



## *The Judiciary, State of Hawaii*

### **Testimony to the Senate Committee on Judiciary and Labor**

Senator Gilbert S.C. Keith-Agaran, Chair  
Senator Maile S.L. Shimabukuro, Vice Chair

Thursday, January 21, 2016, 9:00 a.m.  
State Capitol, Conference Room 016

by  
Elizabeth Zack  
Supreme Court Staff Attorney

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**Bill No. and Title:** Senate Bill No. 154, Relating to Attorneys.

**Purpose:** Establishes that there is no requirement for an attorney to join any association or organization of lawyers to maintain a law license to practice in this State.

### **Judiciary's Position:**

The Judiciary respectfully opposes this bill and offers the following for consideration.

At the outset, the judiciary notes that SB 154 conflicts with established rules of the supreme court governing the practice of law before the courts of the State and the regulation of attorneys appearing before the courts of the State.

Pursuant to Article VI, Section 6 of the Hawai'i Constitution:

The supreme court shall have power to promulgate rules and regulations in all civil and criminal cases for all courts relating to process, practice, procedure and appeals, which shall have the force and effect of law.

In implementing Article VI, Section 6, the supreme court adopted the Rules of the Supreme Court of Hawai'i (RSCH) to govern the practice of law in Hawai'i. RSCH Rule 17 establishes the Hawai'i State Bar. Rule 17(a) provides:



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(a) Pursuant to the powers of the Hawai'i Supreme Court to govern and control the practice of law in Hawai'i, all persons admitted to the practice of law in this State are hereby unified into an organization to be known as the Hawai'i State Bar. The Hawai'i State Bar shall be and remain an independent, member-governed organization, and shall be organized and shall have the powers and responsibilities provided in this Rule and by subsequent order of this court not inconsistent herewith.

RSCH Rule 17(b) sets forth the purpose and powers of the Hawai'i State Bar as follows:

(b) Purposes and powers. The purposes of the Hawai'i State Bar shall be to aid the courts in regulating, maintaining and improving the legal profession, administration of justice and advancements in jurisprudence, in improving relations between the legal profession, the public and the various branches and instrumentalities of government in this State, and in promoting the interests of the profession in this State. The Bar shall have the power and responsibility for administering the statutes and rules of this court relating to governance of the profession (other than statutes and rules governing contempt of court), as follows: (1) The Bar shall assist this court in carrying out the functions under § 605-14, Hawai'i Revised Statutes [Unauthorized Practice of Law], Rule 1 [Admissions], Rule 2 [Discipline], and Rule 10 [Lawyers' Fund for Client Protection] while preserving to this court at all times its ultimate authority over admission and discipline of attorneys licensed to practice in this State; and (2) the Bar shall assume primary responsibility for the other rules of the court and programs relating to the profession, its governance and improvement, including Rule 6 [Professional Corporations], Rule 11 [IOLTA], and Rule 16 [Substance Abuse]. In the latter category, the Bar shall have the power and responsibility not only of administration, but also of initiation of all changes and improvements therein, subject always to the oversight of this court through amendment of this Rule by the supreme court through the procedures set forth in Rule 17(g) of these Rules. In the endeavors set forth immediately above, the Bar shall have as its goal the improvement of the practice of law and the standards of professionalism of all attorneys in this State. The constitution and bylaws adopted by the Bar shall be binding on all members of the Bar in the same manner as the rules of this court.

Although unification of the Hawai'i State Bar by the implementation of RSCH Rule 17 was finalized in 1989, the Hawai'i Supreme Court first considered unification twenty years earlier. The process leading to the supreme court's consideration of the matter is set out in In re Integration of the Bar of the State of Hawai'i, 50 Hawai'i 107, 432 P.2d 887 (1971). As noted



in that case, the Bar Association of Hawai‘i passed a resolution, approved by its members, to present the request for unification to the supreme court. Subsequently, the Association offered its resolution to the legislature. The attempt for legislative action failed because the chair of the Judiciary Committee of the House of Representatives believed the matter was within the judicial, rather than the legislative, branch of government.

