lendio, Rosalyn Loomis, Howard Luke, Gregory Markham, Judge Henry Nakamoto, and Caryn Okinaga.

3. HSBA Representatives on the Supreme Court Nominating Committee

Action taken: A motion was made, seconded, and carried without opposition to ratify President Ando's appointment of the following individuals as 2017 HSBA representatives to the Supreme Court Nominating Committee: Sidney Ayabe, Sherry Broder, Judge Linda Luke, and Stephanie Rezens.

4. House Bill 1 (HB1) Proposing Amendments to the Judicial Appointment and Retention Processes - This bill authorizes the Senate to approve or reject subsequent terms of office for judges; changes the required time frames from 30 to 90 days for the process to appoint and consent to a judge; conforms the Senate consent procedures for district court judges to procedures for judges in the higher courts. President Ando explained the HSBA Board policy with respect to *Keller* issues.

Action taken: After discussion, a motion was made, seconded, and carried without opposition to determine that the issue of HB1 is germane to the purposes of the unified bar, and therefore passed the *Keller* test. The Board further determined that SB328 and SB673 also passed the *Keller* test as these bills are similar to legislation which passed the *Keller* test last year and upon which the HSBA took positions.

The Board discussed the importance of taking positions on these bills due to its impact on existing JSC procedures. It was also noted that there was no confidentiality component to the bills and how critical confidentiality is in the judicial retention process.

Action taken: A motion was made and seconded that HSBA submit testimony in opposition to the judicial retention bills that may impinge upon the Judicial Selection Commission's constitutional rights. A motion was made, seconded, and carried without opposition to amend the main motion to submit testimony that addresses the balance of transparency vs. confidentiality. Director Lisa Munger agreed to draft the testimony.

Action taken: A motion was made, seconded, and carried by a vote of 15 to 2 to submit testimony to oppose the other components of the HB1.

5. Proposed Judiciary Budget for the 2017-2018 Biennium

Action taken: A motion was made, seconded, and carried without opposition to determine that the issue is germane to the purposes of regulating the legal profession, and therefore meets the *Keller* test.

Action taken: A motion was made, seconded, and carried without opposition to take the same position as in 2016 with respect to supporting the Judiciary's proposed budget (Capital Improvement Projects statewide and new judicial positions).

6. **Senate Bill 276 (SB276) Restructuring the Timeframe and Process for Judicial Retention** - This bill changes the composition of judges of the ICA, Circuit Courts, District Courts, and Family Courts.

Action taken: A motion was made, seconded, and carried without opposition to determine that the issue is germane to the purposes of regulating the legal profession, and therefore meets the *Keller* test.

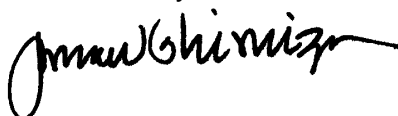
Action taken: A motion was made and seconded that HSBA submit testimony to oppose SB276 if the number of judges in the bill is less than the current number of judges in the Judiciary. This motion and the second were withdrawn.

Action taken: A motion was made, seconded, and carried without opposition to submit testimony, after Board review and approval, to oppose SB276 if a hearing is scheduled.

H. **ADJOURNMENT**

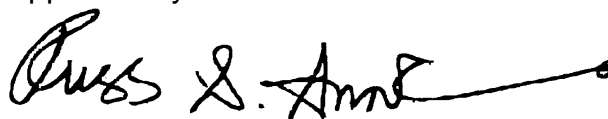
The meeting adjourned at 1:42 p.m.

Submitted by:



Patricia Mau-Shimizu
HSBA Executive Director

Approved by:



Russ S. Awakuni
HSBA Secretary