



30 September 2010

Opening:

The regular meeting of the American Samoa Bar Association was called to order at 1739 on September 30, 2010 at Rubbles Restaurant in Nuuuli by Sean Morrison.

Present:

Sean Morrison, Jeremy Dubyak, Kevin Kornegay, Kelly Smith, Kelly Dixon, Nathan Mease, Terrie Bullinger, Ruth Risch Fuatagavi, Sharon Rancourt, Bill Evans, Fatu _____, and Moi Masaniai.

A. Approval of Minutes

Moi moved to approve the minutes as is. Seconded by Kelly Dixon. Nathan Mease opposed. Noted. Motion passed.

A. Officers' Reports

President: Nothing New

Vice President: Law library in the public library is not going to go forward. Court appears to be of the opinion that the law library is not for public use and the librarian is not inclined to house books that are not available for public use.

Treasurer: Balance as of July 30, 2010 is \$8,603.10. Expenditures of \$120.00 for the scholarship ad, the executive lunch, and this bar meeting not reflective in that total.

Secretary: New Members are Shalini Swaroop, Prairie Bly, Bill Evans and _____.

B. Committee Reports

Bench/Bar: No interactions except for the meeting about the law library status.

CLE: Judge Ward has been off-island. Kelly Smith will coordinate a meeting with him to see if he is willing to do a brown-bag lunch type of CLE providing an update on case law that might now be published and available to local practitioners.

Christmas: Discussions with Isabella have begun to schedule a date at the facility where last year's party was held. Still waiting to hear back as what dates are actually available. The 18th of December is definitely not available.

Law Reform: Members: Moi Masaniai will be a returning committee member. Sean Morrison indicates that he has previously been asked to testify before the Fono about the Bar's position on the Government's Tort Liability. Sean inquires to the Association as to what his response should be. Association determines that the Bar's position is that we have no position.

Ethics Committee: Checked to make sure the CJ was notified of who the current ethics committee members were.

Mediation Committee: Finalized members. Sean Morrison, Terrie Bullinger, Kevin Kornegay and Jeremy Dubyak are all on this committee.

C. Old Business

Legal Aid Clinic:

- The clinic needs to pay the \$800.00 (need to confirm exact amount) application fee for the 501(c)(3) status as soon as possible.
 - Eventually the funding will come from LSC, but it is unclear as to whether they can pay that amount now or not. Terrie Bullinger will email to find that out.
 - Ruth Fuatagavi suggests that the cleanest way to handle the payment is to probably have the Bar pay the fee and then get reimbursed directly once the funding goes through
 - Sean Morrison notes that it does look like the Bar can afford to front the money
- It is required that the attorney directors are appointed by the Bar Association
- Board consists of Mitzie Jessop-Falau, Terrie Bullinger, and Julia Harty
 - Julia Harty has resubmitted her request to resign from the Board of Directors
 - A replacement needs to be named
 - Need to email the bar Association to see if anyone is interested in becoming a Board Member

- Suggested that Valerie _____ be contacted to see if she may be interested in the position
 - Ruth Risch Fuatagavi is willing to step in as a Board Member if no suitable replacement is found, but would prefer not to because of her previous role in a Legal Services Clinic on island
- The Legal Aid Clinic is in need of policies governing their operations
 - Sean Morrison suggests looking into procurement guidelines
- Terrie Bullinger states that there may be emails forwarded to bar members asking for assistance in getting everything underway

ASRs:

- The Court is looking for off-island publishers because the on-island prices have exponentially increased.
- The new cost is \$55.00. The current deal with the Court is for the Bar Association to purchase them at \$10.00 a piece, but it is unclear whether or not the Court will honor that price with the increase in publishing costs. Also, it is not clear the Bar can afford to commit to purchasing the same number of volumes if the price will be increased that dramatically.

D. New Business

- (1) Scholarship News – only one person applied for the scholarship so she was the recipient. Motion by Nathan Mease to allocate \$1000 to the recipient. Seconded by Ruth Risch Fuatagavi. Unopposed.
- (2) Constitutional Amendments – the Bar will not be supporting any position other than people should get out and vote.
- (3) Judicial Council Review –
 - a. Sharon Rancourt expresses concern that there is no Rules of Judicial Conduct in American Samoa.
 - b. There is a statutorily created Judicial Council, but it is not in operation now
 - c. Questions concerning court staff and how they conduct themselves were brought up

- d. Motion to write Chief Justice Kruse a letter inquiring about the status of the Judicial Committee, and a desire to resurrect if is offered by Sharon Rancourt. Seconded by Kelly Dixon. Unopposed.
- e. As President, Sean Morrison will write the letter on behalf of the Bar Association.

(4) Administrative Code –

- a. The Statute provides that the Administrative Code should be provided every two years
- b. That is not occurring
- c. Moi Masaniai and Nathan Mease agree to put together a filing before the Court to request the Administrative Code.
- d. Terrie Bullinger indicates that once the Legal Aid Clinic is running, funding could be allocated for the providing the Code

(5) Kelly Dixon asks where the public can get a copy of the laws in Samoan.

Adjournment:

Moi Masaniai moved to adjourn the meeting, the motion was seconded by Nathan Mease, after no discussion, the motion passed unanimously. Meeting adjourned at 1841.