

May 26, 1999

To: HSBA President-Elect Joel August & Executive Director Coralie Matayoshi
From: Randall Roth
Re: Formation of task forces

With your approval, I'm inclined to form four "task forces." Each would be charged with looking into a general area and bringing one or more specific proposals for change to the board. My primary goal is not so much to make any particular change as it is to have the board go through the process of considering proposals for change. If one or more get passed, that's great. Presumably, the changes would be good or the board would not approve them. If some get rejected completely, that's fine too — at least the board will have been forced to look closely at how we do things in that area now, and in rejecting the proposed change will go through the beneficial process of articulating the reasons why we're doing things the way we are. In some cases, the board might feel as though something shouldn't be rejected completely but maybe needs more consideration and/or the involvement of other bodies. Those items might then be put on an agenda for additional work in one or more future years.

Task Force #1 — Access To Justice

While each group would itself decide what specific issues to address, I anticipate that this one would at least consider making proposals having to do with (1) unbundling, (2) unauthorized practice of law, and (3) mandatory pro bono or pro bono reporting. David Forman has done a lot of work in this area on behalf of the Hawaii Appleseed Center for Public Interest Law. He's agreed to co-chair this task force. I would be inclined to ask Joel to be the other co-chair, unless he prefers to stay detached from the creation of the proposals. Bob LeClair has indicated a willingness to serve, and I think he'd be good. Wayne Parsons, Gayle Lau, Joanne Hao and Mike Town also come to mind. My inclination would be just to appoint two co-chairs and let them pick their own members.

Task Force #2 — Judiciary

Doug Crosier and his committee seem to be primary working on judicial evaluation, but they probably would love to broaden their scope a bit. From what I can tell, they are highly motivated and so I'd simply call them a task force and make sure they knew that I was interested in having them consider more than just evaluations.

Task Force #3 — Member Benefits

This one would really be open-ended. Basically, I'd ask this group to determine what, if anything, members might want from the HSBA that they aren't getting, or not getting at the level they'd like to get it. I think I'd also tell this group to look at the question of whether members currently are getting their money's worth and, if not, what ought to be done about it. Maybe the Tech committee would be folded into this group. I haven't talked yet to anyone about co-chairing this one, but names that come to mind include David Kaapu, John Komeji and Remy Luria and Amy Morikami.

Task Force #4 -- Protection of the Public

This one would have a full plate, including (1) ODC, (2) mandatory CLE, (3) Client Security Fund, (4) mandatory malpractice insurance, or mandatory disclosure of no insurance, (5) mandatory written fee agreement, or presumption against attorney in absence of written fee agreement, (6) mandatory mediation or arbitration of fee and/or other disputes with clients, (7) existing or new programs for dealing with problem lawyers. Carroll Taylor has agreed to co-chair; I'm thinking of Jerry Kibe or Jim Dannenberg as the other co-chair.

Joel, I'm particularly interested in your thoughts — pro and con — since some of this is likely to lap over into your year and maybe even beyond that. Coralie, of course, would have to live for a long time with whatever this generates. Like each of you, I have my own pet ideas as to what ought to be changed. But if my primary goal was to get my ideas passed, I'd approach this very differently. This seemingly chaotic, do everything at once approach is not ideal for getting a lot passed, but would get people's attention and provide an opportunity to hear each other talk about important stuff. It's basically just stage two of what was started at the retreat. There, we intentionally stayed at high altitude so as not to get bogged down in practical concerns. Some liked that; others were frustrated that the format wasn't designed to accomplish anything ("we didn't even decide anything!"). The product of these task forces would force the board to be very practical and make decisions. By the end of the process, even if we hadn't changed anything, we'd at least better understand what makes each other tick and why we have what we have. I think that's something that every organization should do periodically, especially one with as much turnover of leadership each year as we have. Anyway, that's my thinking; please share yours at your earliest convenience. Thanks.