Thereafter, the supreme court scheduled an original proceeding to fully consider the matter. The court designated parties to submit briefs both for and against the resolution. To ensure consideration of all aspects of the issues presented, the court granted leave to the Attorney General to intervene. In its brief, the attorney general concluded, after conducting exhaustive independent research, that the supreme court had the inherent or implied power to integrate the bar and the exercise of such power fell within the supreme court’s duty to regulate the practice of law in the courts of the State. The AG’s brief noted that the United States Supreme Court concluded in Lathrop v. Donohue, 367 U.S. 820 (1961), the requirement that attorneys become members of an integrated bar as a condition of practicing law in a jurisdiction was not unconstitutional.

In resolving the matter on unification in Hawai‘i, the Hawai‘i Supreme Court concluded it had the inherent power to require every attorney licensed to practice in the State to be a member of a bar association organized pursuant to rules of the court. Nevertheless, the supreme court held the matter in abeyance until the Bar Association of Hawai‘i drafted a detailed plan of organization and presented the plan to the supreme court for action.

In the years following the 1971 opinion issued in In re Integration of the Bar, committees were formed to address the issues both for and against the unified bar and to develop a detailed plan for implementation. Finally, in 1989, the supreme court, after submitting RSCH Rule 17 for public comments, adopted RSCH Rule 17 requiring all attorneys licensed in Hawai‘i to be members of the Hawai‘i State Bar.

The Hawai‘i State Bar Association (HSBA) has had many significant achievements since the unification of the bar in 1989. The HSBA established a membership licensing and registration directory that is accessible by the public, and it processes the collection of fees for other supreme court established entities, including the Disciplinary Board of the Hawai‘i Supreme Court, the Lawyers Fund for Client Protection, and the Attorneys and Judges Assistance Program. The HSBA has been at the forefront in developing programs for the improvement of the legal profession and the administration of justice in the State. It oversees continuing legal education programs for attorneys. It has worked with the judiciary and the Access to Justice Commission to increase access to justice, including opening self-help centers in every circuit to provide information to self-represented litigants.



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It is clear from the foregoing that the supreme court considered all aspects of a unified bar before adopting RSCH Rule 17 in 1989. The supreme court continues to review and consider ways to improve the rules related to the regulation and oversight of attorneys practicing laws in the State.

Moreover, the judiciary believes the HSBA continues to serve the purpose for which it was organized in 1989. Consequently, the judiciary respectfully opposes the present proposed legislation.

Thank you for the opportunity to comment on Senate Bill No. 154.

**TESTIMONY**

Senate Committee on Judiciary and Labor  
Hearing: Thursday, January 21, 2016 @ 9:00 a.m.

TO: The Honorable Gilbert S.C. Keith-Agaran, Chair  
The Honorable Maile S.L. Shimabukuro, Vice-Chair

FROM: Jodi Kimura Yi  
President, Hawaii State Bar Association

RE: SB153, Relating to Attorneys  
SB154, Relating to Attorneys

Dear Chair Keith-Agaran, Vice Chair Shimabukuro and members of the Senate Committee on Judiciary and Labor:

Thank you for the opportunity to submit testimony on Senate Bill No. 153 and Senate Bill No. 154. Both bills are titled, "Relating to Attorneys." Due to the need to respond in a timely manner, a special session of the HSBA Board was held on Monday, January 18<sup>th</sup> to discuss these bills.

At the conclusion of our meeting, it was unanimously agreed that the existence, history, and purposes of the unified bar has been, and will continue to be, the best organizational platform to achieve the continued regulation of the legal profession and the optimal delivery of services to the people of Hawaii.

