

MINUTES
HAWAII STATE BAR ASSOCIATION
BOARD MEETING

1132 Bishop Street, Suite 906
Honolulu, HI 96813

Thursday, December 17, 2009

1. CALL TO ORDER

President Rai Saint Chu called the meeting to order at 12:08 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

Darren Ching
Steven Chow
James Dandar
Craig DeCosta (by phone)
P. Gregory Frey
Mark Gallagher
Geraldine Hasegawa
Carol Kitaoka
Derek Kobayashi
Alika Piper
Kenneth Robbins
Lauren Sharkey
Steven Songstad
Suzanne Terada
Damien Elefante

Board Members Absent

Gregory Markham

Others Present

Nadine Ando
Cristina Arias (DVAC)
Rebecca Gardner (HFLA)
Robert Harris
William Harrison
James Kawachika
Christine Kubota
Gerald Matsunaga
Carol Muranaka
Lisa Nakahara (YLD)
Calvin Young

HSBA Staff

Lyn Flanigan
Iris Ito
Debra White

2. **APPROVAL OF MINUTES** – Minutes of the November 19th board meeting were approved by consensus.
3. **TREASURER’S REPORT** – Treasurer Craig Wagnild reported on HSBA’s bottom line as of November 30, 2009, as being ahead of budget by about \$100k. Refer to written financials for more detail.
4. **EXECUTIVE DIRECTOR’S REPORT:** Executive Director Lyn Flanigan reported on the following items: a) MCLE - final MCLE Board meeting next Monday to finish the regulations and fees; b) Attorney Renewal - receiving many questions from members; board member suggested putting FAQs on website; c) Judicial Vacancies - at least 9 coming up in 2010. See agenda for other HSBA activities.
5. **YLD REPORT:** YLD President Damien Elefante announced that the Mock Trial is under way. He also introduced 2010 YLD President Lisa Nakahara.
6. **UNFINISHED BUSINESS**
 - a. **Proposal to Amend Supreme Court Rules 1.4, 1.7, 17(d)6 regarding admission of military attorneys** - FYI only (see agenda item 6.a.).
 - b. **Reporting Procedures for HSBA Sections** - President-elect Hugh Jones reported that this item will be tabled until next year (see agenda item 6.b.).
 - c. **Proposed Amendments to HRSC Rule 2.20 regarding Trusteeship Proceedings** (see Agenda Item 6.d. and Exhibit B) - Ms. Flanigan reported that the Court’s inclination was to let members comment on the proposed rule. Board members agreed that HSBA should send its comments and encourage members to comment and provide a link to the Judiciary’s website for sending comments.
 - d. **Family Court Move to Kapolei** - FYI only (see agenda item 6.d.). President Chu reported that Representative Suzanne Chun Oakland agreed to send a copy of the letter that was sent by legislators to Chief Justice Moon regarding the Kapolei Courthouse.
 - * e. **Court Issues due to Furloughs** - Ms. Flanigan reported that members have expressed concern over court delays and lack of information due to furlough days at the courts. She suggested that HSBA offer to the Court to communicate to members the Court’s efforts in addressing the situation.

* Item added to agenda.

7. NEW BUSINESS

a. 2010 Banking Resolution

Action taken: A motion was made, seconded, and carried without opposition to ratify the Executive Committee's approval of the banking resolution to authorize the 2010 HSBA Officers and the Executive Director to execute checks on HSBA accounts and to authorize the Director of Operations to transfer funds among HSBA accounts.

b. Comment on Proposed Amendment to Rule 2.2 of the Code of Judicial Conduct (see Agenda Item 7.b. and Exhibit E) - the Board discussed the proposed amendment and its agreement with the concept, but voiced concern over no limitations on the severity of the sanction. Specific limitations on hours and dollars imposed as sanctions were discussed.

A motion was made, seconded, and carried by a vote of 14 to 1 to adopt the Executive Committee's recommendation to approve of the proposed amendments to Rule 2.2 which clarifies that judges may sanction attorneys by ordering them to provide pro bono services or contribute to organizations providing pro bono services, with an amendment that the sanctions be reasonable.

c. \$20,000 Budget Item under Goal Group 5 for 2010 (see Agenda Item 7.c.) -

Action taken: After discussion, a motion was made, seconded, and carried without opposition to release \$10k in January of the 2010 funds budgeted under Goal Group 5 to Volunteer Legal Services Hawaii for the Neighborhood Legal Clinic project, and to allow the Delivery of Legal Services to the Public Committee thirty days to submit a more detailed project plan for their budget request.

d. 2010 Committee Chairs - Proposed list of committee chairs was not complete; this will be voted on at the January 2010 meeting.

e. 2010 Legislative Session Opening (see Agenda Item 7.e.)

f. Blessing and Openhouse (see Agenda Item 7.f.)

* g. Mementos for 2009 HSBA Board - President Chu thanked the HSBA Board for their hard work and service throughout 2009 and presented each one with a personalized set of made-in-Hawaii barbeque sauce, hot sauce, and salad dressing. The HSBA presented President Chu with an Alan Wong's dinner certificate for her leadership this past year.

* Item added to agenda.

- * h. **Disciplinary Budget and Reserve** - Director James Dandar requested that the HSBA Board convene a committee to examine the issue of restricting the Disciplinary Board's budget to \$750k/year and reserves in the same amount. It was pointed out that HSBA does not have authority to restrict the DB's budget; it can only provide comments to the Supreme Court.

Action taken: After further discussion, a motion was made, seconded, and carried without opposition to have the HSBA-DB Liaison Committee examine the questions regarding the Disciplinary Board's budget and reserves, and make a recommendation by June 30, 2010.

- * i. **Executive Director Evaluation and Contract** - The Board went into executive session to discuss the Executive Director's evaluation and contract.

8. **ADJOURNMENT**


The meeting adjourned at 1:55 p.m.

Submitted by:



Lyn Flanigan
HSBA Executive Director

Approved by:



Ronette M. Kawakami
HSBA Secretary

* Item added to agenda.