

MINUTES
HAWAII STATE BAR ASSOCIATION
BOARD MEETING

1132 Bishop Street, Suite 906
Honolulu, HI 96813

Thursday, February 26, 2009, 2:30 p.m.

1. CALL TO ORDER

President Rai Saint Chu called the meeting to order at 2:37 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 (by phone)
Ronette Kawakami
Craig Wagnild

Directors Present

Steven Chow
James Dandar
Craig DeCosta (by phone)
Geraldine Hasegawa
Carol Kitaoka
Derek Kobayashi
Gregory Markham (by phone)
Alika Piper
Kenneth Robbins
Steven Songstad (by phone)
Suzanne Terada (by phone)
Damien Elefante

Board Members Absent

Hugh Jones
Nathan Aipa
Darren Ching
P. Gregory Frey
Mark Gallagher

Others Present

Jeffrey Sia

HSBA Staff

Lyn Flanigan (by phone)
Iris Ito
Debra White

2. **APPROVAL OF MINUTES** – Minutes of the January 29th board meeting were approved by consensus.

3. **TREASURER’S REPORT** – Treasurer Craig Wagnild highlighted the following items for the month ending January 31, 2009: a) large variance under Grants/Donations is due to the Hawaii Justice Foundation grant for the Access to Justice position; b) variance under Total Expenses is due to savings on not filling vacant positions; c) \$469k of Premises Net Dues Assessment under Special Reserves. Other items not yet shown on the Income Statement include: legislative monitoring (see item 7.a.) and Dai-Ichi Tokyo Bar Association reception that was approved last month.

President Chu brought to the Board’s attention that HJF has reported that funds will be low due to low interest rates on IOLTA accounts, so the grant for the Access to Justice Commission position will not be renewed next year. Executive Director Lyn Flanigan commented that the Commission is now thinking of holding off on filling the position this year knowing that it will not continue next year.

4. **EXECUTIVE DIRECTOR’S REPORT:** Ms. Flanigan reported on the following items: a) CLE - completed CLE survey of neighbor island members to assess area of practice and areas of desired CLE; b) Proc Hac Vice - Alika Piper agreed to work on committee to review pro hac vice rule for needed revisions; c) VLSH - contributions through attorney renewal were reduced this year; d) 2009 expenditures - discussed with staff managers the need to be fiscally conservative.

5. **YLD REPORT:** YLD President Damien Elefante reported that the finals for the Mock Trial Program are set for March 14, 2009 at the Supreme Court, and will include teams from the following schools: Mililani, Moanalua, Kauai, and a Big Island school.

6. **UNFINISHED BUSINESS**

- a. **2009 Committee Appointments**

Action taken: A motion was made, seconded, and carried without opposition to ratify President Chu’s further appointment of: 1) Legislation Committee Chair Linda Rosehill; 2) Lorraine Akiba, Timothy Lui-Kwan, Leighton Oshima, and Lauren Sharkey as HSBA representatives to the Supreme Court Nominating Committee; 3) Yuklin Alui, Teresa Tico, and the four individuals named in #2 as members of the HSBA Nominating Committee.

- b. **Update on Premises Acquisition** (see agenda item 6.b.) - Ms. Flanigan reported that the Premises Committee reviewed the title report carefully, considered all of the possible issues, and asked for an extension of the due diligence period to get additional information from the seller. Subsequently, the Executive Committee met with Carl Schlack and Dana Peiterson to discuss the title issues and ADA compliance issues, and found that none of the issues were such that could not be dealt with. The Executive Committee then authorized moving forward. March 23rd is the closing date/deadline. Ms. Flanigan is seeking proposals for a project manager to oversee the entire project.

Action taken: After further discussion, a motion was made, seconded, and carried without opposition to authorize the Executive Committee to proceed with the transaction on the premises acquisition.

7. **NEW BUSINESS**

- a. **Legislative Tracking** (see agenda item 7.a.)

Action taken: A motion was made, seconded, and carried without opposition to shift \$2500 (\$500/month for five months) from the payroll budget to the professional services budget to pay for legislative tracking to be done by the Legislation Committee instead of staff. Ms. Flanigan clarified that Linda Rosehill will track bills that affect bar members as a whole, but she would not do any lobbying or testifying.

- b. **Legislative Bills** (see agenda item 7.b.)

Immediate Past President Jeffrey Sia reported that the Unauthorized Practice of Law (UPL) Coalition had supported the proposed revised rule that is now before the Supreme Court. Some coalition members are now supporting the legislative bill (SB1044) that would exempt several groups of professionals from any UPL definition adopted by the Court just in case the Supreme Court does not approve the revised rule. Mr. Sia remarked that he was optimistic that the Court would approve the rule.

Director Derek Kobayashi informed the Board about the Indigent Legal Assistance Fund (ILAF) bill moving through the Legislature that would increase the filing fees and expand the types of cases in which this fee is imposed. He asked how the HSBA handles situations where different entities of the bar have opposite views. Secretary Ronette Kawakami explained that in the past, the HSBA Board has refrained from taking positions on legislation that may be divisive among members.

- c. 2009 Annual Dinner - Board members discussed the timing, location, setting, theme, and beneficiaries of the fundraiser dinner. President Chu explained that after the Executive Committee met and recommended a waiver of board policy to allow for a 3-way split between beneficiaries (**see agenda item 7.c.**), she re-thought the issue and prefers to maintain board policy, i.e., 2-way split between a law-related beneficiary and the HSBA public service projects.

President Chu raised the idea of raising funds for expenses related to the premises acquisition at the same time as the fundraiser dinner. However, board members felt that a separate capital campaign would be a better idea. President Chu recommended that HSBA offer naming opportunities for conference rooms or chairs in the new office space to those who make a contribution. A suggestion was made to check with Nalani Fujimori on how LASH conducted their capital campaign for their building on Bethel Street.

8. **REPORTS for FEBRUARY** - Strategic Planning Committee continues to move forward on the communications aspect of its plan.

9. **ADJOURNMENT**

The meeting adjourned at 4:05 p.m.

Submitted by:



Lyn Flanigan
HSBA Executive Director

Approved by:



Ronette M. Kawakami
HSBA Secretary