



**Testimony of the Hawaii State Bar Association  
In Support of Senate Bill 1073 SD2  
The ILAF Bill**

House Committee on Finance  
Wednesday, March 30, 2011, 1 p.m.  
House Conference Room 308

Representative Marcus R. Oshiro, Chair  
Representative Marilyn B. Lee, Vice-Chair

The Hawaii State Bar Association (HSBA) is comprised of the over 7000 attorneys licensed to practice law in the State of Hawaii, 5000 of whom are residents of the State of Hawaii. The mission of the HSBA is to unite and inspire Hawaii's lawyers to promote justice, serve the public and improve the legal profession. The HSBA is a proud member of the Access to Justice Hui and a strong supporter and partner with the Access to Justice Commission in its efforts to provide legal services to the indigent members of our community who cannot afford to pay for access to justice.

We write in support of the intent and purpose of Senate Bill 1073 SD2, the "ILAF bill", as this bill provides much needed funding for legal service providers who coordinate and provide pro bono services in our community. In 2010, HSBA members provided almost 300,000 hours of pro bono service in the community, but this alone is not enough. The HSBA partners with the legal service providers and many of our sections and committees in encouraging both direct pro bono services as well as direct financial support for access to justice causes.

The HSBA appreciates the opportunity to support the Access to Justice Commission and the legal service providers as our partners in the continuing struggle to provide access to justice to our community.



## HAWAII PARALEGAL ASSOCIATION

P. O. Box 674  
Honolulu, Hawaii 96809  
[www.hawaii-paralegal.org](http://www.hawaii-paralegal.org)

March 29, 2011

*Via facsimile: 808.586.6001 (1 page)*  
Representative Marcus Oshiro  
Chair, House Committee on Finance  
Hawaii State Capitol, Room 306

Re: Comments in support of S.B. 1073, S.D. 2, H.D. 1 Relating to Surcharge for Indigent Legal Services (Hearing: Wednesday, March 30 at 1:00 PM, House Committee on Finance), submitted *via* fax to 586-6001

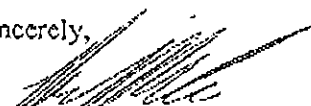
Dear Chair Oshiro and Members of the Committee on Finance:

The Hawai'i Paralegal Association ("HPA") is a nonprofit professional association incorporated in 1978, affiliated with the National Federation of Paralegal Associations since 1988. The HPA is an active participant in the legal community and regularly takes part in educational and *pro bono* activities. The HPA promotes high standards in the paralegal profession, and its members are exhorted by its Code of Ethics and Professional Responsibility to, among other things, serve the public interest by contributing to the delivery of quality legal services and the improvement of the legal system.

**Please approve S.B. 1073, S.D. 2, H.D. 1, without the sunset date.** Without assistance with their basic civil legal needs, many of Hawai'i's people are deprived of personal safety, shelter, food, medicine, custody of their child, or other indispensables. Studies have shown that it costs the state much less to provide basic civil legal services than it costs us when we fail to do so. The amendment originally proposed to *Hawaii Revised Statutes* Section 607-5.7 will strengthen the Indigent Legal Assistance Fund ("ILAF"), by helping to offset the significant loss of funding from the Interest on Lawyer Trust Accounts ("IOLTA") and other sources. It will make it possible for Hawai'i's nonprofit legal service providers to continue to do their vital work on behalf of Hawai'i's most vulnerable.

We thank you for the opportunity to submit testimony on this critical measure.

Sincerely,

  
N. Kaliko Siu  
President  
Hawai'i Paralegal Association  
*Phone: 808 523-2500*

**HAWAII ACCESS TO JUSTICE COMMISSION**

Daniel R. Foley  
Judge, Intermediate Court of Appeals  
Chair

Jill M. Hasegawa, Esq.  
Vice Chair

March 29, 2011

Representative Marcus Oshiro  
Chair, House Committee on Finance  
Hawaii State Capitol, Room 306

RE: Measure: SB 1073 SD 2- Relating to Surcharge for Indigent  
Legal Services  
Hearing: Wednesday, March 30, 2011, 1:00 pm, Agenda #4

Dear Chair Oshiro and Members of the Committee on Finance:

The Hawaii Access to Justice Commission (the "Commission"), **strongly supports** SB 1073 SD2, Relating to Surcharge for Indigent Legal Services. The Commission, which was created by Rule 21 of the Rules of the Supreme Court of Hawaii on May 1, 2008, was established with the purpose to substantially increase access to justice in civil legal matters for low- and moderate-income residents of Hawaii ("low income Hawaii residents"), including increasing and stabilizing long-term public and private funding and resources for delivery of civil legal services to low-income Hawaii residents. A copy of the Commission's current roster is attached for your information.

The Commission was created in response to the 2007 Assessment of Civil Legal needs and Barriers of Low- and Moderate-Income People of Hawaii, which found that four out of five low income Hawaii residents do not have their legal needs met and that legal service providers are only able to assist one in three persons who contact them for assistance. The Commission recognizes that in order to increase delivery of legal services to low income Hawaii residents, more funding is essential to assist the legal service providers. One such potential source of increased funding has been identified as the Indigent Legal Assistance Fee.

In the current economic climate, it is imperative, now more than ever, that we maintain funding for our legal service providers. The proposed additional surcharge fees on various court filings in our Hawaii State Court system under the "Indigent Legal Assistance Fund" ("ILAF") set forth in HRS Section 607-5 would provide sorely needed funds for meeting civil legal services needs, especially during a time when the legal need and number of low income Hawaii residents are increasing.

Since 2007, legal service providers have consistently seen between a 20-50% increase in the number of requests for assistance over and above the 2007 figures. In a recent survey taken on February 14, 2011, which looked at a day-in-the-life of Hawaii's legal service providers, the increased need is dramatically apparent — in one day, these providers affected over 1,000 individuals, including 545 children. The results of this survey are attached.

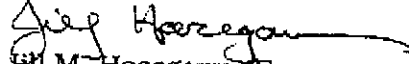
This increase in demand has come at a time when the legal service providers have been experiencing dramatic cuts in funding from the legislature and other traditional funding sources. In addition to these cuts, many legal service providers who rely on IOLTA (Interest on Lawyer Trust Account) revenue, which is disbursed by the Hawaii Justice Foundation, have been hit by the sharp decline in interest rates, with HJF receiving only one-eighth the amount of interest received prior to December 15, 2008. This drop in revenue makes the ILAF program even more vital to the continued operations of low-income legal service providers.

During 2009, access to justice in Hawaii suffered another significant blow, with the closing of a long-time legal service provider, the Hawaii Immigrant Justice Center (formerly known as Na Lolo) due to funding cuts. Several other organizations have been forced to cut essential programs that service low income individuals, in order to balance budget cuts. As it currently stands, several organizations that rely on federal funding through the Office on Violence Against Women Legal Assistance for Victims, including the Domestic Violence Action Center, are only receiving approximately 20% of their previous funding levels, and this amount is expected to continue to decrease. Those legal services providers who receive federal funding have already been told to anticipate significant cuts in funding, potentially in excess of 25%.

Given the increasing number of indigent persons in Hawaii and their mounting legal needs, it is imperative that funding be maintained for legal service organizations. The increase in ILAF filing fees is essential to providing legal service providers with additional funding to make up for funding shortfalls elsewhere and to meet the ever increasing need for legal services.

SB 1073, SD2 was amended by the House Judiciary Committee, to include a sunset date of 2017. The Commission respectfully requests that this Committee remove the sunset date, as it places the legal services providers in the difficult position of additional uncertainty in future budgeting, as well as creates the need for them to return to the Legislature in the near future to request that the increase be continued.

In summary, the Commission strongly supports the passage of SB 1073 SD2, to assure that the legal needs of our communities' indigent will be met. Thank you.

  
Jill M. Hasegawa, Esq.  
Vice-Chair  
Hawaii Access to Justice Commission

### THE COMMISSIONERS

The Commission is comprised of twenty-two Commissioners. The various Commissioners are appointed as designated in Rule 21 by separate appointing authorities including the Chief Justice of the Hawai'i Supreme Court, the Hawai'i State Bar Association, the Hawai'i Consortium of Legal Service Providers, the Hawai'i Justice Foundation, the Williams S. Richardson School of Law, the Hawai'i Paralegal Association, the Governor, the Attorney General, the Senate President, and the Speaker of the House. The Commissioners are listed as follows:

1.	Hon. Daniel R. Foley (CHAIR)	Chief Justice	n/a
2.	Jill M. Hasegawa (VICE-CHAIR)	Hawai'i State Bar Association	12/31/11
3.	Hon. Simeon R. Acoba, Jr.	Chief Justice	12/31/12
4.	Hon. Greg K. Nakamura	Chief Justice	12/31/12
5.	Hon. Joseph Cardoza	Chief Justice	12/31/11
6.	Hon. Trudy Senda	Chief Justice	12/31/12
7.	Derek Kobayashi	Hawai'i State Bar Association	12/31/13
8.	B. Martin Luna	Hawai'i State Bar Association	12/31/11
9.	Shannon L. Wack	Hawai'i State Bar Association	12/31/13
10.	Moya Gray (Volunteer Legal Services of Hawai'i)	Hawai'i Consortium of Legal Services Providers	12/31/11
11.	M. Nalani Fujimori Kaina (Legal Aid Society of Hawai'i)	Hawai'i Consortium of Legal Services Providers	12/31/12
12.	Moses Haia (Native Hawaiian Legal Corporation)	Hawai'i Consortium of Legal Services Providers	12/31/13
13.	Nanci Kreidman (Domestic Violence Action Center)	Hawai'i Consortium of Legal Services Providers	12/31/13
14.	Jean Johnson (Non-attorney public representative)	Hawai'i Consortium of Legal Services Providers	12/31/12
15.	* (Non-attorney public representative)	Hawai'i Consortium of Legal Services Providers	12/31/11
16.	Gregory Markham	Hawai'i Justice Foundation	12/31/12
17.	Dean Aviam Soifer	William S. Richardson School of Law	12/31/13
18.	R. Elton Johnson, III.	Hawai'i Paralegal Association	12/31/13
19.	* To be appointed	Governor	n/a
20.	Mary Anne Magnier	Attorney General	n/a
21.	Hon. Clayton Hee	Senate President	n/a
22.	Hon. Della Au Belatti	House Speaker	n/a

**A Day in the Life of Hawaii's Legal Services Providers**  
**Legal Services Provided to the Community**  
**February 14, 2011**

- 1) On February 14, 2011 Hawaii's legal services providers <sup>1</sup> participated in:
  - a. **824** calls with clients
  - b. **181** calls on behalf of a client (i.e. negotiating with an opposing party, investigative call to a social service agency for a GAL report, etc.)
  - c. **109** calls for technical assistance or consultation with others on legal issues that may affect clients (i.e. calls from social services providers, media, etc.)<sup>2</sup>
- 2) On February 14, 2011, program staff had **268** in-person contacts with clients
- 3) On February 14, 2011, **545** children under the age of 18 were affected by this work (i.e. for each case that was handled, children were part of that household)
- 4) On February 14, 2011, **17** court appearances were made on behalf of clients
- 5) On February 14, 2011 programs answered **107** helpline/hotline calls

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<sup>1</sup> Hawaii Disability Rights Center; Legal Aid Society of Hawaii; Native Hawaiian Legal Corporation; Volunteer Legal Services of Hawaii; Elder Law Clinic; Mediation Center of the Pacific; Domestic Violence Action Center

<sup>2</sup> Volunteer Legal Services of Hawaii collected this data on February 15, 2011



## Collection Law Section

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March 29, 2011

Representative Marcus Oshiro  
and Committee Members  
House Finance Committee  
Honolulu, Hawaii

**RE: SB 1073 / Indigent Surcharge  
HEARING 3/30/11 @ 1:00 PM**

Dear Rep. Oshiro and Committee Members:

**The Collection Law Section of the Hawaii State Bar  
Association OPPOSES SB 1073.<sup>1</sup>**

Introduction.