The HSBA has been in existence since 1899. More than a century later, in 1989, the Hawaii Supreme Court unified the HSBA with a requirement that all attorneys practicing law in the State of Hawai'i be members of the Hawai'i State Bar Association. This mandatory provision was made part of the Rules of the Supreme Court of the State of Hawai'i (RSCH). HRSC Rule 17 provides:

Pursuant to the powers of the Hawaii Supreme Court to govern and control the practice of law in Hawaii, all persons admitted to the practice of law in this State are hereby unified into an organization to be known as the Hawaii State Bar.

The HSBA mission statement states our purpose:

*To unite and inspire Hawaii's lawyers to promote justice, serve the public and improve the legal profession.*

All of the HSBA's responsibilities and functions flow from Supreme Court rules, guidelines and policies. The Board wanted to take this opportunity to inform this Committee, the public, and our member attorneys of these mandates, to assist the Court in its regulation of the profession. Before proceeding further, I would like to note that attorneys, unlike other professions, bear all of the costs of licensing, regulation and discipline. State funds, facilities and other resources are not utilized for these purposes.

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### **Member Licensing and Registration [RSCH 17(d)]**

The HSBA created and manages a registry for all attorneys who have been afforded the privilege by the Court to practice law in the State of Hawai'i. This database is utilized for internal HSBA purposes, and by the Judiciary and the Office of Disciplinary Counsel for their administrative operations. Members of the public seeking information on an attorney's contact information or licensing status can use the HSBA's online directory. While the membership of the HSBA overwhelmingly consists of attorneys who have graduated from accredited law schools and who have passed the Hawaii State bar exam, the registry also includes attorneys who have been approved by the Court for limited practice areas that do not require that an attorney be licensed to practice law in the courts of the State of Hawai'i (for example, attorneys whose practices are limited to federal courts and military courts-martial).

During the December licensing registration period, the HSBA processes and audits for accuracy close to 9,000 registration forms for attorneys. Information includes basic licensing requirements, the area(s) and nature of practice, and business and service of process contact information. Additionally, the HSBA also collects:

- Data required for the regulation of "Interest-Bearing Trust Accounts" also known as IOLTA Accounts, for the protection of client funds [RSCH Rule 11]; and
- Statistical data such as criminal actions adjudicated or pending, personal profile data (i.e., gender, ethnicity), and for attorneys engaged in the active practice of law, whether the attorney has procured malpractice insurance, and for solo and small firm practitioners, if they have a succession plan in the event of incapacity or death.

Fees imposed by the Court for the administration and operations of the Office of Disciplinary Counsel, the Attorneys Assistance Program and the Client Protection Trust Fund are also collected during license registration and processed and transferred to the respective entities. Despite ongoing educational efforts, a common misperception of some in the Bar is that the entire amount collected is for the HSBA operation, when in fact only 35-40% of the registration funds collected is for HSBA administration and operations. The other 60-65% is collected for these other Court entities.

In addition, the HSBA also assists voluntary membership entities such as the Neighbor Island Bar Associations, subject or practice area Sections, the Hawaii Women Lawyers, Volunteer Legal Services of Hawaii, and specialty bar associations with the collection of their respective dues or donations to encourage membership via inclusion in the license registration form utilized by the entire membership.

### **Mandatory Continuing Legal Education (CLE)**

The continuing development of professional skills and knowledge are of paramount importance to the provision of quality legal services. Attorneys are required to complete courses and seminars in practice areas, and other topics to keep abreast of evolving statutory and case law and other requirements, to protect the public and promote civility of members in court, in negotiations and in all other aspects of their professional lives.

The HSBA is charged with the statewide regulation of continuing legal education (CLE) courses and seminars offered to Hawaii attorneys, both in-state and out-of-state. While providing attorneys with great latitude in the selection of subject matter topics, there is an interest in ensuring that the content of courses and seminars meet educational standards promulgated by the Court.

