

MINUTES
HAWAII STATE BAR ASSOCIATION
BOARD MEETING

1132 Bishop Street, Suite 906
Honolulu, HI 96813

Thursday, January 29, 2009, 2:30 p.m.

1. CALL TO ORDER

President Rai Saint Chu called the meeting to order at 2:38 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 (by phone)
Louise Ing
Ronette Kawakami (by phone)
Craig Wagnild

Directors Present

Nathan Aipa
Steven Chow
James Dandar
Craig DeCosta
P. Gregory Frey
Geraldine Hasegawa
Carol Kitaoka
Derek Kobayashi
Gregory Markham
Alika Piper
Steven Songstad (by phone)
Damien Elefante

Board Members Absent

Darren Ching
Mark Gallagher
Kenneth Robbins
Suzanne Terada

Others Present

Anne Leete
Carol Muranaka
Tom Robinson
Jeffrey Sia

HSBA Staff

Lyn Flanigan
Iris Ito
Debra White

2. **APPROVAL OF MINUTES** – Minutes of the December 18th board meeting were approved by consensus.
3. **TREASURER’S REPORT** – Treasurer Craig Wagnild reported that the preliminary unaudited figures for year end indicates that we ended 2008 with a balance which will be useful to support acquisition/moving costs. He noted less than anticipated revenue under bar directory income, grants & donations, and products & services. These were offset by less than anticipated expenses under bar directory expenses, products & services, and member benefits & special events. The ending balance for 2008 will likely be less than shown on the income statement (**see income statement in agenda**) because not all expenses for the year have been submitted.
4. **EXECUTIVE DIRECTOR’S REPORT:** Lyn Flanigan reported on the following items: a) Attorney Renewal - considering moving deadline to January 31st; b) Hawaii Commission on Civil Rights Complaint - steps have been taken to address complaint about comments made by CLE and Bench/Bar Conference presenter last November; c) Mock Trial Program - issue between coaches of a participating private school and students of a participating public school being addressed.
5. **YLD REPORT:** YLD Board has not had their first meeting yet, so there is nothing to report.
6. **UNFINISHED BUSINESS**
 - a. **2009 Committee Chairs**

Action taken: After further discussion, a motion was made, seconded, and carried without opposition to ratify President Chu’s further appointment of 2009 committee chairs (**see agenda item 6.a.**).
 - b. **AJS Report on Judicial Selection** - At the request of the Executive Committee, in response to Chief Justice Moon’s remarks (**see agenda item 6.b.**), Director Steve Chow has prepared an article for inclusion in the March *Hawaii Bar Journal* regarding HSBA’s position on participating in the judicial selection and evaluation processes .
 - c. **Update on Premises Acquisition** (**see agenda item 6.c.** and **handout**) - Craig Wagnild, a member of the Premises Acquisition Committee, gave a brief overview of the loan proposals from the 3 banks. He stated that after analyzing all of the options, the Committee felt that First Hawaiian Bank’s Term Sheet 2 looked to be the best proposal; the question was whether to go with Option A (first 3 years fixed) or Option B (first 5 years fixed).

Board members made the following comments/suggestions: recommend having a contingency plan to make prepayments in order to lower the balance of the loan; ask bank for a cap on the interest rate beyond the first 3 or 5 years; have proceeds from this year’s fundraiser dinner go solely to HSBA.

Action taken: After further discussion, a motion was made, seconded, and carried without opposition to select Option B, Term Sheet 2, of First Hawaiian Bank's loan proposal for the premises acquisition.

Action taken: A motion was made, seconded, and carried without opposition to adopt the proposed resolution authorizing the acquisition of premises, with amendments to the signatory lines, and to specify First Hawaiian Bank as the lender.

7. NEW BUSINESS

- a. Article on HSBA Tracking of Demographic Information (see agenda item 7.a. and exhibit B) - FYI only. DEAL committee chairs will be contacted to discuss and attend a future meeting.
- b. Liquor License for Women Rainmakers' Event (see agenda item 7.b.) - FYI only.
- c. Rule 6.2 of the Rules and Regulation concerning Lawyers' Fund for Client Protection (see agenda item 7.c. and exhibit C)

Action taken: A motion was made, seconded, and carried without opposition to respond to the Supreme Court on proposed amendment to Rule 6.2, which excludes 1% of the per attorney cap when determining maximum reimbursement, that HSBA has no comment.

- d. Reception for Tokyo Dai-Ichi Bar Association - Craig Wagnild explained that a friendship agreement had been established in 2005 between HSBA and the Tokyo Dai-Ichi Bar Association, and described the subsequent visit and program presentation HSBA made in 2007 to Japan. In light of the Tokyo Dai-Ichi Bar Association's upcoming visit to Hawaii in March, Mr. Wagnild made a request to fund a reception and to buy small gifts for the Tokyo delegation.

Action taken: A motion was made, seconded, and carried without opposition to approve a request of \$1,500 out of the reserves to host a reception and to buy small gifts for the Tokyo Dai-Ichi Bar Association members when they visit Hawaii for mutual programs, scheduled for March 2009.

8. REPORTS for JANUARY

- a. HSBA-Disciplinary Board Liaison Committee - committee members reported on the following items discussed at the meeting held earlier in the day: 1) ABA review of Disciplinary Board/ODC will be held in April; 2) how ODC can assist if/when the proposed MCLE rule is implemented; 3) instead of giving informal ethics opinions by phone, ODC staff attorneys are directing callers to the Rules; 4) proposed revisions to the Hawaii Rules of Professional Conduct is taking longer than anticipated, i.e. will not come out until late in 2009.

- b. Strategic Planning Committee - Committee is focusing on communications issues moving forward.

9. **PRESIDENT'S REPORT**

- a. President Obama's Inaugural Address - President Chu distributed copies of the address and reported on how inspirational the speech was.
- b. Speaker at Bar Convention – President Chu noted that Neal Katyal, our 2007 and 2008 speaker, has assumed a position at the Office of Solicitor General. She is hopeful that he will assist in asking the Solicitor General to be the 2009 keynote speaker.
- c. Trial Academy in June - need a “Dean” for this event. Ken Robbins’ name was suggested.
- d. Fundraiser - President Chu asked for volunteers to assist with the fundraiser event.
- e. UPL Issue - Immediate Past President Jeffrey Sia reported on the Star-Bulletin editorial on the UPL issue and his response that made corrections to the editorial, explained the intent of the proposed rule, described the collaborative effort of the UPL coalition on the proposed rule. His response was supported by some of the UPL coalition representatives, notable the realtors’ representative.

10. **ADJOURNMENT**

The meeting adjourned at 4:13 p.m.

Submitted by:



Lyn Flanigan
HSBA Executive Director

Approved by:



Ronette M. Kawakami
HSBA Secretary