SB 1073 is a bill to boost revenue to fund civil legal services for the low- and moderate-income residents by increasing and expanding a surcharge levied against individuals and entities that file cases in the state court system. Currently, in **District Court**, there is a **\$10 surcharge for all summary possession (eviction) cases filed**. In **Circuit Court**, there is a **\$25 surcharge for all civil cases filed** and in the **Appellate Courts**, there is a **\$25 surcharge for all civil appeals filed**.

SB 1073 attempts to increase the surcharge to **\$35 in District Court** and **expand it to another approximately 21,000+ civil cases annually that are currently not subject to the surcharge (approximately 2,500 District Court summary possession cases were filed in FY 2009/2010 per the Judiciary's latest annual report)(21,000 + figure is based on the number of non-summary possession civil cases filed in District Court in FY 2009/2010)**, increase the surcharge to **\$65 in Circuit Court** and increase the surcharge to **\$65 in the Appellate Courts**.

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<sup>1</sup> The comments and positions of the Collection Law Section of the Hawaii State Bar Association (HSBA) and not necessarily those of the HSBA proper.

The proposed legislation would result in the following:

- **A 350% increase in the surcharge in summary possession cases in District Court, with projected revenue of approximately \$87,500 based on FY 2009/2010 case filings (2,500 cases x \$35 = \$87,500).**
- **A new surcharge on 21,000+ District Court cases @ \$35 = \$735,000.**
- **Total projected District Court annual revenue would be approximately \$822,500 (\$87,500 + \$735,000), up from estimated current levels of approximately \$25,000 over the same period (2,500 cases x \$10 = \$25,000). Additionally, if case filings continue to increase, this number could easily break \$1,000,000 in a year or two from District Court alone.**
- **A 260% increase in surcharge in Circuit Court.**
- **A 260% increase in surcharge the Appellate Courts.**

Furthermore, because the legislation includes levying the surcharge whenever “[c]omplaints, petitions, interventions, applications for special proceedings, and answers containing one or more cross-claims or counter-claims... [and] [t]hird-party” are filed, a strong multiplier effect comes into play that will net the legal services organizations more money than the state gets for its filing fee. For example, in Circuit Court, where many of these types of filings are often present in one case, **the surcharge fees netted by the legal services organizations for a complaint, plus just one cross-claim, counter-claim, and third party complaint, will equal \$260. That is \$60 more than the \$200 filing fee the Judiciary charges. In larger cases with more parties and claims, like asbestos litigation cases, construction litigation cases, multi-car motor vehicle accidents and others, the amount that the legal service organizations will net easily could amount to thousands of dollars (while the state still gets \$200).** The same number of pleadings in District court (4) would net the legal service organizations \$140, while the state and the Judiciary get \$120).

#### Our Position.

Anytime filing fees are increased, it creates barriers that may prevent some, especially those who already can least afford to seek access to our justice system, from having access, which is not only unfortunate – it is wrong. Making the court system less accessible will not benefit the parties by any means.



This proposed surcharge not only taxes access to the state courts and justice with no rational relationship to the institutions it benefits<sup>2</sup>, it is unfairly and unjustly taxing only a small segment of the population. Should the Legislature approve the proposed legislation, this small segment will end up paying a large share of the operational budgets for these non-profit legal services groups.

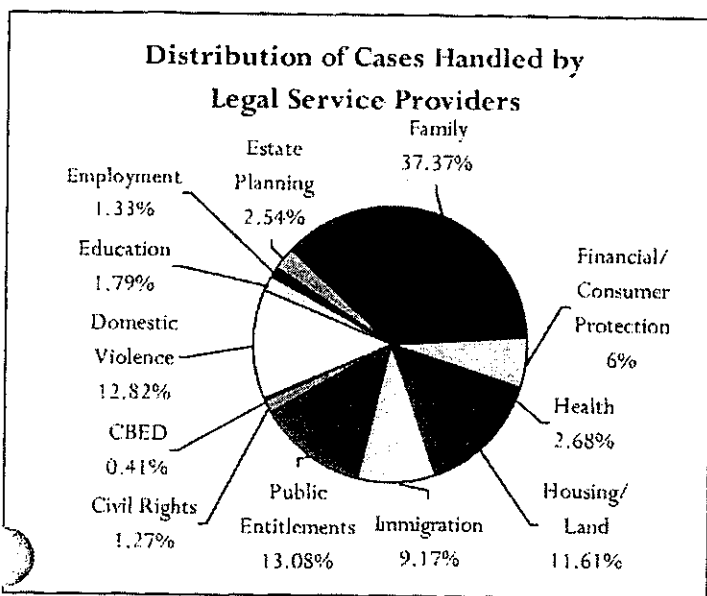
To compound matters, as most citizens do not know presently whether they will need to file a lawsuit, opposition is less likely to form.

During these tough economic times, the last thing Hawai'i should do is force its residents, especially financially struggling residents, to pay an increase in fees in order to gain access to the state court system. The same goes for Hawai'i's small businesses.

Furthermore, the proposed legislation does not indicate how much money will be generated by this surcharge or the demographics of those who will be required to pay it. Nor do the Bills adequately describe who will receive the funds, how the funds will be used or why.

While levying additional fees is a simple way to increase funding to a state's designated charity, it is important for the State Legislature to ask critical questions about the size of the increase and the types of specific cases that the legal services groups spend the funds received on. Providing a pipeline of money from now until forever, as this bill does,

<sup>2</sup> Of the over 15,000 cases in which legal services were provided by such institutions that responded to the survey, the overall distribution falls heavily in the family law area, followed by cases in public entitlements, domestic violence and housing/land. A Report of the Access to Justice Hui, 2007.



without oversight of the Legislature, is not prudent. If the state was using its own money from the general fund to finance these outside groups, it would not hand over the money using this type of funding mechanism.

While we believe that indigent legal services should be supported, an increase, much less a substantial increase such as what is being proposed in these bills, imposed on a small segment of our residents is not the way to do it. If the state feels these groups should receive government assistance, the state is free, as it has done in the past, to fund these organizations from the state's general funds through grants. There is no difference between the groups seeking funding from this bill and other groups seeking funding for other well intended charitable purposes.

Thank you.

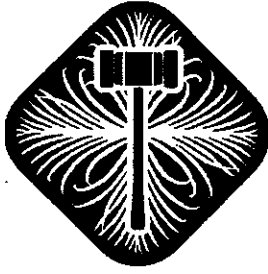
Sincerely,

/s/ Bill Plum

Bill Plum  
Vice Chair of the  
Collection Law Section

cc: Steve Guttman  
Lyn Flanigan

\sb1073h.cls



**VOLUNTEER  
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Moya T. Davenport Gray  
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**To:** Rep. Marcus R. Oshiro  
Chair, Committee on Finance

**From:** L. Dew Kaneshiro, Interim Executive Director  
Volunteer Legal Services Hawai'i

**Re:** **Testimony in Support** of S.B. 1073, S.D. 2, H.D. 1  
Relating to the Surcharge for Indigent Legal Services

**Hearing:** March 30, 2011 at 1:00 p.m.

**Place:** Conference Room 308, State Capitol

Chair Oshiro, Vice-Chair Lee, and members of the Committee on Finance:

Volunteer Legal Services Hawai'i (VLSH) **strongly supports** S.B. 1073, S.D. 2, H.D. 1.

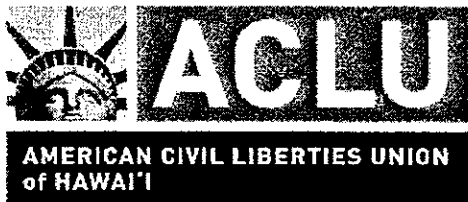
S.B. 1073, S.D. 2, H.D. 1 increases the filing fee surcharge that funds the Indigent Legal Assistance Fund (ILAF). The surcharge has remained the same since ILAF was established in 1996. The bill will also extend the surcharge to all civil matters, including high-volume matters that have been exempt from the fee for 15 years. By increasing and extending the surcharge, S.B. 1073, S.D. 2, H.D. 1 will help struggling legal service providers serve the 12.5% of Hawaii's population that is living in poverty.

Through volunteer attorneys, VLSH has responded to the legal needs of Hawaii's low-income population since 1981. Like many agencies providing services to the poor, the organization has suffered severe funding cuts in recent years. At a time when many Hawai'i residents found themselves newly poor and in need of legal services to deal with changed circumstances, VLSH was forced to reduce its operations and was unable to assist hundreds of eligible individuals and families.

ILAF funds, which can be used to cover operational and administrative costs, have become increasingly important as other other sources of unrestricted money have dried up. Interest on Lawyers Trust Accounts (IOLTA) dropped from \$410,000 in 2008 to less than \$150,000 in 2011; there have been no Grants-in-Aid appropriations for the past two years. This bill will provide a stable source of funding for VLSH and other legal service providers, including Domestic Violence Action Center, Hawaii Disability Rights Center, Legal Aid Society of Hawaii, Mediation Center of the Pacific, Native Hawaiian Legal Corporation, and University of Hawaii Elder Law Program.

We urge you to give Hawaii's poor access to justice by supporting S.B. 1073, S.D. 2, H.D. 1.

Thank you for this opportunity to testify.



Committee: Committee on Finance  
Hearing Date/Time: Wednesday, March 30, 2011, 1:00 p.m.  
Place: Conference Room 308  
Re: *Testimony of the ACLU of Hawaii in Support of S.B. 1073, SD2, HD1,  
Relating to Surcharge for Indigent Legal Services*

Dear Chair Oshiro and Members of the Committee on Finance:

The American Civil Liberties Union of Hawaii ("ACLU of Hawaii") writes in support of S.B. 1073, SD2, HD1, which seeks to increase the amount of surcharges for indigent legal fees.

In its 2007 report, the Access to Justice Hui found that **only 1 in 5 low- and moderate-income residents of Hawaii have their serious legal needs met because legal services providers lack adequate funding and attorneys.** S.B. 1073, SD2, HD1, will increase the ability of legal service organizations to provide essential services to our most vulnerable populations and help to ensure that more people in Hawaii are able to secure access to justice.

The ACLU of Hawaii was one of the organizations represented in the Access to Justice Hui, and is currently serving as part of the Consortium of Hawaii Legal Service Providers. Please note that the ACLU of Hawaii does not accept government funds and therefore is not a direct beneficiary of the surcharge in S.B. 1073, SD2, HD1.