In addition to this regulatory function, the HSBA also serves as a CLE provider. The Court has a long-standing request to the HSBA to provide quality affordable CLE courses and seminars for attorneys, especially those in solo and small firm practices, who may not have the resources to participate in out-of-state productions (which may cost hundreds of dollars) to meet their annual CLE requirement. Members who take advantage of HSBA's CLE offerings could meet their annual requirement for \$100 or less.

For new members of the Bar there is a requirement to attend the Supreme Court's Mandatory Professionalism Course, which is organized by the HSBA and co-sponsored with the Court. The all-day course includes an introduction to State and Federal court practice; ethical obligations of practitioners; pro bono responsibilities to under-served and unserved constituencies, and a balance of personal and professional life discussion. Participants are also provided with the opportunity to meet in practice area groups with respected senior practitioners to further discuss the ethical practice of law and obligations of practitioners to the profession and the public.

### **Communications (Internal and External)**

Attorneys are advised of proposals to amend Supreme Court rules, judicial vacancies and nominations, and activities and events for professional development such as CLE courses, pro bono opportunities, seminars, and networking opportunities by the HSBA. Technology allows for timely monthly or special communications with the entire membership or targeted groups. And the HSBA, through its Publications Committee, also produces a monthly magazine, which focuses on specific and general issues and practice development articles.

The HSBA serves as a clearinghouse for members of the public to call or email to voice a law-related question, problem or concern. The Lawyer Referral Information Service (LRIS) was established to allow people to speak to "a real person" to explain a problem or situation and obtain referrals to attorneys in the service who have malpractice insurance, do not have any pending or adjudicated disciplinary action, and provide areas of specialization.

Since its inception, the scope of the LRIS service, which averages between 60-70 calls and emails a day, has expanded to assisting members of the public who need direction to services. This includes information on legal service providers who serve low income individuals, for the filing of complaints against attorneys and fee disputes, and general information on legal services and the legal profession.

Related to the discussion on internal and public communication services provided, I offer a note about the HSBA's policy on taking positions on political issues and political campaigns. The HSBA is very cognizant of the diversity of its membership and different opinions on social issues. While some members have been very vocal in their urging support or opposition on a social issue in proposed legislation or constitutional amendments, the HSBA has categorically declined to take any position that involves any political or ideological cause or belief. In contrast, and consistent with the mandate to improve the delivery of services to the public, the HSBA has taken an active role in supporting the Judiciary's requests for court staffing and recently with the Kona Court Complex facility funding. We are grateful for this Committee's continued support, as well as for facilitating much-needed repair and maintenance of existing court buildings and facilities.

### **Pro Bono Services**

The delivery of civil legal services for under-served or unserved communities across the State, especially in rural communities, is a priority. To encourage members to participate in the many opportunities to volunteer, the HSBA provides malpractice coverage for its members who volunteer for HSBA activities and events.

Projects which provide the public with legal information services include the Young Lawyers Division Wednesday night Legal Line law clinics throughout the year. This project is especially active during our annual Law Week in the month of May. Frequently, and as needed, special circumstances call for an immediate response. An example of such a special circumstance can be found in last year's emergency disaster assistance on the Big Island.

The HSBA is very proud to be in partnership with the Judiciary and the Legal Aid Society of Hawaii (LASH) for the operation of the Access to Justice Room in Honolulu District Court and the Kapolei Family Court, and Self Help Centers in Hilo and Kona and on Maui and Kauai. The Court provides office space, volunteer attorneys are trained by LASH, and the HSBA provides malpractice insurance, computer hardware, internet access and office supplies for the operation of these very heavily utilized facilities.

Every other year, the HSBA conducts the Hawaii Trial Academy. The Academy allows attorneys from various backgrounds, with a special emphasis on public service attorneys, to improve their litigation skills without having to incur the cost of attending similar workshops or programs on the mainland.

HSBA attorneys are also afforded the opportunity to volunteer for HSBA civic education projects and activities such as the Mock Trial program open to all high schools statewide, the Junior Judges program for elementary school students, and the Courts in the Community Program where actual Supreme Court oral arguments usually take place in high school gymnasiums for the benefit of participating public, private and charter high school students. Volunteer attorneys work with classroom teachers to prepare students for the Court proceeding.

