

MINUTES
HAWAII STATE BAR ASSOCIATION
BOARD MEETING

1132 Bishop Street, Suite 906
Honolulu, HI 96813

Thursday, August 20, 2009, 12:00 noon

1. CALL TO ORDER

President Rai Saint Chu called the meeting to order at 12:05 p.m. with a quorum present. The following persons were present for all or part of the meeting:

Officers Present

Rai Saint Chu
Hugh Jones
Louise Ing
Ronette Kawakami
Craig Wagnild

Directors Present

Steven Chow
James Dandar
Craig DeCosta (by phone)
Mark Gallagher
Geraldine Hasegawa
Carol Kitaoka
Derek Kobayashi
Lauren Sharkey (by phone)
Steven Songstad
Suzanne Terada (by phone)
Damien Elefante

Board Members Absent

Darren Ching
P. Gregory Frey
Gregory Markham
Alika Piper
Kenneth Robbins

Others Present

Carol Muranaka
Bruce Sherman
Shannon Wack

HSBA Staff

Lyn Flanigan
Iris Ito
Debra White

2. **APPROVAL OF MINUTES** – Minutes of the July 21st board meeting were approved by consensus.
3. **TREASURER’S REPORT** – Treasurer Craig Wagnild reported on specific line item variances on the income and expense statement. He stated that the bottom line was that HSBA was ahead of budget by \$121,826, less \$58,000 for the Hawaii Justice Foundation grant. Refer to written financials for more detail.
4. **SPECIAL GUESTS** - Associate Justice Simeon Acoba and Shannon Wack, representing the Access to Justice Commission, distributed model pro bono policies for government lawyers and for law firms which have been adopted by the Commission. On behalf of the Commission, Justice Acoba requested HSBA’s support and endorsement of the model policies. He commented that the model policy for law firms was also adopted by Montana. He also stated that one of the Commission’s committees is considering whether to propose amending Rule 6.1 to allow for monetary contribution in lieu of pro bono service of hours.

In answer to a board member’s question, Director Derek Kobayashi clarified that the model policy recognizes an individual’s reporting of pro bono hours, not the collective law firm hours.

Action taken: After further discussion, a motion was made, seconded, and carried without opposition to endorse the voluntary model pro bono policies as aspirational for public sector offices and private law firms.

5. **EXECUTIVE DIRECTOR’S REPORT:** Executive Director Lyn Flanigan reported 30 tables have been sold to date for the Annual fundraiser. See written report for other HSBA activities.
6. **YLD REPORT:** nothing to report.
7. **UNFINISHED BUSINESS**
 - a. **Premises Update (see agenda item 7.a.)** - Board member and Premises Committee member James Dandar presented a report on the process of selecting the proposed contractor for the premises. He reported that three contractors with high qualifications in the downtown commercial arena were requested to bid. The initial bids as received were higher than anticipated, causing the Premises Committee and the Project Manager and Architect to review the design and make revisions intended to lower costs. A fourth contractor was invited to bid; but that bid was also high. All contractors were asked to rebid. Negotiations were then undertaken with Rex Cornair, of Cornair, Inc., the only bidder to come in under cost of the loan, to revise the specs and the bid. The Committee was successful in negotiating an acceptable bid from Cornair at a substantial savings over previous bids, with several changes to the design but without sacrificing items necessary to the design. A standard AIA contract will be negotiated.

Action taken: After further discussion, a motion was made, seconded, and carried without opposition to adopt the recommendation of the Executive and Premises Committees to accept the bid from general contractor Cornair, Inc. for buildout of the new premises and to allow the Executive and Premises Committees to approve any further changes to the contract as long as it is within budget.

b. **MCLE (see agenda item 7.b.)**

Action taken: composition of MCLE Board to include 8 HSBA reps, 1 community rep, 3 non-voting reps was approved by consent.

c. **Guidelines to Determine an Affiliated Entity (see agenda item 7.c.)**

Action taken: amendment to Board Policy Manual to change reference to “affiliated organizations” to “law related organizations” was approved by consent.

d. **Proposal to Amend Supreme Court Rules 1.4, 1.7, 17(d)6 regarding admission of military attorneys (see agenda item 7.d. and Exhibit B) -**
Director Derek Kobayashi noted that only 11 states have an ELAP waiver. He remarked that he plans to talk to HSBA member Sarah Courageous about Hawaii’s military attorneys and would draft a response to the ABA LAMP Committee.

Action taken: A motion was made, seconded, and carried without opposition to respond to the ABA LAMP Committee as recommended by Derek Kobayashi regarding proposed amendment to Rules 1.14, 1.7, and 17(d)(6) on waiver of fees for military attorneys.

e. **Establishment of HSBA Litigation Section**

Action taken: formation of the Litigation Section was approved by consent.

8. **NEW BUSINESS**

a. **Reporting Procedures for HSBA Sections (see agenda item 8.a.)**

President-elect Hugh Jones stated that he would report back in September after meetings had been held with Section Chairs.

b. **HSBA Annual Awards (see agenda item 8.b.)**

Action taken: presentation of HSBA Annual Awards to selected recipients was approved by consent.

c. **Proposed “trustee” designation for solo practitioners (FYI only)**

d. **Proposed Revision of Rule 3.7 of the Hawaii Revised Code of Judicial Conduct**

Action taken: proposed amendment to Rule 3.7 of the Hawaii Revised Code of Judicial Conduct that clarifies participation by judges in pro bono was approved by consent.

e. **2010 Budget** - see Executive Director's report.

f. **Vacancy on the Board of Certified Shorthand Reporters**

Action taken: appointment of Dale Lee to Board of Certified Shorthand Reporters was approved by consent.

7. **ADJOURNMENT**

The meeting adjourned at 1:40 p.m.

Submitted by:



Lyn Flanigan
HSBA Executive Director

Approved by:



Ronette M. Kawakami
HSBA Secretary