

Perspectives

Subsidized CLE Should be High on HSBA Agenda

by *Randall Roth,*
HSBA President

Participants at this year's bar leadership retreat were asked to lift their eyes from the path immediately ahead and to think in terms of where the HSBA ideally would be three to five years from now. The resulting exchange of ideas was just the beginning of a year-long process in which interested parties are encouraged to debate competing visions and to propose appropriate road maps.

President-elect Joel August and I believe that lawyers have an on-going duty to think critically about ways that our profession and the system of justice might be improved. Like fiduciaries, we have a duty to put the interests of the public at the forefront of our efforts. All of this is reflected in the HSBA's current mission statement: "To unite and inspire Hawaii's lawyers to promote justice, serve the public, and improve the legal profession."

Joel and I fully appreciate that the HSBA is a mandatory organization. For better or worse, this fact will limit what we might otherwise champion. Mandatory dues will not be used when an underlying issue is political, ideological or controversial, unless the matter is germane to the purpose of the integrated bar. That quite possibly is the law.

We intend to avoid activities and positions that we don't think would be supported by at least a substantial majority of HSBA members. That's common sense.

Also, there's a limit to the resources available for any given initiative. Many lawyers already are putting in long hours as volunteers in existing projects; the HSBA's current annual budget is lean; and a dues increase simply isn't in the cards. That's reality.

These constraints require that we be clear-headed about the HSBA's proper role and responsibility, and that we prioritize carefully. This is especially true during tough economic times that sometimes force existing institutions to restructure or perish.

As most members know, the

Hawaii Institute for Continuing Legal Education (HICLE) ceased operations at the end of 1998. Attendance at its seminars had fallen drastically, and revenues no longer came close to covering overhead. The HICLE board and staff worked hard to cut costs and increase revenues, but eventually had to bow to financial reality.

The HSBA board quickly formed a CLE committee and asked it to develop and oversee a continuing education plan for 1999. The committee is involving each bar section in efforts to identify subject-matter areas of greatest need,

and is taking other steps to produce high-quality seminars that are both timely and practical. Particular attention is being given to the updating of all existing HICLE manuals. However, fundamental questions about the HSBA's long-term role are still being addressed.

Some members believe that "the market" eventually will adjust to HICLE's departure, that for-profit companies can be depended upon to supply continuing education based on demand, and that the HSBA should not be in the seminar business. Others argue that continuing education should be offered by the HSBA at below-market rates as a member benefit. These members generally believe that the HSBA should commit substantial resources to educational programming, even if it means cutting or eliminating other activities.

These issues affect the public: unless lawyers have changed how they sharpen their legal skills and stay abreast of changes in the law, the dramatic drop in attendance at continuing education seminars may signal a problem in the area of lawyer competence. Perhaps it was this possibility that motivated Chief Justice Moon to ask that mandatory CLE be put on the agenda of every breakout group during the 1998 Bench/Bar conference.

I personally am concerned about the competence question, but I am not



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ish motive, his taking appropriate action to rectify his conduct, and his remorse.

The Court further ordered that Trask cannot be reinstated to the practice of law until he completes, at his own expense, a program designed and administered by the Hawaii State Bar Association Referral Program for Problem Lawyers.

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convinced that mandatory CLE is the answer.

Thanks to its aggressive pursuit of non-dues income in recent years, the HSBA currently is blessed with excess reserves, and I can think of no better use than to provide high-quality, low-cost continuing legal education as a member benefit. By keeping the cost affordable for all our members, or perhaps through innovative pricing strategies like a low-cost season pass, I think we could at least temporarily accomplish the primary goal of mandatory CLE (increased attendance) without the attendant administrative costs.

The HSBA's responsibility to ensure lawyer competence is multifaceted. A short-term commitment to subsidized continuing legal education would be nothing more than a tentative step in the direction of a comprehensive, long-range strategy. In future columns I'll share thoughts about additional steps that might enable us to better serve and protect the public and benefit our members.

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by the Honolulu Police Department to off-duty police officers. If a police officer has been subpoenaed to appear in traffic court, District Court is making every effort to schedule the case on a day when the officer is available and on duty. At this time, the pilot project covers only officers assigned to HPD's Kalihi District. If successful, the program may eventually expand to include other Honolulu districts as well as the Ewa, Waianae, Wahiawa-Waialua, and Kaneohe divisions of District Court.

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