

MINUTES
HAWAII STATE BAR ASSOCIATION
BOARD MEETING

1132 Bishop Street, Suite 906
Honolulu, HI 96813

Wednesday, May 27, 2009, 12:00 noon

1. CALL TO ORDER

President Rai Saint Chu called the meeting to order at 12:10 p.m. with a quorum present. The following persons were present for all or part of the meeting:

Officers Present

Rai Saint Chu
Louise Ing
Ronette Kawakami
Craig Wagnild

Directors Present

Darren Ching
Steven Chow
James Dandar
Craig DeCosta
P. Gregory Frey
Mark Gallagher
Geraldine Hasegawa
Carol Kitaoka
Derek Kobayashi
Gregory Markham
Steven Songstad (by phone)
Suzanne Terada

Board Members Absent

Nathan Aipa
Hugh Jones
Alika Piper
Kenneth Robbins
Damien Elefante

Others Present

Catherine Levinson
Thomas Robertson
Bruce Sherman

HSBA Staff

Lyn Flanigan
Iris Ito
Debra White

2. **APPROVAL OF MINUTES** – Minutes of the April 23rd board meeting were approved by consensus.
3. **TREASURER’S REPORT** – Treasurer Craig Wagnild reported that not much had changed since last month. He directed the board’s attention to page 4 of the Consolidated Expenses report and noted that HSBA is slightly below budget in expenses. The bottom line YTD is that HSBA is \$110k ahead.
4. **EXECUTIVE DIRECTOR’S REPORT:** Executive Director Lyn Flanigan reported on the following items: a) CLE Calendar - Midyear Conference on May 28th; Trial Academy on July 10-11th; Dustin Cole seminar on July 17th; b) Leadership Institute - deadline to apply is May 29th; c) “Missing” Members - 3 members with whom HSBA had no current contact information, got in touch with HSBA after discovering through the internet that they were listed as “suspended” due to nonpayment of dues & fees. These members wanted to know what they needed to do in order to come into good standing. Ms. Flanigan is working with ODC and the Court to address this issue.
5. **YLD REPORT:** Law Week legal clinics at Don Quijotes on Oahu, Maui, and Big Island on May 2nd were well-attended.
6. **UNFINISHED BUSINESS**
 - a. **Update on Premises Acquisition** (see agenda item 6.a.) - HSBA member Bruce Sherman had requested information on HSBA’s acquisition of premises at Alakea Corporate Tower, was invited to come to the HSBA office to view those documents, and was in the process of doing so at the time the board meeting began. Mr. Sherman requested time to review everything, absorb the information, and come back to the Board in 1-2 months to raise any concerns he may have. He urged for more transparency by the Board and suggested that Board meetings and agendas be posted on the website in an area easy for members to find.

The Board recommended that Mr. Sherman sign a non-disclosure agreement due to the sensitive nature of some of the financial documents. Mr. Sherman stated that he was willing to sign a simple, limited non-disclosure agreement. After further discussion, the Board agreed that HSBA would draft an agreement for Mr. Sherman’s signature.
 - b. **Unauthorized Practice of Law** - nothing new to report.

- c. **MCLE Update (see agenda item 6.c.)** - Ms. Flanigan reported that the Court expressed concern over the cost of CLE programs after hearing member comments on the proposed MCLE Rule. She told the Court that HSBA was mindful of making CLE programs affordable for its members. She remarked that it appears that the Court is ready to implement the proposed rule with an effective date of January 1, 2010. Ms. Flanigan stated that very soon after the rule is adopted, an oversight entity such as an MCLE Board and a staff person need to be in place to work on MCLE requirements, procedures, etc.
- d. **Annual Fundraiser** - packets of sample solicitation letters for silent auction and table sales were distributed to board members. Ms. Flanigan asked that each board member make at least five table sales and get five silent auction items to donate. President Chu stated that the target amount for the fundraiser is \$50k net.
- e. **Update on Access to Justice Commission** - Board members were encouraged to attend the Access to Justice Summit on June 24th at the law school. The various committees of the Commission continue to work on their areas.
- f. **Bar Activities in Response to Economic Recession (see agenda item 6.f. and Exhibit F)** - nothing new to report.
- g. **Proposal to Amend Supreme Court Rules 1.4, 1.7, 17(d)6 regarding admission of military attorneys (see agenda item 7.g. and Exhibit I)** - Director Derek Kobayashi explained his written analysis comparing the existing rule, proposed rule, and Mississippi rule. He commented that waiving fees would ostensibly allow for greater access to justice for military personnel who sometimes are victims of consumer-related issues, i.e., lemon cars, or sold cars/goods that they can not afford, pay day loans, etc. There was further discussion about why these legal needs could not be met by the existing bar and what role the military attorneys play: do they provide a free service to military personnel, are they hired, are they JAG officers, in which case the military or federal government would probably be paying the local fees anyway.

Mr. Kobayashi will draft a letter to the ABA LAMP Committee requesting additional information.

7. **NEW BUSINESS**

- a. **Establishment of a Litigation Section (see agenda item 7.a.)** - the Board received its 60-day notice of a request to establish a new Litigation Section. It will be on the August board agenda for a vote.
- b. **Guidelines for Affiliated Entities (see agenda item 7.b.)** - Director Steve Chow agreed to work with President-elect Hugh Jones on a committee to draft guidelines for determining what constitutes an "HSBA affiliated" entity.

* c. **HSBA Representatives to the Hawaii Federal Judicial Selection Commission**

Action taken: A motion was made, seconded, and carried without opposition to ratify the vote taken by the Board via email on the top two vote getters as the HSBA representatives to the Hawaii Federal Judicial Selection Commission: Jeffrey Sia and Rosemary Fazio.

8. **ADJOURNMENT**

The meeting adjourned at 1:52 p.m.

Submitted by:



Lyn Flanigan
HSBA Executive Director

Approved by:



Ronette M. Kawakami
HSBA Secretary

*Addendum to agenda.