

## AMERICAN JUDICATURE SOCIETY: Transition from national to Hawai'i<sup>1</sup>

In 1998, Lawrence Okinaga, partner at Carlsmith Ball, founded the Hawai'i chapter of the American Judicature Society ("AJS").<sup>2</sup>

In 2014, the officers and directors of the Hawai'i chapter of AJS<sup>3</sup> were:

Chair	James S. Burns	Retired Chief Judge, Intermediate Court of Appeals
Vice Chair	Ivan M. Lui-Kwan	Director, Starn O'Toole Marcus & Fisher
Secretary	Duane R. Miyashiro	Partner, Carlsmith Ball LLP
Assistant Secretary	Susan Oki Mollway	Chief Judge, U.S. District Court for the District of Hawaii
Treasurer	Russell J. Lau	President/CEO, Finance Enterprises, Ltd.; Vice Chairman/CEO, Finance Factors, Ltd.
Assistant Treasurer	Colleen Hirai	Retired Judge, First Circuit Court

Directors:

Robert Alm	Former Executive Vice President, Hawaiian Electric Company
William Atwater	Former Executive Vice President and General Counsel, First Hawaiian Bank
Mark Bennett	Director, Starn O'Toole Marcus & Fisher
Momi Cazimero	Owner/President, Graphic House
Kevin Chang	United States District Court, Magistrate Judge
Douglas Chin	Partner, Carlsmith Ball LLP (former Managing Director, City and County of Honolulu)
Calvert Chipchase	Partner, Cades Schutte LLP
Richard Clifton	Judge, Ninth Circuit Court of Appeals
Virginia Crandall	Judge, First Circuit Court
James Kawachika	Partner, O'Connor Playdon & Guben; Delegate to the American Bar Association House of Delegates; Appointed Member to Editorial Board of the ABA-BNA Lawyers Manual on Professional Conduct
Gerald Kibe	Judge, District Court of the First Circuit
Albert "Arkie" Koehl	Mothers Against Drunk Driving ("MADD")
Katherine Leonard	Associate Judge, Intermediate Court of Appeals
David Louie	Attorney General, State of Hawaii

<sup>1</sup> This document was prepared by Carol K. Muranaka based upon written documents as referenced herein.

<sup>2</sup> Lawrence Okinaga was also president of the national American Judicature Society in Chicago, Illinois from 1997 to 1999. (See his biography at the Carlsmith Ball LLP website.) After the dissolution of the national entity in 2014 and the Hawai'i chapter took over, he has been chair of the new separate nonprofit entity.

<sup>3</sup> The list of officers and directors were distributed as part of the materials distributed at the AJS annual meeting on December 4, 2014.

Victoria Marks	Retired Judge, First Circuit Court
Colin Miwa	Partner, Cades Schutte
Paula Nakayama	Associate Justice, Hawai'i Supreme Court
Lawrence Okinaga	Partner, Carlsmith Ball LLP
Randy Perreira	Executive Director, Hawaii Government Employees Association
Barbara Richardson	Chief Judge, Honolulu District Court
Mark Rossi	Vice Chair, General Counsel, Corporate Secretary and Chief Administrative Officer, Bank of Hawaii
Gerald Sekiya	Partner, Cronin, Fried, Sekiya, Kekina & Fairbanks; Chair, Commission on Judicial Conduct; President, American Board of Trial Advocates - Hawaii Chapter
Aviam Soifer	Dean, William S. Richardson School of Law, University of Hawai'i
John Tonaki	Public Defender, Office of the Public Defender, State of Hawai'i
Robert Toyofuku	BT Consulting dba Advocates
Sylvia Yuen	Special Assistant to the President, Food Security and Safety, University of Hawai'i

On August 7, 2014, the national AJS board decided to dissolve the organization. Such action was based on the deteriorating financial status of the organization. The dissolution was recommended by the executive committee of AJS.<sup>4</sup> It was reported:

The group's president, Tom Leighton, cited a challenging "membership model" for nonprofits, including AJS, in the press release. Leighton said:

The American Judicature Society has fought to improve and preserve the fairness, impartiality, and effectiveness of our justice system for 101 years as a member-based entity. However, in the last several years, the membership model has become more challenging for many nonprofit organizations around the country, including AJS. At the same time, new nonprofit entities with organizational and financial structures more suited to the times have joined AJS in the fight. The American Judicature Society's Board of Directors decided that rather than operate on a limited scale, and rather than duplicate the excellent work of other similar entities, AJS should find new homes for its core functions. To this end, AJS and the National Center for State Courts (NCSC) have entered into a Memorandum of Understanding that transfers AJS's Center for Judicial Ethics (the CJE) to NCSC and ensure that the CJE will continue its very important work. AJS is also in the process of finding new homes for Judicature and AJS's internet accessible resource known as Judicial Selection in the States.

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<sup>4</sup> See Exhibit B, "Dissolution Press Release," which was part of the materials distributed at the AJS Annual Meeting on December 4, 2014. See also Debra Cassens Weiss, "American Judicature Society is dissolving; problems with membership model," ABA Journal, October 1, 2014.

On November 12, 2014, Leighton sent an email to the AJS board members and recent past presidents providing an update on the AJS assets:<sup>5</sup>

- Center for Judicial Ethics - transfer to the National Center for State Courts
- Judicial Selection in the States and Jury Center - transfer to National Center for State Courts pursuant to a Memorandum of Understanding
- Judicature - transfer to the Duke Law Center for Judicial Studies at Duke Law School pursuant to a Memorandum of Understanding
- Hunter Center - discussions with the Hunt family were ongoing at the time
- Hawaii AJS Chapter - discussions to take over the name, ajs.org, and the website and seat in the ABA House of Delegates
- AJS Archives - transfer to South Texas College of Law pursuant to a Memorandum of Understanding for the law school to be archivists of appropriate AJS materials.

On November 26, 2014, Articles of Incorporation for AJS as a nonprofit corporation were filed at the State of Hawai'i Department of Commerce and Consumer Affairs.<sup>6</sup>

At the annual meeting of the AJS held at the Pacific Club (Card Room), 1451 Queen Emma Street, Honolulu, Hawai'i on Thursday, December 4, 2014, at 4:30 p.m., Vice Chair Ivan Lui-Kwan announced the formation of a new corporate nonprofit entity -- American Judicature Society -- to continue the mission of the national organization.<sup>7</sup>

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<sup>5</sup> See Exhibit C, email dated Wednesday, November 12, 2014, from Tom Leighton, which email message was part of the materials provided at the AJS Annual Meeting on December 4, 2014.

<sup>6</sup> See Exhibit D, Articles of Incorporation filed on November 26, 2014, which document was part of the materials distributed at the AJS Annual Meeting on December 4, 2014.

<sup>7</sup> See agenda of the AJS for the annual meeting on December 4, 2014.