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for over 40 years.

Thank you for this opportunity to testify.

Sincerely,

Laurie A. Temple  
Staff Attorney  
ACLU of Hawaii

American Civil Liberties Union of Hawaii  
P.O. Box 3410  
Honolulu, Hawaii 96801  
T: 808.522-5900  
F: 808.522-5909  
E: [office@acluhawaii.org](mailto:office@acluhawaii.org)  
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924 Bethel Street • Honolulu, Hawaii 96813

George J. Zveibel, Esq.  
President, Board of Directors

M. Nalani Fujimori Kaina, Esq.  
Executive Director

**TESTIMONY IN SUPPORT OF**  
**SB1073 SD2, HD1 - RELATING TO SURCHARGE FOR INDIGENT LEGAL SERVICES**

March 30, 2011 at 1:00 p.m.

The Legal Aid Society of Hawaii ("Legal Aid") hereby provides testimony to the House Committee on Finance on SB1073 SD2, HD1 Relating to Surcharge for Indigent Legal Services, in strong support of the bill, but requesting that the sunset provision be removed and the defective date be replaced with an effective date of July 1, 2011.

**Need for Funding**

Over the last two years, legal service providers have faced substantial cuts to their programs. We have reduced service hours, turned away more clients, cut salaries and benefits, laid off staff, and also saw the closing of the doors of the Hawai'i Immigration Justice Center (formerly Na Loio) because of the lack of available general funding for our programs. Annually, we still closed over 9,500 cases affecting the lives of almost 20,000 people. However, because of these cuts, in 2010, while Legal Aid provided basic advice to all who meet eligibility criteria, we were only able to provide representation to one in five who contacted us.


Currently, in Congress, the House of Representatives has proposed a \$70 million cut to the Legal Services Corporation for this year which would result in a \$335,000 cut to Legal Aid through the end of this calendar year. They have also proposed the end to the AmeriCorps program, a program through which over twenty (mostly recent college graduates) work with Legal Aid and other agencies like the Hawaii Foster Youth Coalition, the Veteran Affairs Homeless Program, the Hawaii Alliance for Community Based Economic Development, HOPE Services, Consumer Credit Counseling of Hawaii, Maximum Legal Services, and Lawyers for Equal Justice to provide holistic legal services to the community. Other programs like the Community Block Development Grant program which a number of our agencies have benefited from are also being threatened with cuts in the President's budget for next fiscal year. Federal stimulus funding which helped off-set some funding losses is also ending, adding to an even greater fiscal crisis.

Ultimately, this bill could raise \$1.5 million annually in funds that would be available to all providers of civil legal services. Currently, legal service providers share a pot of only \$305,000.

**Legal Services Do Make a Difference**

In this time of economic recession, core services, like those provided by Legal Aid and other legal service providers are fundamental to the safety net. As the Judiciary's "Justice in Jeopardy" report stated that 103,009 self-represented litigants were helped by the Judiciary's Ho'okele service centers on Oahu in 2009, a 5.6% increase from 2008. With continued cuts to funding, these numbers will only grow, taxing the Judiciary even more in needing to provide services to self-represented litigants.

The legal system is a complex set of rules and procedures which most lay people are unfamiliar with. The word "assumpsit" and "replevin" are foreign to those facing collection actions or repossession of their personal property, yet are used daily in court forms and in the court system. Knowing how to subpoena a witness, get documents through a subpoena duces tecum, and how to serve the opposing party, are all skills that attorneys develop through years of post-graduate education. Our services help those facing this system get relief in domestic violence situations, those who are subject to predatory lending practices, those who are vulnerable due to disability and those who need representation in this complex legal system.

 LSC

[www.legalaidhawaii.org](http://www.legalaidhawaii.org)  
A UNITED WAY AGENCY

On February 14, 2011, legal service providers had telephone calls with 824 clients, made 181 calls on behalf of clients, and provided technical assistance to 109. They met with 268 clients, made 17 court appearances, and answered 107 hotline calls. Their services affected the lives of 545 children – on just one day alone.

On this day, some of the ways in which Legal Aid attorneys and paralegals made a difference included,

- helping a human trafficking victim with an application for legal immigration status;
- writing a guardian ad litem report which recommended reunification of a child with her mother;
- agreeing to represent a client in a custody case where the father is confirmed to have sexually molested the child;
- assisting a homeless person with her application for SSI;
- helping a victim get a restraining order; and
- counseling a client in tears after her collection hearing.

The funding from this bill would help low- and moderate-income residents understand the legal process and have an attorney standing with them in more critical and complex situations.

#### **Expansion of Surcharge in District Court – It's About Fairness**

Since the start of the indigent legal assistance surcharge in 1996, assumpsit cases have been exempt from this surcharge. In FY10 there were 20,789 assumpsit cases filed which represented 68.04% of all civil district court cases filed. This represents over 20,000 filings where collection agencies and others are not paying their fair share of the indigent legal assistance fund despite being those whom most often proceed against pro se clients who do not have access to representation.

#### **No Increase Since 1996**

There has been no increase to the indigent legal services surcharge in fourteen years. The cost of doing business has increased as has the need for services. It is time for an increase.

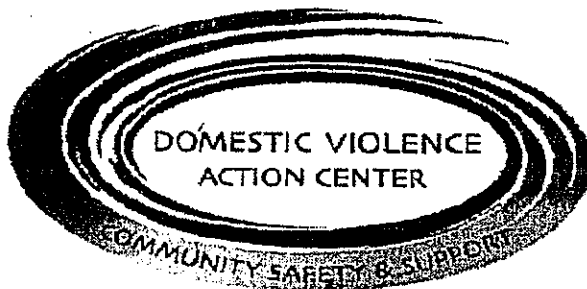
Legal Aid is the largest provider of legal services with eleven offices on each of the major islands. We provide legal assistance in family, housing, consumer, public assistance, child welfare, elder law, and as of 2010 in immigration. Annually, we close approximately 9,500 cases affecting the lives of almost 20,000 people. However, because of cuts in funding, in 2010, while Legal Aid provided basic advice to all who meet eligibility criteria, we were only able to provide representation to one in five who contacted us.

I ask for your support of this bill with amendments. Thank you for this opportunity to testify.

Sincerely,



M. Nalani Fujimori Kaina  
Executive Director  
527-8014



FROM: Nanci Kreidman, M.A., Domestic Violence Action Center

March 29, 2011

TO: Representative Marcus Oshiro, Chair, House Committee on Finance, Hawaii State Capital, Room #306

RE: **S.B. 1073, S.D. 2, H.D. 1 Relating to Surcharge for Indigent Legal Services**  
Hearing: Wednesday, March 30, 2011, 1pm, House Committee on Finance

Dear Chair Oshiro and Members of the Committee on Finance:

Aloha. Please accept this testimony in support of S.B. 1073, S.D. 2, H.D. 1. The Indigent Legal Assistance Fund, modeled initially after strategies across the country to support the crucial work of public interest providers of legal services, is key to sustain our community's programs.

The filing fee surcharge which is assessed at the time of court filing, has not increased for over a decade. The cost of delivering services, by each of the small corporations endeavoring to meet community needs, has increased exponentially.

On February 14, 2011 legal service providers had:

- 761 calls with clients.
- 165 calls on behalf of a client (i.e. opposing party, investigator, social service, etc.).
- 99 calls for technical assistance or consultation with other legal issues (i.e. social service provider, newspaper, etc.).
- 259 in-person contacts with a client.
- 516 children under age 18 were affected by this work (i.e. for each case children were part of the household).
- 15 court appearances were made on behalf of clients.
- 107 helpline/hotline calls were answered.

At the Domestic Violence Action Center demand for services has increased. This, at a time when we have had to impose staff layoffs due to drastic budget cutbacks. Our contract with the Judiciary was amended in 2009 to reduce our agency funding support by \$570,000. Funding support from the City and County of Honolulu was eliminated entirely. Competition for federal and local grants has been fierce. Grants to the Domestic Violence Action Center from the Hawaii Justice Foundation have also shrunk because the interest rates have been low and thus funds collected through IOLTA have decreased.

Although we do not rely exclusively on the funds collected through the ILAF, it is a funding source that is not reliant on general funds or state appropriations. The legal service providers maintain a close working relationship in an effort to examine community needs, best practices, and make a meaningful difference to our low income communities. This is evidenced by our collective participation in the Access to Justice Commission and the Hawaii Consortium of Legal Services Providers.

There is no way we can, in actuality, meet the needs of our low income community, but it would be devastating to continue suffering setbacks to the progress we have seen in the creative collaborative work done on their behalf.

We would like to offer one amendment. It would be of tremendous benefit to delete the sunset date, as it is doubtful that civil legal services will be sufficiently able to achieve a balanced budget or meet the community demand by the date included in this measure.

Thank you for inviting community comment on this important measure. We encourage your favorable action on S.B. 1073, S.D. 2, H.D. 1.

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[dvac@stoptheviolence.org](mailto:dvac@stoptheviolence.org) [www.stoptheviolence.org](http://www.stoptheviolence.org)





## **HAWAII DISABILITY RIGHTS CENTER**

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Honolulu, Hawaii 96813

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### **THE HOUSE OF REPRESENTATIVES THE TWENTY-SIXTH LEGISLATURE REGULAR SESSION OF 2011**

#### **Committee on Finance**

#### **Testimony in Support of S.B. 1073, SD2, HD1 Relating to Surcharge For Indigent Legal Services**

**Wednesday, March 30, 2011, 1:00 P.M.  
Conference Room 308**

Chair Oshiro and Members of the Committee:

I am Louis Erteschik, Staff Attorney at the Hawaii Disability Rights Center, and am testifying in support of this bill.

The purpose of the bill is to increase the filing fee in certain court cases so that more funds will be deposited into the indigent legal assistance fund to support various legal services programs. Under present levels of funding from federal and state sources, we are able to assist less than 2% of Hawaii residents with disabilities and mental illness.

We support this bill because it will provide increased funds to organizations that serve a vital interest in our state. We are a member of the Access to Justice Hui and are well aware of the civil legal needs and barriers to indigent people in Hawaii, including those with developmental disabilities. As a member, we are supportive of the recommendations that came from a report prepared to increase access to justice in Hawaii. An increase in the surcharge on filing fees is a reasonable means to provide critical funding to already under funded legal services programs. For those reasons we support this bill.

Thank you for the opportunity to provide testimony in support of this bill.



## GOODSILL ANDERSON QUINN &amp; STIFEL

A LIMITED LIABILITY LAW PARTNERSHIP LLP

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**TO:** Representative Marcus R. Oshiro  
Chair, Committee on Finance  
Hawaii State Capitol, Room 306  
*Via Facsimile: 586-6001*

**FROM:** Gary M. Slovin

**DATE:** March 29, 2011

**RE:** **S.B. 1073, S.D. 2, H.D. 1- Relating to Surcharge for Indigent Legal Services**  
**Hearing: Wednesday, March 30, 2011 @ 1:00 p.m., Agenda #4**

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Dear Chair Oshiro and Members of the Committee on Finance:

I am Gary Slovin, testifying in **strong support** of S.B. 1073, S.D. 2, H.D. 1, which increases the amount of surcharges on filing fees for the indigent legal assistance fund (ILAF).