Cognizant that some members of the Bar may be sensitive to funding certain pro bono and civic education initiatives with Bar dues, the Hawaii State Bar Foundation was established 4 years ago to spearhead fundraising efforts for projects and events in furtherance of the HSBA's mission, independent of using any bar dues obtained from the membership of the HSBA.

### **CONCLUSION**

We have provided you with a brief overview of the duties and responsibilities of the HSBA, and we have also set forth some of the constraints we impose on the use of Bar funds.

The legal profession is not, and should not, be exempted from licensing and discipline. It is not only the integrity of the profession that is at stake, it also involves the protection of the public. In this we are not unique. Courts across the nation have established licensing and registration entities which are self-supporting.



Separate entities for licensing registration and discipline have been established to remove the state courts from these concerns. The reason for this separation is to free the courts from the initial review of any dispute with an individual attorney. As a consequence, the court can then adjudicate and make determinations on the propriety of the initial review without the appearance of a conflict.

Dues are spent for the benefit of all members whether they wish to participate in activities or events, or whether they wish to take advantage of services. Such services include free online legal research, the products of vendors who are willing to provide services with group rates such as pension and retirement planning, malpractice insurance, workers compensation insurance, disability insurance, office supplies and computer hardware and software assistance.

The HSBA serves attorneys in very different practice areas. We include large firms, sole practitioners, government attorneys, members of the judiciary, and those with limited practice affiliates. While the primary motivating factor behind all HSBA Board decisions and office operations is to help attorneys, we are aware that there will be differing opinions on certain activities and services. The Board remains sensitive to these concerns, and endeavors to resolve all differences with a clear and conscientious regard to the concerns of our members, and with complete fealty to our mission statement.

For these reasons, it is respectfully submitted that the HSBA categorically opposes Senate Bill No. 153 and Senate Bill No. 154, either and both of which would eliminate the unified Hawaii State Bar created by the Hawaii Supreme Court.

Thank you for your consideration.

Senator Gil S.C. Keith-Agaran, Chair  
Senator Maile S.L. Shimabukuro, Vice Chair  
Committee on the Judiciary and Labor

Senate of the State of Hawai'i

Lance D. Collins, Ph.D  
Law Office of Lance D. Collins

Thursday, January 21, 2016  
Oppose SB 154, Relating to Attorneys

My name is Lance D. Collins. I am an attorney in private practice. I strongly oppose SB 154, relating to attorneys.

Article VI, Section 1 of the Hawai'i State Constitution: "The judicial power of the State shall be vested in one supreme court, one intermediate appellate court, circuit courts, district courts and in such other courts as the legislature may from time to time establish."

"The power to regulate the admission to practice and the disbarment or disciplining of attorneys is judicial in nature and is inherent in the courts." In re Trask, 46 Haw. 404, 380 P.2d 751 (1963)

The Supreme Court of Hawai'i has the "inherent power of control over members of the bar and the practice of law." In re Integration of Bar of Hawaii, 50 Haw. 107, 432 P.2d 887, (1967)

While the legislature has been in the practice of codifying in statute the decisions and rules of the Supreme Court with respect to licensing and disciplining of members of the bar, the legislature is without power to do mandate such and any law on the subject in conflict with that of the Supreme Court is invalid.

The bill, if passed, is not only a bad idea, but is also unconstitutional, violates the separation of powers and should be held. Mahalo for this opportunity to testify.

