

MINUTES
HAWAII STATE BAR ASSOCIATION
BOARD MEETING

1132 Bishop Street, Suite 906
Honolulu, HI 96813

Thursday, December 19, 2008, 12:00 p.m.

1. CALL TO ORDER

President Jeffrey Sia called the meeting to order at 12:01 p.m. with a quorum present. The following persons were present for all or part of the meeting:

Officers Present

Jeffrey Sia
Rai Saint Chu
Douglas Moore
Carolyn Yu

Others Present

Damien Elefante
Catherine Levinson
Alika Piper
Craig Wagnild

Directors Present

Darren Ching
Steven Chow
James Dandar
Craig DeCosta (by phone)
P. Gregory Frey
Mark Gallagher
Geraldine Hasegawa
Louise Ing
Hugh Jones
Ronette Kawakami
Carol Kitaoka
Gregory Markham
Steven Songstad (by phone)
Jodi Yi
Jill Hasegawa

HSBA Staff

Lyn Flanigan
Iris Ito
Debra White

Board Members Absent

Nathan Aipa

2. **APPROVAL OF MINUTES** – Minutes of the November 20th board meeting were approved by consensus.
3. **TREASURER’S REPORT** – Treasurer Douglas Moore reviewed the financials as of November 30th and reported that HSBA appears to be in good shape, but will need to be fiscally prudent in 2009.
4. **COMMITTEE / REPRESENTATIVE REPORTS**
 - a. HSBA-Disciplinary Board Liaison Committee (see agenda item 4.a.) - FYI only.
 - b. Strategic Planning Committee (see agenda item 4.b.) - the Committee is now focusing on the communications issue.
 - c. Premises Update - CBRE agent Dana Peiterson reported on the availability of office space that would meet the needs of the HSBA. He explained that the 10th floor and 16th floor of Alakea Corporate Plaza are being considered and distributed an analysis of lease vs. ownership on these properties.

Action taken: After further discussion, a motion was made, seconded, and carried without opposition to authorize the Premises Committee to move forward with premises negotiations for HSBA office space and to make a non-binding offer if a favorable opportunity is presented, with Executive Committee approval. Board approval will be required for the final commitment.
5. **EXECUTIVE DIRECTOR’S REPORT:** Lyn Flanigan reported on the following items: a) CLE - in light of the impending MCLE rule, the board approved to add the \$4000 from this year’s unused neighbor island CLE funds to next year’s fund; b) Access to Justice Commission - ½-time staff position is being advertised and AJC information is now posted on HSBA website; c) Attorney Renewal - forms not coming in as fast as in previous years, but expect it to pick up within the next 2 weeks; d) IRS Form 990 - staff is developing new forms and procedures due to new regulations.
6. **YLD REPORT** - Jill Hasegawa introduced and welcomed YLD President-elect Damien Elefante to the board meeting; she reported that over 100 pro bono hours were contributed by both the HSBA Board and YLD Board during the “challenge;” and that a volunteer appreciation gift will be disseminated to all volunteers.

7. UNFINISHED BUSINESS

- a. **Unauthorized Practice of Law Rule** (see agenda item 7.a. and Exhibit A) - President Sia reported that HSBA sent a letter to the Supreme Court with the HSBA's latest version of the proposed UPL rule along with comments from Attorney General Mark Bennett and from members of the UPL Coalition. President Sia agreed to continue working on this issue in 2009.
- b. **Proposed MCLE Rule** (see agenda item 7.b.) - Board members commented that it was not necessary to hold public member hearings on the proposed rule given the notices in the *Hawaii Bar Journal*, in the enewsletter, and on our website. However, they felt it important to continue to publicize this to bar members.

8. NEW BUSINESS

- a. **Request for HSBA Support of ABA Review of Disciplinary Board/ODC** (see agenda item 8.a.)

Action taken: After discussion, a motion was made, seconded, and carried without opposition to adopt the Executive Committee's recommendation to approve the Disciplinary Board's request to share in the cost of a review by the ABA Center for Professional Responsibility of Hawaii's lawyer discipline system with the understanding that the ODC share the results of the review, to the extent possible. The cost to HSBA would be \$3000.

- b. **Approval of 2009 Banking Resolution** (see Exhibit D)

Action taken: A motion was made, seconded, and carried without opposition to adopt the Executive Committee's recommendation to approve the banking resolution authorizing the 2009 HSBA officers and the Executive Director to sign checks to withdraw funds from HSBA accounts.

- c. **2009 Committee Chairs** (see handout distributed at meeting)

Action taken: A motion was made, seconded, and carried without opposition to adopt the Executive Committee's recommendation to ratify the appointment (to date) of President Rai Saint Chu's 2009 committee chairs.

- d. **AJS Report on Judicial Selection** (see agenda item 9.a.) - President Sia reported on discussions held last year with Chief Justice Moon regarding the HSBA's involvement in the judicial evaluation and judicial selection processes. The Executive Committee will discuss this issue at next month's meeting and make a recommendation to the Board as to whether any action should be taken.

- e. **HSBA Representation at the ABA Conference on Globalization** (see agenda item 9.a.) - fyi only.
- f. **ABA Model Rule on In-House Counsel** (see agenda item 9.b. and Exhibit G) - fyi only.
- g. **2008 Board** - President Sia thanked the 2008 Board members for their hard work during the year and acknowledged each person with a Miles Davis CD and iTunes gift card. The HSBA presented President Sia with a Halekulani dinner certificate and a bottle of wine in recognition of his leadership during 2008.

9. **EXECUTIVE SESSION**

Action taken: A motion was made, seconded, and carried without opposition to move into executive session.

10. **ADJOURNMENT**

The meeting adjourned at 1:45 p.m.

Submitted by:



Lyn Flanigan
HSBA Executive Director

Approved by:



Carolyn M. Yu
HSBA Secretary