We are assisting various service organizations with this effort, organizations who are greatly in need of the funds that would be generated by an increase in the surcharge on filing fees. The need for additional funding for legal services is urgent, given the economic climate and the dramatic decrease in funding for legal service providers from other sources, most notably interest generated by IOLTA, an account made up of client trust funds.

We ask the Committee to consider that this measure aims to preserve funds to help achieve justice for those who need it most.

Many people in our community find themselves in circumstances that require legal services and protection through no fault of their own -- abused women and children, being just one example. We are fortunate to have agencies and persons willing to provide these services. While these agencies are always underfunded, the recession has affected both their funding and the demands for their services. We cannot make the present situation worse by failing to make an effort to improve their stability.

March 29, 2011

Page 2

As the bill was amended by the Judiciary Committee, a sunset date of 2017 was inserted. We would respectfully ask the Committee on Finance to remove the sunset date. The agencies that benefit from ILAF funds have been underfunded for many years. Even when the economy improves, there is very little likelihood that the agencies will ever truly have the funding they need to serve all of the citizens of the state that need their services. Placing these agencies in a position such that, in a few years, they will need to come back to the Legislature, puts them in a continual sense of jeopardy. Further, we would respectfully ask that the committee remove the defective date in the H.D. 1 and make the effective date July 1, 2011.

I respectfully request your favorable consideration of this measure. Thank you for the opportunity to submit testimony.



**CENTER ON DISABILITY STUDIES**

Center on Disability Studies  
College of Education  
University of Hawai'i  
Jean Johnson,  
Associate Director  
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March 29, 2011

The Honorable Marcus Oshiro, Chair  
Committee on Finance  
State Capitol, Room 306  
415 South Beretania Street  
Honolulu, HI 96813

Aloha Representative Oshiro, and Committee Members

**RE: SB 1073, SD2, HD1**

I am writing to express my strong support for SB 1073, SD2, HD 1, related to the Surcharge for Indigent Legal Services. As a member of the Hawai'i Access to Justice Commission, I am gravely concerned about the financial barriers that currently exist that preclude low income members of our community from accessing critically needed legal services.

The proposed additional surcharge fees on various court filings in the Hawai'i State Court System under the "Indigent Legal Assistance Fund" would provide badly needed funds for meeting the civil legal services of our low-income citizens. While individually, these additional surcharge fees would not create a significant hardship for the persons introducing the court filings, the income the fees could generate would result in increased access to legal services for persons for whom might mean the difference between life and death, between maintaining or losing their home, between maintaining their family or losing supervision of their children, between getting the special services their children need or their children languishing without the special services they need to learn and succeed.

In summary, I humbly ask your consideration in approving SB 1073, SD 2, HD1 for the benefit of the most vulnerable members of our community. Mahalo,

Sincerely,

Jean L. Johnson, DrPH  
Associate Director

**DELIVERY OF LEGAL SERVICES TO THE PUBLIC COMMITTEE**  
*of the Hawai'i State Bar Association*

March 28, 2011

*Via Fax: 586-6001*

Representative Marcus Oshiro  
Chair, House Committee on Finance  
Hawaii State Capitol, Room 306

**Re: S.B. 1073, S.D.2 , H.D.1 Relating to Surcharge for Indigent Legal Services**  
**Hearing: March 15, 2011, 2:00 pm, House Committee on Finance**

Dear Chair Oshiro and Members of the Committee on Finance:

We write on behalf of the Delivery of Legal Services to the Public Committee ("DLSP Committee"), a committee of the Hawai'i State Bar Association ("HSBA") to voice strong support for SB 1073, H.D.1, which seeks to increase the amount of surcharges for the Indigent Legal Assistance Fund ("ILAF"). This testimony submitted in support represents the views of the DLSP Committee and does not necessarily reflect the views of the HSBA as a whole.

The purpose of the DLSP Committee is to develop and promote programs designed to make legal services more readily available in the community, work with other organizations to increase services, coordinate participation of the HSBA membership in such programs, and provide a forum for exchange of ideas and information. The DLSP Committee is grouped within the HSBA's written Mission Statement and Goals at Goal Group 5, the essential purpose of which is "To increase the availability of quality legal services to all who need them." As such, the purpose and intent of SB 1073, H.D.1 -- to increase assessments to ILAF and thereby increase funding for legal service providers who provide civil legal services to the low to moderate income residents -- is squarely within the ambit of the DLSP Committee's work.

Since the establishment of ILAF fifteen years ago in 1996, there has been no increase in the ILAF assessments. The DLSP Committee is informed that particularly in these challenging economic times, other funding for legal services providers is greatly reduced and continues to diminish. At the same time, the DLSP Committee is informed that the demand for civil legal services fund by ILAF continues to increase.

The evidence of need is more than anecdotal. In November 2007, the Access to Justice Hu'i concluded an extensive statewide assessment of the civil legal needs of low and moderate-income residents of Hawai'i. The legal need study found, among other needs that:

\* Only 1 in 5 low and moderate-income Hawai'i residents have their legal needs met

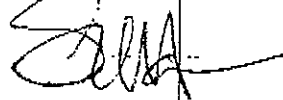
\* Legal service providers are able to help only 1 in 3 of those who contact them for assistance

In servicing such needs, the DLSP Committee notes that ILAF funds are invaluable because these funds are distributed to legal service providers who provide services in myriad legal areas. ILAF recipients include the Domestic Violence Action Center, Hawai'i Disability Rights Center, Legal Aid Society of Hawai'i, The Mediation Center of the Pacific, Native Hawaiian Legal Corporation, the University of Hawai'i - Elder Law Program and Volunteer Legal Services Hawai'i.

Moreover, ILAF monies enable the legal service providers to give advice and counseling to clients, over and above providing direct representation in active litigation, contributing to the efficiency of the judicial system which benefits all users of the Judiciary. Advice given by the legal service providers includes alternative dispute resolution and strategies to achieve settlements, which effectively contributes to alleviating the burgeoning caseload in the courts.

Accordingly, the DLSP Committee respectfully urges the House Committee on Finance to support passage of SB 1073, H.D.1. Thank you for your support.

Sincerely,



Shannon L. Wack

Jo Kim

Co-Chairs

Delivery of Legal Services to the

Public Committee of the Hawai'i State Bar  
Association

**THE MEDIATION CENTER OF THE PACIFIC, INC.**

245 N. Kukui Street, Ste. 206, Honolulu, HI 96817

Tel: 521-6767 Fax: 538-1454 Email: mcp@mediatehawaii.org

March 29, 2011

**TESTIMONY FROM:** Tracey S. Wiltgen, Executive Director, The Mediation Center of the Pacific, Inc.

**TO:** Representative Marcus Oshiro  
Chair, House Committee on Finance  
Hawaii State Capitol, Room 306

**Re:** S.B. 1073, S.D.2 , H.D.1 Relating to Surcharge for Indigent Legal Services

**Hearing:** March 15, 2011, 2:00 pm, House Committee on Finance

Dear Chair Oshiro and Members of the Committee on Finance:

**The Mediation Center of the Pacific (the Mediation Center) supports SB 1073, SD2.**

**The proposed increase in filing fees is nominal compared to the costs of providing civil legal services to indigent persons.** The \$40.00 increase of the filing fee surcharge for the indigent legal assistance fund (from \$25.00 to \$65.00) for circuit court and appellate filings and the \$25.00 increase of the surcharge (from \$10.00 to \$35.00) in district court cases is also a (typical court case district court 120 to 145 and circuit court from (275 to 315).

**Without access to legal representation, low income people are deprived of access to legal services** impacting a myriad of critical human needs such as housing, employment, medical care, consumer protection, protection of family and against domestic violence, and reasonable accommodations for disabilities. Access to legal recourse is a foundation of civil society and American democracy.

**The number of people living in Hawai'i below 125% of the federal poverty guidelines has increased dramatically since 2007.** For this group earning less than \$31,692 annually, for a family of four, the numbers rose from 156,321 to 172,862, and those between 125 - 149% of the federal poverty guidelines, the numbers rose from 38,499 to 45,392. These are the vulnerable in our community. They do not have the financial resources to retain an attorney. This affects more than the accounting ledgers and money in one's business account. These are the people whose life needs are critical and about daily survival. The emotional turmoil they face cannot be measured by mere dollars.

**While the cost of doing business has risen, financial support for the legal service providers has declined.** The Mediation Center is a 501(c)(3) not for profit corporation whose mission is to provide high quality mediation and dispute resolution services that are affordable and accessible. This past year in 2010, the Mediation Center managed 1,609 cases (a 24% increase since 2008) involving divorcing couples, landlords and tenants, families, consumers and merchants and more.

The need for affordable/accessible mediation services continues to grow in a broad variety of areas including but not limited to domestic matters, small claims disputes, residential foreclosures and more. Yet, over the past two years, the Mediation Center has experienced an approximate 25% reduction in funding.

**The proposed legislation will help provide increased financial support for the legal service providers.** To increase access to justice for Hawaii's people, the civil legal service providers require increased financial support. Court filing fees, even with the proposed surcharge increase, constitute only a small percentage of the total cost of litigation. The increase does however substantially increase funds for the legal service providers.

Your favorable approval of SB 1073 SD 2 is essential. Passage of this bill will be a major step toward efforts to achieve access to justice for all.

Sincerely,



Tracey S. Wiltgen  
Executive Director

**HAWAII JUSTICE FOUNDATION**

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March 28, 2011

TESTIMONY FROM: Robert J. LeClair, Executive Director, Hawaii Justice Foundation  
(Note: Robert LeClair will be testifying in person.)