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Law Office of  
Rebecca A. Copeland  
LLC

January 20, 2016

Senate Committee on Judiciary and Labor  
Chair Gilbert S.C. Keith-Agaran  
Vice-Chair Maile S.L. Shimabukuro  
Donna Mercado Kim  
Mike Gabbard  
Gilbert Kahele  
Laura H. Thielen  
Sam Slom

RE: SB154: RELATING TO ATTORNEYS  
Testifying in STRONG OPPOSITION

Dear Chair Keith-Agaran and Members of the Committee on Judiciary and Labor,

I write in **strong opposition** to SB154: RELATING TO ATTORNEYS. I am a local attorney, and serve as an Oahu Director on the Board for the Hawaii State Bar Association. In my capacity as a member of the bar and on the Board, I have been involved in a number of outreach programs to provide access to justice for low to moderate income individuals, create educational programs for students, and to provide continuing educational opportunities for attorneys. Many of these programs would be reduced or cut without a unified bar association. The HSBA, as a unified organization, provides much-needed programs for both attorneys and the public that are necessary for Hawaii residents to access the judiciary system.

Sincerely,

Rebecca A. Copeland

Testimony of Terri L. Fujioka-Lilley, Hawai'i Bar No. 9590:

I am an attorney, licensed to practice in the State of Hawai'i, and I oppose the abolition of mandatory bar registration for lawyers, which is proposed in SB 153 and SB 154. There simply is no reason to take this drastic action. The HSBA provides valuable services and benefits to lawyers, but that speaks only to why attorneys should voluntarily participate. The more important issue is that the HSBA provides valuable services to the public at large which would become impractical if attorney participation were not mandatory. For example, the HSBA maintains a directory of licensed attorneys, providing contact information and current license status information for all attorneys within the state and making it simple to determine whether someone purporting to offer legal services within the state is properly admitted to the bar in Hawai'i. Of course the HSBA provides other services that perhaps could continue without mandatory registration, but because attorney bar dues fund so much of the HSBA's work, it is not clear today whether and to what extent those services could continue.

While HSBA dues and fees are significant to a solo practitioner, such as myself, it seems more likely that if participation were not mandatory, and the State were to have to shoulder the burden (and expense) of maintaining attorney status and contact information, the complete cost of appropriate practice in this state would increase rather than decrease. First, no doubt the State of Hawai'i would impose a registration fee on lawyers to fund this increased burden. Second, the HSBA would continue to provide such services as it could with decreased funding and may have to increase fees for the attorneys who voluntarily choose to participate. This creates something of an unfair playing field where the benefits of HSBA participation are financially unfeasible for smaller practices and therefore derive only to attorneys who practice in larger firms.

Moreover, there is no clear benefit to anyone by eliminating mandatory registration other than to make it easier for unethical persons to escape detection if engaged in unlicensed practice or practice during periods where his or her license is suspended. Surely that is not the sort of benefit to which our legislative effort ought be directed.

If the issue is that the Senate is concerned with a private organization overseeing what is a quasi-governmental function, a better remedy may be to study the feasibility of bringing the HSBA on-board as a state or quasi-state agency, rather than eliminating the mandatory registration requirement.

In conclusion, I personally see no reason to "fix what ain't broke," particularly when foreseeing any positive results is difficult. Accordingly, I strongly oppose both SB 153 and 154.

**Larry Geller**  
Honolulu, HI 96817

COMMITTEE ON JUDICIARY AND LABOR  
Senator Gilbert S.C. Keith-Agaran, Chair  
Senator Maile S.L. Shimabukuro, Vice Chair

SB153 and SB154  
JDL  
Thursday January 21, 2016  
9:00 a.m.  
Room 016

January 19, 2016

**Re: SB153 Relating to Attorneys and  
SB154 Relating to Attorneys**

**In Opposition**

Dear Senator Keith-Agaran, Senator Shimabukuro and members of the Committee:

These two bills, individually or taken together, resemble the so-called "right to work" laws passed in many "Red" states with the intention of weakening public or private labor unions. With diminished funding, the power of any organization is reduced.

There is a strong public interest argument to be made for keeping Hawaii's bar association strong. With a stable base of revenues a mandatory bar can offer more programs that serve the public interest than a voluntary bar, and can better serve the legal profession as a whole.

