

MINUTES  
HAWAII STATE BAR ASSOCIATION  
BOARD MEETING

1132 Bishop Street, Suite 906  
Honolulu, HI 96813

Thursday, October 22, 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  
James Dandar  
P. Gregory Frey  
Mark Gallagher  
Geraldine Hasegawa  
Carol Kitaoka  
Derek Kobayashi  
Gregory Markham  
Alika Piper  
Kenneth Robbins  
Lauren Sharkey  
Steven Songstad  
Suzanne Terada (by phone)  
Damien Elefante

Board Members Absent

Steven Chow  
Craig DeCosta

Others Present

Moya Gray  
Robert Harris  
William Harrison  
Charles Hite  
James Kawachika  
Carol Muranaka  
Calvin Young

HSBA Staff

Lyn Flanigan  
Iris Ito  
Debra White

2. **APPROVAL OF MINUTES** – Minutes of the September 17<sup>th</sup> board meeting were approved by consensus.
3. **PRESENTATION BY INVITED GUEST MOYA GRAY, VLSH** - As a follow-up to the discussion at the September board meeting, Volunteer Legal Services Hawaii Executive Director Moya Gray was invited to address the Board. She explained that VLSH has reserves hopefully to operate for the next 3 years. The staff has been downsized from 22 to 11 and furloughed 13 days from July-October. Ms. Gray requested HSBA's continued support by retaining VLSH as a dues check-off on the attorney renewal form and welcomed direct support from law firms and members.
4. **TREASURER'S REPORT** – Treasurer Craig Wagnild reported that for the month of September, revenue and expenses were less than budgeted. He noted that HSBA is ahead of budget by about \$110k (includes the \$50k HBJ grant). Refer to written financials for more detail.
5. **EXECUTIVE DIRECTOR'S REPORT:** Executive Director Lyn Flanigan reported on the following items: a) Bar Convention - netted about \$54k; attendance continues to be low at seminars; b) Premises Update - framing is up; blessing will be held in December. See agenda for other HSBA activities.
6. **YLD REPORT:** YLD President Damien Elefante announced: 1) the Junior Judges finished last week with 30 schools participating; 2) the YLD Annual Meeting is coming up on October 30<sup>th</sup>; 3) the Mock Trial case is posted on the website; need coaches for a few schools; competition is in February-March.
7. **UNFINISHED BUSINESS**
  - a. **Proposal to Amend Supreme Court Rules 1.4, 1.7, 17(d)6 regarding admission of military attorneys** - Director Derek Kobayashi stated 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:** After discussion, a motion was made, seconded, and carried without opposition to send a response to the Hawaii Supreme Court indicating that HSBA stands by its earlier comments submitted on proposed amendments to Rules 1.4, 1.7, and 17(d)(6) of the Rules of the Supreme Court regarding a waiver of fees for military attorneys.
  - b. **Reporting Procedures for HSBA Sections** - President-elect Hugh Jones reported that the reporting procedures are being finalized and one last meeting with the Sections will be held before the Board votes on it.

- c. **2010 Budget** (see Agenda Item 7.c. and handout material) - Treasurer Wagnild presented the proposed 2010 HSBA budget. He explained that with the weakened economy and its resulting effects, and the impending MCLE requirement, dues and non-dues income is anticipated to drop from previous years. With the acquisition of the new premises, costs will increase in the first few years before it becomes more economical than leasing office space. Although, the Finance Committee and staff reduced expenses as much as it could from the budget while retaining current services to members, a projected deficit still remains.

Mr. Wagnild then proposed the following recommendation from the Finance Committee for balancing the budget: include a \$10 processing fee for all members. This would be less than the \$15 convenience fee currently charged to online registrants to cover the charge card processing fee and would help cover the cost of temporary workers who are hired to process paper registrations.

He presented the Finance Committee's alternatives to this recommendation: charge a \$10 processing fee for paper filers only and cut \$15k more from the budget; do not charge any additional fees and cut \$70k more from the budget; OR charge a \$15 processing fee for paper filers and add back \$12.5k into the budget.

The Board discussed the impact and effect each option would have on members and the HSBA in the next few years and the need to plan for the future so members would not be faced with a possible increase in dues every year.

**Action taken:** After further discussion, a motion was made, seconded, and carried by a vote of 8 to 6 to approve the 2010 HSBA budget with the inclusion of a \$10 processing fee for all members.

- d. **Proposed Amendments to HRSC Rule 2.20 regarding Trusteeship Proceedings** - James Dandar, Derek Kobayashi, and incoming board member Calvin Young agreed to serve on a committee to review, analyze, and make a recommendation to the Board on the proposed amendments to Rule 2.20. Geraldine Hasegawa agreed to follow up with Chief Disciplinary Counsel Janet Hunt on the cost and number of trusteeships within the last few years.

- e. **Red Flags Rule** (see Agenda Item 7.e.)

**Action taken:** By consent, the Board ratified the Executive Committee's approval of a resolution to urge the Federal Trade Commission and Congress to clarify that the FTC's Red Flags Rule which imposes requirements on creditors relating to identity theft is not applicable to lawyers while they are providing legal services to clients.

- f. **Minor Misconduct Rule Amendments** (see Agenda Item 7.f.)

**Action taken:** By consent, the Board approved the proposed amendments to Rules 2.7, 2.8, and 2.22 of the Rules of the Supreme Court regarding minor misconduct.

- g. **Amended 2010 Disciplinary Board Budget** - fyi only.

## 8. **NEW BUSINESS**

- a. **Nomination for Pro Bono-Service Award** (see Agenda Item 8.a.)

**Action taken:** By consent, the Board approved the selection of Judge Karen Radius as the next recipient of the HSBA Pro Bono-Service Award.

- b. **ADR Section Bylaws** (see Agenda Item 8.b.)

**Action taken:** By consent, the Board approved the adoption of the ADR Section's amendments to its bylaws that would lower quorum requirements to make it easier to hold meetings, allow associate members to join the Section, revise officer positions to reflect current practice, allow email notice to section members, and other minor changes to facilitate Section business.

- c. **Family Law Section** (see Agenda Item 8.c.) - President Chu reported that she, Ronette Kawakami, and Carol Muranaka attended the Family Law Section meeting on October 21<sup>st</sup> at which the move of Family Court to Kapolei was on the agenda. The HSBA Board discussed electronic filing and how it would not be available at the time the Kapolei facility opened, but that the Judiciary does have plans to implement electronic filing as part of the Judiciary Information Management System (JIMS).

- \*d. **2010 Section Budgets** (see handout)

**Action taken:** A motion was made, seconded, and carried without opposition to approve the proposed 2010 budgets of the HSBA Sections.

\* Item added to agenda.

9. **ADJOURNMENT**

The meeting adjourned at 2:10 p.m.

Submitted by:

A handwritten signature in black ink, appearing to read "Lyn Flanigan". The signature is written in a cursive, flowing style.

Lyn Flanigan  
HSBA Executive Director

Approved by:

A handwritten signature in black ink, appearing to read "Ronette M. Kawakami". The signature is written in a cursive, flowing style.

Ronette M. Kawakami  
HSBA Secretary