TO: Representative Marcus Oshiro  
Chair, House Committee on Finance  
Hawaii State Capitol, Room 308  
Members of the House Committee on Finance

HEARING DATE/TIME: Wednesday, March 30, 2011, 1:00 p.m., House Committee on Finance

MEASURE NUMBER: TESTIMONY IN STRONG SUPPORT OF  
SB 1073, SD2 HD1, RELATING TO SURCHARGE FOR  
INDIGENT LEGAL SERVICES, Amending HRS Section 607-5.7

SUBMITTED BY E-MAIL: <http://www.capitol.hawaii.gov/emailtestimony>  
[FINTestimony@Capitol.hawaii.gov](mailto:FINTestimony@Capitol.hawaii.gov)

Dear Chair Oshiro and Members of the Committee on Finance:

**The Hawaii Justice Foundation (HJF) requests the House Committee on Finance to approve SB 1073, SD2 HD 1, including provision of \$35 as the surcharge fee on District Court cases and \$65 as the surcharge fee on Circuit and higher Court cases. HJF supports SB 1073, SD2 HD1, which amends HRS Section 607-5.7 to provide amended surcharge fees on various court filings in our Hawaii State Court system under the "Indigent Legal Assistance Fund" ("ILAF") set forth in HRS Section 607-5.7.**

HJF distributes funds from a variety of sources to help increase access to justice for Hawaii's people. HJF does not provide direct client services, but HJF's funding activities provide HJF with a perspective on the seriousness of the unmet civil legal needs in the Islands. For several years, HJF has worked in cooperation with the Hawaii State Judiciary to manage the ILAF Program. ILAF has been operating smoothly, with excellent cooperation from the low-income legal service providers, the Hawaii State Judiciary, and the Hawaii Justice Foundation. **The Hawaii Justice Foundation is confident that the proposed amendments to the ILAF statute can be integrated without any difficulty into the ongoing successful ILAF Program.**

**HJF's income from the IOLTA funds has plummeted with the decrease in interest rates, and the proposed ILAF amendment is needed to offset some of this decrease. HJF receives funds from the Interest on Attorney Trust Accounts (IOLTA) Program under Rule 11 of the**



Rules of the Hawaii Supreme Court. Recent economic events have resulted in a serious decline of interest rates, and HJF's interest under the IOLTA program is 1/8<sup>th</sup> of what it was as recently as September, 2008. This means that HJF's ability to fund legal service providers under the IOLTA Program is virtually non-existent under current interest rates. It is essential that the proposed ILAF amendment be approved to fill this serious revenue decline. Even with the requested ILAF proposed amendment amounts, the additional funds will not be sufficient to replace IOLTA income under more "typical" federal funds target rates of 2.5% and higher. **The current recipients of funds under HRS Section 607-5.7 unanimously support the provisions of SB 1073, SD2 HD1.** All of the current ILAF recipients face serious economic challenges to their continued ability to meet legal needs of our low-income population. We are all painfully aware of the current national and local economic conditions. Legal needs of people are higher than ever, due to these economic conditions. Low-income legal service providers face potential cuts in governmental funding sources and reduced contributions from private donations. This makes it critical that SB 1073, SD2 HD1 be approved to provide additional funding from surcharges on various court filings.

**The ILAF Program has procedural safeguards to ensure accuracy and accountability.** All organizations receiving funds under ILAF are strictly monitored by the Hawaii Justice Foundation. Quarterly reports and a yearly summary report are required of each organization, and these are reviewed by the Hawaii Justice Foundation. The application process is quite extensive, with thorough documentation. The application includes an attestation clause, where the Executive Director of each organization attests to the truthfulness of the application. State Unemployment reporting forms are used for verification of employees, and individual signed statements are received from each person providing legal services that attest to the veracity of the percentage of time that the person spends in providing qualified direct legal services. The Hawaii Justice Foundation works with the Hawaii State Judiciary to determine the allocation formulas, and the potential grantees have an opportunity to contest any determinations made under the ILAF program. For many years, the program has operated smoothly and without complaints regarding accuracy or accountability from the Judiciary, the Hawaii Justice Foundation, or the grantees. The ILAF Program is an example of how mutual cooperation and competency can produce an effective process that works for the betterment of Hawaii's people.

Court filing fees, even with the proposed surcharge increase, constitute only a small percentage of the total cost of litigation. Existing exemptions for small claims cases, TROs, protective orders, *in forma pauperis* cases, and County and State governmental filings will remain in effect under SB 1073, SD2 HD1. All court litigation is already heavily "government subsidized," since filing fees do not begin to cover the costs of the State of Hawaii personnel involved in our Courts. SB 1073, SD2 HD1 will substantially increase funds available through ILAF for distribution to qualifying low-income legal service providers. The net effect to Hawaii's people from SB 1073, SD2 HD1 will be extremely beneficial.

**Some Hawaii attorneys from the Collection Section of the Hawaii State Bar Association and their debt collection clients have raised objections to any surcharges on filing fees for their collection cases. It should be noted that this is not an "official" position of the Hawaii State Bar Association and represents the personal and financial views of the collection**

attorneys. However, the reality is that SB 1073, SD2 HD1 will not result in people being unable to file cases in our judicial system. The amounts of increases proposed in SB 1073, SD2 HD1 are relatively small, especially when viewed in light of the costs of attorney billing rates of the attorneys opposing SB 1073, SD2 HD1. **The Hawaii State Bar Association Board of Directors on March 24, 2011 endorsed both the concept and intent of SB 1073 and will be submitting testimony to the Committee on Finance reflecting this position of the Bar Association.** It is quite common that one segment of the Hawaii State Bar Association will favor one viewpoint while other segments have opposing views. It is of course understandable that the collection attorneys are pressing for the financial interests of their clients, but it is essential for the Hawaii State Legislature to take the view of what is in the best interests of Hawaii's people. If the interests of the clients of the collection attorneys are weighed against the needs of those who will be helped by SB 1073, SD2 HD1, it is clear that the surcharge is an essential part of the collective efforts to provide justice to all. For nearly 15 years, other groups using the court system have paid a surcharge on court filing fees to help meet civil legal service needs. The debt collection agencies are heavy users of court resources, and it is fair that the ILAF program be expanded to require that these debt collection agencies participate in contributing to ILAF.

SB 1073, SD2 HD1 provides a significant boost to the funds available for meeting civil legal services needs. The Community Wide Action Plan, with its 10 Steps by 2010, studied the unmet civil legal needs in the Islands. Step 2 of the 10 Steps by 2010 requests increased funding for low-income legal service providers, and SB 1073, SD2 HD1 will provide needed additional funds.

**An additional benefit from increasing funding to the low-income legal service providers relates to increased efficiency in the courts by helping with providing legal advice and other needed services to the numerous *pro se* ("by self") litigants in Hawaii's various courts.** District Courts and Family Courts have seen a virtual explosion of cases where people are unrepresented by counsel. The Hawaii State Judiciary has made valiant efforts to assist these litigants through information kiosks and other programs. However, people representing themselves face two fundamental difficulties. First, they are unfamiliar with court procedures and forms. Second, litigants of any economic level are emotionally involved in their case, and this makes it very difficult to resolve the case without outside assistance. SB 1073, SD2 HD1 will provide additional funds to our legal service providers, who in turn will be able to give greater information, advice, and sometimes direct representation to litigants. **This will assist our Courts in processing cases in a more efficient and effective manner.**

Your favorable approval of SB 1073, SD2 HD1 is essential. Passage of this bill will be a major step toward efforts to achieve access to justice for all.

DEREK R. KOBAYASHI

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INTERNET: dkobayashi@schlackito.com

March 29, 2011

*Via website: [www.capitol.hawaii.gov/emailtestimony](http://www.capitol.hawaii.gov/emailtestimony)*

Representative Marcus Oshiro and Committee Members  
Committee on Finance  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, HI 96813

Re: SB 1073, S.D. 2, H.D. 1 – Relating to Surcharge For Indigent Legal Services  
Testimony IN SUPPORT  
Hearing Date: Wednesday, March 30, 2011  
Time: 1:00 p.m.

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The Honorable Chair Oshiro and Honorable Committee Members:

I write to voice strong support for SB 1073, S.D. 2, H.D. 1 which seeks to increase the amount of surcharges for the Indigent Legal Assistance Fund (“ILAF”). I am an attorney in private practice and throughout the years have sought to contribute to *pro bono* representation of those who cannot afford legal representation and have served and continue to serve in various capacities working on access to justice issues.

The purpose and intent of this measure – to increase assessments to ILAF and thereby increase funding for legal service providers who provide civil legal services to the low to moderate-income residents – would greatly facilitate meeting the civil legal needs of low and moderate-income residents of Hawai‘i.

Since the establishment of ILAF fifteen years ago in 1996, there has been no increase in the ILAF assessments. Yet concurrently, as evidenced by other testimonies submitted in support of the measure, the demand for civil legal services funded by ILAF continues to increase.

ILAF funds are invaluable because these funds are distributed to legal service providers who provide services in myriad legal areas. The recipients include: Domestic Violence Action Center, Hawai‘i Disability Rights Center, Legal Aid Society of Hawai‘i, The Mediation Center of the Pacific, Native Hawaiian Legal Corporation, the University of Hawai‘i – Elder Law Program and Volunteer Legal Services Hawai‘i.

Representative Marcus Oshiro and Committee Members  
Committee on Finance  
Page 2

Advice given by the legal service providers includes alternative dispute resolution and strategies to achieve settlements, which effectively contributes to alleviating the burgeoning caseload in the courts. This leads to more efficient judicial services for all litigants.

Accordingly, I respectfully join those who urge the Committee on Finance to support passage of the ILAF measure. In so doing, I also respectfully request that because of the critical need for sustained financing of legal service providers, the Committee on Finance remove the sunset date of 2017, remove the defective date in H.D. 1, and make the effective date July 1, 2011.

Very truly yours,



Derek R. Kobayashi

**LAW OFFICE OF HOWARD K. K. LUKE**

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March 29, 2011

Representative Marcus Oshiro  
Chair, House Committee on Finance  
Hawaii State Capitol, Room 306

Re: Measure: S.B.1073, S.D.2, H.D.1, Relating to Surcharge for Indigent Legal Services  
Hearing: March 30, 2011, 1:00 pm, House Finance Committee

Dear Chair Oshiro and Members of the Committee on Finance:

I am writing in support of Senate Bill 1073, which will amend the surcharge for the filing of legal documents in the District and Circuit Courts of the State of Hawaii.

It is my firm belief that the proposed bill will greatly enhance the access to our courts by all our citizens, regardless of their personal economic circumstances. Passage of S.B. 1073 will once again affirm that the State of Hawaii remains committed to the principle of equal access to justice for all.

Respectfully submitted,



HOWARD K. K. LUKE  
Attorney at Law

**LAW OFFICE OF GEORGE J. ZWEIBEL**  
45-3590A Mamane Street  
Honoka'a, Hawai'i 96727  
(808) 775-1087  
(808) 775-1089 (facsimile)

**House Committee on Finance**  
**Hearing: Wednesday, March 30, 2011**  
**1:00 p.m.**

**IN SUPPORT OF SB 1073, SD2, HD1**  
(Relating to Surcharge for Indigent Legal Services)

**Chair Oshiro, Vice Chair Lee, and Committee Members:**

My name is George Zweibel. I am honored to provide testimony in strong support of SB 1073, SD2, HD1, with the proviso that the sunset provision should be removed. I am an attorney in private practice on Hawai'i Island and strongly believe that an increase in the surcharge for indigent legal services would greatly increase the ability of the Legal Aid Society of Hawai'i and other nonprofit legal service providers to provide needed services to low-income Hawai'i residents.

In November 2007, the Access to Justice Hui released its report entitled Achieving Access to Justice for Hawai'i's People, which includes The Community Wide Action Plan: Ten Action Steps to Increase Access to Justice in Hawai'i by 2010 and The 2007 Assessment of Civil Legal needs and Barriers of Low- and Moderate-Income People in Hawai'i. The Access to Justice Hui found that only one in five low and moderate-income Hawai'i residents have their civil legal needs met, and that legal service providers are able to help only one in three of those who seek their assistance. Since then, the situation has gotten even worse, with a large increase in the number of people in Hawai'i living below 125% of the federal poverty guidelines. This is compounded by the foreclosure crisis and widespread unemployment in our state.

A top priority among the actions recommended by the Hui was increasing overall funding to support the delivery of civil legal services for low-income Hawai'i residents. The specific recommendations include increasing the amounts raised through the court filing fee surcharge for indigent legal services. The Hui found that an increase in the filing fee surcharge as well as expansion to cases where it does not currently apply would generate substantial additional revenue for providing civil legal services for low-income people.

