

HAWAII BAR NEWS



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DECEMBER 1988

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HWL Co-Sponsors the Fifth Annual Joint Communications Conference of Women Professionals

By Laurie E. Furuya
Past President, HWL

The Fifth Annual Joint Communications Conference of Women Professionals was held on Saturday, Oct. 15, 1988, at the Hale Koa Hotel. This conference was co-sponsored by Hawaii Women Lawyers (HWL), Women In Communications Inc., American Medical Women's Association, American Society of Women Accountants, National Association of Bank Women, American Organization of Nurse Executives, Organization of Women Leaders, and Professional Women's Network.

The communications seminar was originally conceived by HWL to offer an opportunity to improve communication skills and to give members from various organizations a chance to meet and discuss issues of mutual concern.

Attended by over 200 persons, the seminar commenced with a panel presentation, "Professional Women Who Have Met the Challenge." The panel featured Lily K. Yao, President and CEO of Pioneer Federal Savings Bank; Ann B. Catts, M.D., a pathologist with The Queen's Medical Center; Linda Coble, Vice President of Community Affairs, Heftel Broadcasting; and Lorraine H. Akiba, a partner at Cades Schutte Fleming & Wright. These women provided insight and advice on how to succeed and overcome obstacles in pursuing careers.

First Annual Bar Leadership Conference of the Hawaii State Bar Association

The First Annual Bar Leadership Conference of the Hawaii State Bar Association is scheduled for Saturday morning, Dec. 3, 1988.

If you have been thinking about taking a more active role in the Association, this conference is for you. Please phone the Bar office at 537-1868 for additional information on the conference.

Participants attended two sessions of workshops. Workshop speakers and topics included Maureen McDonough, improving communication skills to clarity and precision; Rolinda Hewitt, neuro-linguistic programming; Sister Joan Madden, nurturing self-esteem; Diane Wolfe, pre-employment inquiries and equal employment opportunity law; Ray W. Hartz Jr., handling performance problems in the workplace; Mary Dizon, effective speaking through voice control; Betty Floriani, personality analysis and impact on relationships; and Kenneth Kipnis, ethics

and power.

The featured speaker at brunch was Nancy Masterson Sakamoto, a professor of American Studies at the University of Hawaii, who presented a humorous and enlightening talk on "Why Japanese and Americans Seem Rude to Each Other." A native of Los Angeles, Sakamoto lived most of her adult life in Osaka, Japan, having married Satoro Sakamoto, an artist and Buddhist priest.

The conference concluded with a reception featuring informal modeling of clothing provided by Casual Corner.

November Disciplinary Counsel's Report

(Continued from page 6)

account until the dispute is resolved. See DR 9-102(A)(2).

QUESTION: If an attorney deposits into the trust account money received on behalf of a client in Case 1, and the client is delinquent in payment of fees and/or expenses in unrelated Case 2, which the same attorney is handling, may the attorney proceed to withdraw a portion of the funds received in Case 1 as payment of fees and/or expenses owed in Case 2?

ANSWER: No, unless the client first agrees to such withdrawal. If the client has not consented, and there is no other agreement that funds received for the client in one matter may be used to satisfy fees owed in another matter, the funds received must be paid over to the client without delay.

QUESTION: Is it proper for an attorney to utilize a bank account labeled as a "trust account" which contains no client funds?

ANSWER: A trust account should never, as indicated above, be used by an attorney for personal purposes. Use of an account labeled a "trust" account, but which contains no client funds and is used primarily as an operating or other personal account, violates DR 9-102(A). *Doyle v. State Bar*, 32 Cal. 3d 12, 648 P.2d 942, 184 Cal. Rptr. 720 (1982).

QUESTION: May clients' funds be held in an interest-bearing trust account?

ANSWER: Yes, as long as either (a) there is a separate account for each client from which interest is fully credited and paid to the client, or (b) the trust account is maintained under the Interest-Bearing Trust Accounts Program defined by Hawaii Supreme Court Rule 11. In either event, lawyers may not themselves receive the interest earned on trust accounts.

Any questions regarding the proper maintenance of trust and/or office accounts may be directed to us at any time.

NOTICE OF DISBARMENT

Attorney WILLIAM J. McCARTHY was disbarred from the practice of law by order of the Hawaii Supreme Court on Sept. 26, 1988.

● McCarthy, of Kealahou, Hawaii, was disbarred by consent under Supreme Court Rule 2.14, which permits an attorney to submit an affidavit consenting to disbarment. The affidavit must also contain a statement of the facts upon which the consent to disbarment is based.

Under Rule 2.14, the order disbarring the attorney is public, but the reasons underlying the discipline remain confidential.

● McCarthy, 53, was admitted to the Hawaii Bar on Nov. 2, 1966.