Hawaii has a smaller population than most states and so having a mandatory bar means stronger public advocacy, including maintaining the stability of pro bono programs and initiatives.

So a mandatory bar is better able to serve the community's needs. As a member of the public, I understand that the stability provided by a mandatory bar means that programs will be continued.

It works well now, so can't we leave it as "**If it ain't broken, don't fix it?**"

--Larry Geller

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [JDLTestimony](#)  
**Cc:**  
**Subject:** Submitted testimony for SB153 on Jan 21, 2016 09:00AM  
**Date:** Wednesday, January 20, 2016 9:02:05 AM

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**SB153**

Submitted on: 1/20/2016

Testimony for JDL on Jan 21, 2016 09:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Geraldine Hasegawa	Individual	Comments Only	No

Comments: Chairperson Keith-Agaran, Vice Chairperson Maile Shimabukuro and members of the Committee: Thank you for the opportunity to testify regarding SB 153 and SB 154. My name is Geraldine Hasegawa and I am a Board member of the Hawaii State Bar Association and a member of the Hawaii County Bar Association. I have been a practicing attorney on the Island of Hawaii for over 30 years. I strongly oppose SB 153 and SB 154. The unified Hawaii State Bar Association has been in existence over 20 years and the programs created by the bar have benefited the public and the attorneys. Changing the bar to a voluntary organization will detrimentally impact these programs. Thank you for your consideration. Geraldine Hasegawa

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**To:** [JDLTestimony](#)  
**Cc:**  
**Subject:** Submitted testimony for SB154 on Jan 21, 2016 09:00AM  
**Date:** Tuesday, January 19, 2016 11:51:40 AM

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**SB154**

Submitted on: 1/19/2016

Testimony for JDL on Jan 21, 2016 09:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
David M Jorgensen	Individual	Oppose	No

Comments: I hereby submit my strong opposition to proposed SB 154.

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## TESTIMONY

Senate Committee on Judiciary and Labor  
Hearing: Thursday, January 21, 2016 @ 9:00 a.m.

TO: The Honorable Gilbert Keith-Agaran, Chair  
The Honorable Maile S.L. Shimabukuro, Vice-Chair

FROM: Carol Kitaoka

RE: SB153, Relating to Attorneys  
SB154, Relating to Attorneys

Chair Keith Agaran, Vice Chair Shimabukuro and Committee members. I have been licensed as an attorney since 1981, and I am in the private practice of law on the Big Island after retiring from the Hawaii County Prosecutor's Office. I am currently a member of the Hawaii State Bar Association (HSBA) Board of Directors and the West Hawaii Bar Association (WHBA). I am writing this letter as a HSBA member and not as a member of the Board of Directors.

I oppose Senate Bill 153 and Senate Bill 154.

The HSBA provides essential services for the WHBA. The WHBA uses the member electronic directory of attorneys who join the WHBA provided by the HSBA, which facilitates communication with member attorneys in West Hawaii. In addition, the HSBA collects the dues for the WHBA since we do not have any support personnel.

The HSBA also provides the WHBA with funds to hold continuing legal education seminars at no cost to WHBA members, who need to fulfill an annual educational requirement to maintain their license to practice law in this State. WHBA members like all other members of the HSBA throughout the State are able to access, at no cost, the legal research online service, Fastcase. This is a service that is very important to the many solo practitioners in West Hawaii.

The HSBA helped coordinate the effort to obtain the necessary funding for the Kona Judiciary Complex. The HSBA's support was vital in the final five years of the effort to make the Kona Judiciary Complex a reality.

The HSBA also provides the malpractice insurance, the computer and printer, and WiFi connection for the Kona Self Help Desk. This is a service to the Kona community for those who are unable to afford an attorney, but who need help with their legal problems.

The HSBA provides many services to the WHBA and the Kona community. We need their support to continue providing legal services to the community. Thank you for the opportunity to provide comments from the West Hawaii perspective.