SB 1073, SD2, HD1 would increase funding for indigent civil legal services by increasing the surcharge on initial court filing fees in civil actions. Specifically, it would:

- Increase the surcharge by \$40 in circuit court and appellate filings and increase it by \$25 in district court filings.
- Expand the surcharge in district court filings from just summary possession to all cases, including collection cases.
- Continue to exempt small claims cases, petitions for restraining orders, petitions for temporary restraining orders, cases in which the petitioner is proceeding in forma pauperis and all state and county filings.

SB 1073, SD2, HD1 would raise much-needed funds to provide legal assistance to families and individuals who face the loss of a critical basic need, such as housing, family stability and safety, income, and protection from fraud and abuse.

I strongly urge the Committee to remove the sunset provision. The civil legal needs of low-income Hawai'i residents will not diminish and the organizations that provide legal services to them need stable funding in order to ensure adequate staffing and to plan from year to year.

In conclusion, additional funding from all sources for civil legal services for the poor is urgently needed. Enactment of SB 1073, SD2, HD1 – with appropriate filing fee surcharges in district court, circuit court and appeal cases – would represent a major step toward reducing the present funding shortfall. **I respectfully urge your passage of this bill, without a sunset date for the increase in the surcharge.**

Thank you for considering my testimony on this critical access to justice issue.

EDWARD R. BENDET  
JAY M. FIDELL  
YURIKO J. SUGIMURA  
THOMAS R. SYLVESTER\*  
KEITH S. AGENA  
LORI LEI Y. HIJII  
DOMINQUE M. TANSLEY  
JENNIFER L. STRINGFELLOW

**BENDET FIDELL**

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\*Also licensed in California

March 29, 2011

Rep. Marcus Oshiro, Chair  
Rep. Marilyn Lee, Vice-Chair  
House Committee on Finance  
State Capital  
Honolulu, Hawaii

Re: Opposition to SB 1073 SD2 HD1/Indigent Surcharge  
Hearing March 30, 2011 @ 1 p.m. in Conf. Rm. 308

Chair Oshiro, Vice-Chair Lee and Finance Committee Members:

I submit this testimony on behalf of my landlord and business clients in opposition to SB 1073.

I am an attorney and I have been licensed to practice law in the State of Hawaii since 1978. I have supported Volunteer Legal Services Hawaii ["VLSH"] in time and money. I have contributed money to VLSH through the Hawaii State Bar Association. I have represented indigent persons and I have provided legal service through VLSH. Over the years, I have provided many hours of pro bono professional legal services to the community.

Most of my clients are small and medium local businesses who are currently struggling to survive in this recession and to keep their workers employed. Raising the court filing fees will have a severe economic effect on their businesses and their employees.

I am aware that HD 1 reduced the surcharge amount in the first year (i.e., 2012) and added a 5-year sunset to the surcharges so that they would terminate in 2017. Because of the current economic situation in the State, if this Committee is inclined to move this bill out, I ask that you consider a further reduction to the surcharge.

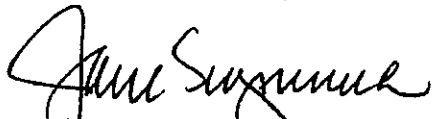


Testimony in Opposition to SB1073  
House Finance Committee Hearing on 3/30/2011  
March 29, 2011  
Page 2

I join in and incorporate by reference the testimonies of many of my attorney colleagues and of the Hawaii State Bar Association Collection Law Section opposing this bill and trust that this Committee will take no action on it this year.

Thank you for allowing me to testify on this important bill.

Very truly yours,

A handwritten signature in black ink, appearing to read "Yuri Sugimura". The signature is written in a cursive, flowing style.

Yuriko J. Sugimura  
Of BENDET FIDELL

YJS:ss

# SUSAN M. ICHINOSE

*Attorney at Law*

March 31, 2008

The Hon. Marcus Oshiro  
Chair, House Committee on Finance  
Hawaii State Capitol, Room 306  
Honolulu, HI 96813

Re: S.B. 1073, S.D.2, H.D.1, the Indigent Legal Assistance Fund (ILAF) Bill

Dear Chair Oshiro and Members of the Committee:

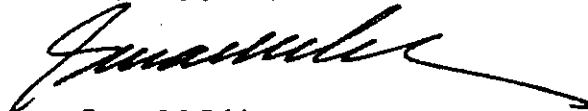
Thank you for hearing this bill, which seeks to increase a nominal surcharge on filing fees for civil complaints in order to assist legal services for the indigent.

As a member of the Bar who litigates in State Courts, and as a contributor to public service agencies who dispense legal services to the poor, I would like to add my voice to those in support of the bill. As you may know, the Access to Justice Commission has made a study of "Achieving Access to Justice for Hawaii's People" and has supported this bill as well as others that attempt to address the ever-growing gap between our community's social services needs and the available resources that have never been able to fully meet those needs. Fully 80% of all low and moderate-income residents can not afford to have their legal needs met, and that percentage will only increase with our worsening economy.

The filing surcharges that my clients and I pay are nominal in nature; and yet those nominal fees have immense financial consequences in helping to bridge the needs gap for our financially disadvantaged residents. The increase in the surcharges will not be an undue burden on me, or on the litigants who are able to afford court services. They will, however, result in an exponential benefit to those who have difficulty in getting their legal needs met.

Thank you for your time and consideration. Mahalo, me ke Aloha pumehana.

Very truly yours,



Susan M. Ichinose

SONNY GANADEN

◆ 1531 Makiki St. 301 Honolulu, HI, 96813 ◆ Phone: (808)294-9949

Representative Marcus Oshiro  
Chair, House Committee on Finance  
Hawaii State Capitol, Room 306  
fax: (808) 586-6001

**Re:** S.B. 1073, S.D.2 , H.D.1 Relating to Surcharge for Indigent Legal Services SUPPORT  
**Hearing:** March 15, 2011, 2:00 pm, House Committee on Finance

Dear Chair Oshiro and Members of the Committee on Finance:

As a recently licensed solo practitioner in the State of Hawai'i, I am writing in support of S.B. 1073, S.D.2, H.D.1. Like many lawyers, I spend a significant amount of my professional time doing pro bono work on behalf of clients who do not have the means to pay for counsel. It is an unfortunate fact of our profession that the service of a lawyer, even in a matter of great significance, is cost prohibitive. I presently have the opportunity to volunteer for Legal Aid Services of Hawai'i and sit on a Committee for the Access to Justice Commission. The problems regarding access to the courts are multiple, and S.B. 1073 is but one way to solve this hindrance on the effectuation of our democracy.

This bill has the overwhelming support of numerous legal service providers and individuals whose testimony you have already heard. In 2010, there was similar legislation to the present S.B.1073 proposed. Many of us thought it was a "no brainer." Unfortunately, that legislation failed to pass into law in part because advocates for access to justice did not obviate the necessity of the legislation. That is not the case this year. In the wake of a decreased budget projection through 2012, there will be more indigent clients throughout the state whose rights will be jeopardized, who will lose homes, jobs, and so much more. Having a lawyer helps, and this bill is an opportunity to provide that necessary service.

I would like to reiterate the testimony of Professor Calvin Pang, of the William S. Richardson School of Law, who wrote "I wish you could observe these professionals do their daily work. It is not glamorous and can be discouraging. But almost every one of them will talk about the rewards of saving homes, helping to put food on the table, securing employment, and ensuring other basic features of a dignified life. These are great people who don't ask for much except for the opportunity to keep doing their brave and necessary work."

Thank you for the opportunity to testify.

  
Sonny M. Ganaden  
JD# HI8948

CAROL K. MURANAKA

P.O. Box 240288  
Honolulu, Hawaii  
(808) 753-7686  
carol.k.muranaka@gmail.com

March 28, 2011

Representative Marcus Oshiro  
Chair, House Committee on Finance  
Hawaii State Capitol, Room 306  
Email: FINtestimony@capitol.hawaii.gov

Re: **Measure:** S.B 1073, S.D.2, H.D. 1 - Relating to Surcharge for Indigent Legal Services  
**Hearing:** March 30, 2011, 1:00 p.m., House Committee on Finance

Dear Chair Oshiro and members of the Committee on Finance:

I am writing in strong support of the Indigent Legal Assistance Fund bill (S.B. 1073, S.D.2, H.D. 1) without a sunset date for the increase in the surcharges. I have previously practiced law primarily as a federal government attorney. When the Hawaii Access to Justice Commission ("Commission") was created, there was a call for volunteers to assist on various committees of the Commission, and I enthusiastically volunteered.

The proposed measure represents a modest increase in the surcharges of court filing fees, which surcharges under H.R.S. § 607-5.7 have remained unchanged for 15 years. Yet, during those fifteen years, the nonprofit organizations, which provide legal assistance to Hawai'i's indigent population, have struggled to meet the ever increasing demands. Dedicated and conscientious volunteer lawyers have stepped up to meet the challenges as well. Nonetheless it is a certainty that the civil needs of Hawai'i's low- and moderate-income residents are not being met. Additional funding for civil legal services is urgently needed.

As probably you and your committee are aware, the November 2007 Access to Justice Hui report found that low-income residents have a tremendous unmet need for civil legal services. Only 1 in 5 low- and moderate-income Hawai'i residents have their legal needs met, and legal service providers are able to help only 1 in 3 of those who contact them for assistance.

This modest increase is a fair and reasonable means to the funding crisis that the legal services providers face. Since being involved with the Access to Justice Commission, I have become acquainted with the unique individuals who "walk the talk" at the aforementioned legal service organizations-- the volunteers and staff. Although the financial obstacles are significant, they continue to help the underserved, because these individuals and providers are dedicated and committed to the ideals of justice. These nonprofit organizations are severely underfunded, and the proposed legislation will help to ensure that all people in the state have access to justice.

Your approval of the subject bill -- with the removal of the sunset date -- will be acknowledgment that "justice for all" is more than mere words. Together, we can make it a reality for the state.

Thank you for the opportunity to submit testimony.

Very truly yours,  
/s/ Carol K. Muranaka

**James H. Pietsch**  
808-956-6785  
E-Mail: [james.pietsch@gmail.com](mailto:james.pietsch@gmail.com)

March 28, 2011

**TESTIMONY FROM:** James H. Pietsch, Director, University of Hawaii Elder Law Program

**TO:** Representative Marcus Oshiro  
Chair, House Committee on Finance  
Hawaii State Capitol, Room 306

**HEARING DATE/TIME:** March 15, 2011, 2:00 p.m. House Committee on Finance

**MEASURE NUMBER:** TESTIMONY IN SUPPORT OF SB 1073, S.D. 2, H.D. 1  
RELATING TO SURCHARGE FOR INDIGENT LEGAL SERVICES

**SUBMITTED BY FAX:** 586-6001

Dear Chair Oshiro and Members of the Committee on Finance:

I strongly support SB 1073, S.D. 2, H.D. 1 which amends HRS Section 607-5.7 to provide amended surcharge fees on various court filings in our Hawaii State Court system under the "Indigent Legal Assistance Fund" ("ILAF") set forth in HRS Section 607-5.7. I urge your passage of this bill, without a sunset date for the increase in the surcharge. I am providing testimony in my personal capacity and not on behalf of the University of Hawaii or the William S. Richardson School of Law.

The University of Hawaii Elder Law Program (UHELP) has been an integral unit of the William S. Richardson School of Law at the University of Hawaii at Manoa for nearly 20 years and plays a vital role in the community by providing free legal services to Oahu's socially and economically needy, frail and vulnerable elderly population. We are committed to helping our clients' access to justice by providing direct legal services, consultation, referrals and educating and empowering them to advocate for themselves.

We have been providing legal services at the law school with the support of the Indigent Legal Assistance Fund and from the Elderly Affairs Division of the City and County of Honolulu under Title III, the Older Americans Act. We could not operate without external grants. Unfortunately the external grants do not cover the current costs of running the program and the other legal services providers are facing similar difficulties. I respectfully urge your favorable approval of SB 1073, S.D. 2, H.D. 1 to help continue UHELP's mission, which is to provide legal services to socially and economically needy elders and to educate law students in this rapidly expanding area of need. The Indigent Legal Assistance Fund is a key source of our support.

**Corianne W. Lau**  
**1001 Bishop St, Ste 1800**  
**Honolulu, HI 96813**  
**(808) 524-1800**

March 29, 2011

Representative Marcus Oshiro  
Chair, House Committee on Finance  
Hawai'i State Capitol, Room 306  
Honolulu, HI 96813

Re: Testimony in Favor of S.B. 1073, S.D.2, H.D.1  
the Indigent Legal Assistance Fund (ILAF) Bill

Dear Representative Oshiro and Members of the Committee:

I am a shareholder and director of the law firm of Alston Hunt Floyd & Ing, but I am writing in my personal capacity. I have been an attorney in the State of Hawai'i since 1985. I am a past President of Hawai'i Women Lawyers and the Hawai'i Women's Legal Foundation. I am currently on the board of the Legal Aid Society of Hawai'i and served on the board of the Hawai'i State Bar Association for six years. I am currently co-chair of the Bar's Continuing Legal Education Committee.

I support S.B. 1073, S.D.2, H.D.1, the Indigent Legal Assistance Fund (ILAF) bill which seeks to increase the surcharge on civil filing fees, and expand the fee to include collection cases in District Court. A percentage of the surcharge benefits local legal services organizations that serve the poor. All of these organizations, Domestic Violence Action Center, Hawaii Disability Rights Center, Legal Aid Society of Hawaii, Mediation Center of the Pacific, Native Hawaiian Legal Corporation, University of Hawaii Elder Law Program, and Volunteer Legal Services Hawaii are suffering funding cuts<sup>1</sup> at the same time that requests for their services grow. Many of the individuals who are served by these worthy organizations are indigent, struggling and cannot speak for themselves.

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<sup>1</sup> For example, IOLTA awards dropped from \$410,000 in 2008 to less than \$150,000 in 2011. Some of the Hawai'i grants-in-aid to legal service providers were \$1.4 million three years ago, and these have dropped to zero in the last two years.

There have been no increases in the surcharge amounts since the surcharge was established in 1996. For fifteen years, the legal service providers who devoted civil legal services to indigent persons have experienced severe funding cuts and have had to limit services. During these fifteen years, the figures still show that there are many struggling at or near the poverty level, and there is an ever increasing demand for civil legal services, particularly in these economic times.

The increase in filing fees is nominal compared to the costs of providing civil legal services to indigent persons. The \$40.00 increase of the filing fee surcharge for the indigent legal assistance fund (from \$25.00 to \$65.00) for circuit court and appellate filings and the \$25.00 increase of the surcharge (from \$10.00 to \$35.00) in district court cases is also a (typical court case district court 120 to 145 and circuit court from (275 to 315).

I urge you to support the ILAF bill and delete any sunset provisions. The need for legal services for the indigent population will unfortunately not decrease and it is critical to maintain funding at stable levels.

Thank you for the opportunity to give testimony on this important bill.

Very truly yours,



Corianne W. Lau

Teresa Chao Ocampo  
215 N. King Street, Apt. 207  
Honolulu, HI 96817

House Committee on Finance  
Testimony in Support of SB 1073, SD2, HD1  
Relating to Surcharge for Indigent Legal Services

Wednesday, March 30, 2011, 1:00pm  
Conference Room 308

Chair Oshiro and Members of the Committee:

I urge your support for this bill without a sunset date for the increase in a surcharge.

Given our dire economy and tragic world wide events, our State resources are stretched to the snapping point. When combined with decreased tax revenues as well as decreased federal and state resources, our legislature has had to resort to some fairly severe budget cuts to keep the government operational. This has adversely affected the majority of our social programs and will continue to do so until government spending is controlled and the economy improves.

In the mean time, these cuts have affected citizens who are the most dependent on these services and yet with the least resources. Additional casualties including organizations such as Hawaii Disability Rights Center, which provides legal assistance to these citizens, will also have difficulties in fulfilling their public duties, for their funding has been affected as well.

I support an increase in the surcharge on the filing fees in the court cases as per SB 1073, SD2, HD1 in order to fund these much needed legal services programs. These services are valuable and must remain in place in order to maintain fairness and justice for all citizens in this state.

Thank you for the opportunity to testify.

Sincerely,

Teresa Chao Ocampo  
(Signature on file)



TO: The Honorable Marcus R. Oshiro, Chair  
The Honorable Marilyn B. Lee, Vice Chair, and  
The House Committee on Finance

HEARING: Wed., March 30, 2011, 1:00 p.m.  
State Capitol Conference Rm. 308

RE: Testimony in Support of SB 1073, S.D. 2, H.D. 1  
Relating to Surcharge for Indigent Legal Services

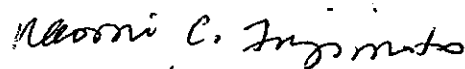
DATE: March 29, 2011

Thank you for this opportunity to testify. Although I am testifying as an individual today, I am also a member of the Board of Directors of the Legal Aid Society of Hawaii. For many years, I have been concerned about the availability and accessibility of legal services and our legal system to indigent people. I am in strong support of the intent of SB1073, S.D. 2, H. D. 1 to assist in the funding of critically needed legal services to indigent people through modest increases in surcharges on civil filing fees in certain cases and of the content of the bill generally; however, I respectfully request the deletion of the provision in this bill requiring the repeal of this bill in 2017.

Hawaii's economic troubles have resulted in donations and funding for civil legal services being slashed at the same time we have more people who have a low to moderate income who need legal services. A significant barrier to access to justice is the inability to afford such access or to find assistance and/or representation in legal matters. Hawaii's legal service providers have worked together to pool resources and to try to fill the gaps where indigent people are not receiving legal services. However, according to a state-wide report done by the Access to Justice Hui, Hawaii's legal service providers are able to help only about 1/3 of the people seeking assistance and only one in five low to moderate-income residents have their legal needs met. These are core needs that have significant impact on people's lives such as help for those in domestic violence situations, representation in landlord tenant cases that may help people avoid becoming homeless, helping people with public assistance issues and much more. The funds received from the Indigent Legal Assistance Fund are critically important in the struggle to meet those needs. The surcharge increases described in the bill would be the first increases since the surcharges were established in 1996.

I urge you to support this bill (with the deletion of the sunset provision calling for the bill to repeal in 2017) and help Hawaii's legal service providers help our low to moderate income community members who do not have the resources or ability to address critical civil legal needs on their own.

Sincerely,



Naomi C. Fujimoto

Representative Marcus Oshiro

Chair, House Committee on Finance

Hawaii State Capitol, Room 306

Re: SB 1073, S. D.2, H.D.1 Relating to Surcharge for Indigent Legal Services

Hearing: March 30, 2011, 1:00pm, House Committee on Finance

Dear Chair Oshiro and Members of the Committee on Finance:

My name is Mary Grace Sol. I was born in Ilocos Norte, Philippines. My husband and I were married on June 9, 2006 in the Philippines. My husband petitioned me and my children to come to Hawaii. We arrived to Hawaii from the Philippines on February 21, 2009. My children and I were excited to be together as a family and have the opportunity to make a better living. However, shortly after our arrival to Hawaii, my husband committed a terrible crime which has scarred me and my children. In September of 2009, my husband stabbed me multiple times in the chest and arms while I was sleeping, and in the presence of my children. I will not forget this night, and I continue to have nightmares.

My husband was sweet and kind when we were in the Philippines; however, upon my arrival to Hawaii things were not the same. My husband would be get upset at me for not doing things the right way, and would always blame me for not having money because there's more of us for him to support and feed. When he wants me to do things for him, he would make me feel guilty by telling me that he brought me over (sponsored) to Hawaii and therefore I should be thankful and obey him. I did feel guilty and indebted to him so I did what he wanted me to do. My husband was also never interested in spending time with his daughters. He will always yell at them for being too loud or when they are playing around him, he will tell them to leave. My daughters believed that their father did not love them because he never showed them affection.

On September 6, 2009, when my husband stabbed me multiple times while I was sleeping, I thought that I was really going to die. I also feared that my daughters were also attacked because they slept next to me in the bedroom. I was relieved to find that they were not. I thank God that I did not die from this abuse because I was worried about my children and feared that no one will take care of them. The wounds from the stabbings were deep but no longer hurt, however I am still healing from the emotional affect of what my husband did to me, and my children are suffering as well. I've had to move to a different home because my children and I

were scared to sleep in the bedroom where I was stabbed, and my 14 year old daughter has had a difficult time focusing in school. I am always afraid that my husband is out from prison without my knowing and is around the neighborhood. I am always hiding in the house and have to make sure that the doors are always locked.

After the attack and during my hospitalization, an Advocate from DVAC came to the hospital to check in on me. The advocate spoke Filipino, and so I was comfortable in talking about what happened. The advocate provided me DV education, advocacy in Family and Criminal court, and also connecting me with financial, social, and educational resources for me and my children. I am thankful for my advocate because she is able to accommodate to me. Since I am still healing from the stabbing wounds, she will come to my house to meet with me. My advocate is my support and she is the first one I call if I need help with anything. I will also be receiving legal services through DVAC for my divorce.

The help that I received from DVAC is a gift to me and my children. Without my advocates, I will have just gone back to my abusive husband and forgave him for what he did. I have been empowered by this agency, and I am hopeful that one day my scars and fears will disappear.

I support the bill SB 1073 and I urge you to pass this bill so people like me with no financial means can continue to receive both legal and advocacy assistance from agencies like the Domestic Violence Action Center.

Sincerely yours,

Mary Grace Sol

Representative Marcus Oshiro  
Chair, House Committee on Finance  
Hawaii State Capitol, Room 306  
Re: S.B. 1073, S.D.2, H.D.1 Relating to Surcharge for Indigent Legal Services  
Hearing: March 30, 2011, 1:00 pm, House Committee on Finance

Dear Chair Oshiro and Members of the Committee on Finance

My name is Annabelle Tibar-Tamura. I moved to Hawaii last August 10, 2010. I was born and raised in the Philippines and also finished a Bachelor's degree in a university. I moved to Hawaii through a fiancée visa and eventually married the man I thought was a dream come true but instead had a life that was unbearable.

I suffered physical, sexual, financial, verbal, and emotional abuse. I submitted myself to my husband and did the best I could to save our marriage but was unsuccessful. I tried my hardest to please him. I cooked his meals, cleaned our home, washed his car, ironed his clothes and even bathed him although he is able-bodied. I shined his shoes, put belt on his pants, everything I could do but it was not good enough for him. He called me names such as stupid, dumb, crazy, and incompetent. He called a monkey and that I should go back to the Philippines where monkeys abound.

I was subjected to his daily verbal abuse. I was sad and depressed and began to lose weight. I cried and cried and I had no one but myself. My abuser also forced me to watch pornographic materials despite my objection. He would get angry at me all the time. He asked me to sign a pre-nuptial agreement. He instructed me to kneel before and asked me to beg him to marry me.

My suffering continued. His physical abuse increased in frequency. He punched my leg, twisted my arms, kicked and sexually assaulted me. He forced me to drink pills which he said would help with my depression and later found out they were pills prescribed to him. My life was a living hell. I managed to call the Philippine Consulate and told them what I was going through. They gave me the Domestic Violence Action Center phone number.

I called the following day and I was able to talk to one of the advocates who spoke my language. She is very supportive of me, and asked me information about my husband and what I was going through. From then on I always communicated with her, and she always asked me about my safety. At that time I was so scared, always having second thought of leaving because I didn't have money and I was scared about my status here in America...

I called 911 and Honolulu Police Department advised me to file a restraining order against my husband. I had no money to get my own lawyer but the Domestic Violence Action Center provided me with an attorney without paying anything. I was so happy and grateful. I did not know there is an agency like DVAC who offer their support and legal expertise considering I have no financial means.

The help I received from DVAC is enormous and I would not have gone this far in making the decision to leave the abusive relationship if I did not feel supported by my community and agency like the Domestic Violence Action Center.

I support the bill SB 1073 and I urge you to pass this bill so people like me with no financial means can continue to receive both legal and advocacy assistance from agencies like the Domestic Violence Action Center.

Respectfully yours,

Annabelle Tibar-Tamura

Representative Marcus Oshiro  
Chair, House Committee on Finance  
Hawaii State Capitol, Room 306

Re: S.B. 1073, S.D.2 , H.D.1 Relating to Surcharge for Indigent Legal Services  
Hearing: March 30, 2011, 1:00 pm, House Committee on Finance

Dear Chair Oshiro and Members of the Committee on Finance:

I am Ellen Amero, a survivor of domestic violence. I am originally from the Philippines and I am not proficient in the English language. My inability to understand English fully well combined with my limited knowledge of the legal system and culture in the United States became to be the platform of my husband to exercise his power and control over me. I arrived on Oahu, Hawaii with a fiancée visa and the marriage which I thought made in heaven turned into a nightmare.

I became the object of my husband's anger without any provocation. During our marriage, he started to call me names like stupid, idiot, and dumb. He swore at me daily. I did not even know what they meant until I reached out to fellow-Filipinos I met in my church. My husband never gave me money to buy food. I was his sex object. He told me that I should always be ready for his consumption. Each time I refused, he called me names and would hurt me physically that giving in to what he wanted became my only choice to remain safe. He would humiliate me and throw dollar bills at me as compensation. He accused me of stealing his collection of coins. He got upset each time I disagreed with his opinion. He physically abused me. He strangled, pushed, and grabbed me in a locked position several times. He even convinced me that if I call 911, I would automatically be deported. So I never did. I remember being very afraid of what might happen to me. If I get deported back to the Philippines, I will also put my entire family's name to shame. My husband also never filed the documents to legalize my stay here.

The last incident of abuse happened on the night he strangled me and this was when I decided to run away from the man I thought loved and respected me. I managed to get on a bus and went to a friend's house. They were the ones who called the police and helped me report the abuse. The police told me to call the Domestic Violence Action Center for help. I called their helpline and was immediately given an advocate who spoke my language. She helped me find a place to stay. Domestic Violence Action Center provided me with free legal representation during the Temporary Restraining Order to Show Cause Hearing. They also helped me with my divorce.

I was penniless. I had no legal status and was considered an undocumented person. The agency understood my situation and waived every fee related to my legal/advocacy services. Therefore, I strongly support SB 1073 as it helped me get the legal services I needed. Domestic Violence Action Center is my family. They were the only one I had here back then. I know that many women would benefit with the passage of this bill. We need an agency like the Domestic Violence Action Center. I hope that they are able to continue their work in helping abused women get the legal and advocacy assistance they need to be free from abuse. If not because of the options I learned from my advocate and attorney, I would have not been able to get knowledgeable in making a sound decision. Because of their help and legal assistance, I felt empowered and supported. The Domestic Violence Action Center saved my life!

It was a very long legal process for me, both divorce and immigration. But now, I am safe, free from abuse and a legal resident of the United States of America. I am now living the American Dream.

Thank you for the opportunity to testify.

ELLEN AMERO

COMMITTEE ON FINANCE  
Representative Marcus R. Oshiro, Chair  
Representative Marilyn B. Lee, Vice Chair  
State Capitol  
Honolulu, Hawaii

RE: SB 1073, SD2, HD1, (HSCR1048)/Surcharge for Indigent Legal Services

OPPOSITION TO BILL

HOUSE FINANCE COMMITTEE

HEARING: March 30, 2011 (Wednesday) @ 1:00pm

Dear Representative Marcus R. Oshiro and House Finance Committee Members:

Please note my objection against this Bill, SB 1073, for the following reasons:

I am an attorney who has practiced in this State for 33 years and handle primarily collect cases mainly in the District Courts.

Plaintiffs, as much as people want to vilify them, are an important entity in the economy of this State. While they are viewed as that "villain" taking the little guy to Court or "to the cleaners" unjustly, they are also: a Mom & Pop grocery store in Wailuku; a small business owner selling shave ice in Moiliili; a Chinatown restaurant; a Waianae drive-inn restaurant; a Waipahu bike shop; a Kakaako mechanic; a Kalihi dry cleaner; and many others trying to make an honest living. They are the life blood of this island, yet they are cast as the "enemy" because they want to be paid for the goods and services they provided someone who failed to be honorable and pay for what they received. Are we to wait until they become "debtors" before we embrace them for the goods and services they used to provide?

In the last 10-15 years I have not seen any indigent legal services providers assisting people in civil assumpsit cases (money matters) in District Court. Legal Aid Society of Hawaii (LASH) tried to establish an illegal presence in the courts by setting up shop in the courtroom to assist eviction matters but was finally removed. Even when they intervened in an eviction matter they would not enter an official appearance as counsel of record for the debtor and merely acted as an unrecorded advisor. They would not handle the case if it went to trial and therefore were more of a hindrance than a help to the court system.

Now the major question to be asked is, if LASH, who would be the major recipient of the surcharge, does not do any significant work in the court system other than in the field of Family/Domestic Abuse, why are the people utilizing the civil court system for monetary issues (assumpsit cases) being forced to support Family Court/Domestic Abuse cases? Why isn't the surcharge being paid by the group involved with the aligned



services (Family Court/Domestic Abuse)? Why are they going after the business population in the assumpsit cases who have nothing to do with Family Court/Domestic Abuse?

The cases filed in the District Court civil section in 2010 exceeded 20,000. These cases are not in the field of Family Court/Domestic Abuse, yet funding is being sought from them. They are the cash cow indigent service providers seek to milk. If you look at the chart/graph provided by the legal services providers in 2007, over fifty per cent (50%+) of their monetary distribution goes towards Family/Domestic Violence matters, and only six (6%) goes for Financial/Consumer protection matters. Yet they seek to get funding from a segment of the population that they rarely provide services for. This is stealing from those who work hard to provide goods and services to the people of Hawaii. This is wrong!

In Hawaii and nationally only about 10-15% of cases filed for monetary issues are recovered in whole or in part, so that means that between 85-90% of all cases are just pieces of paper. As of September 30, 2010 (a nine month period) 88 credit unions statewide charged-off 31.5 million dollars, and only recovered 5 million dollars, which is 15%. That means they failed to recover 26.5 million dollars. Do you want them to suffer more loss by subjecting them to a surcharge to rightfully collect money owed to them?

All these Indigent Legal Service providers are non-profit organizations and receive funding from donations and grants from individuals and organizations. This surcharge is forcing a certain segment of the population to fund them. It's incredulous that the State can think of passing a bill to force someone to make contributions to NON-PROFIT ORGANIZATIONS. What is to prevent another organization, such as the American Heart Association, to seek similar legislation to fund their programs; why not the American Cancer Association; how about the Boy Scouts of America; how about the Lupus Foundation of Hawaii.? The list goes on and on. Are we to legislate forced contribution on the justification that it's for a worthy NON-PROFIT cause?

While we in the legal community understand that there is a need to help those less fortunate this is not the way to go about it. The argument by LASH that everybody should pay their fair share in the indigent legal surcharge fund doesn't have merit as the bill only targets a specific segment of the population...those that are attempting to recover money for the goods and services they have not been paid for. These people have suffered loss of income and now must fund indigent legal service providers also!

As Legislators you have the responsibility to look after ALL the people of this State and not just a small group such as those seeking the windfall to be generated by this Bill. Hawaii is struggling economically and businesses are struggling as well, so to single them out to bear the burden of the beneficiaries of this Bill is unjust. These agencies receive funding from the State and while it may not be what they want they shouldn't get more than their fair share by circumventing the system via this Bill, which in essence is a "TAX" on only a specific segment of the population. This is DISCRIMINATION at it's worst. The life blood of this State's economy is through the sweat and efforts of the very

people or business' this Bill if targeting.... SMALL BUSINESS-PEOPLE. Why punish them for keeping the State's economy going?

I respectfully ask that this Bill (SB 1073) not be passed and that the economic impact the small business-people in this State have on our economy be recognized and that they praised, and not razed.

ALLAN Y. OKUBO, ESQ.  
P.O. Box 10225  
Honolulu, HI 96816  
Phone: (808) 735-6582

March 29, 2011

TO: Representative Marcus R. Oshiro, Chair, Finance  
Committee  
Representative Marilyn B. Lee, Vice Chair, Finance  
Committee

FROM: Aviam Soifer, Dean and Professor, William S. Richardson  
School of Law, University of Hawai'i

HEARING DATE/TIME: Wednesday, March 30, 2011, 1:00 p.m., Conf. Room 308

MEASURE NUMBER: Testimony in Support of SB 1073, SD2, HD1, RELATING  
TO SURCHARGE FOR INDIGENT LEGAL SERVICES,  
Amending HRS Section 607-5.7

SUBMITTED BY E-MAIL: [FINtestimony@capitol.hawaii.gov](mailto:FINtestimony@capitol.hawaii.gov)

I enthusiastically support SB 1073, SD2, HD1 which amends HRS Section 607-5.7 to provide amended surcharge fees on various court filings in our Hawai'i State Court system under the "Indigent Legal Assistance Fund" ("ILAF") set forth in HRS Section 607-5.7. I am the Dean and a Professor of Law at the William S. Richardson School of Law, University of Hawai'i; a member of the Hawai'i Access to Justice Commission, and the Chairperson of that Commission's Committee on Education, Communications and Conference Planning, but I am providing testimony only in my personal capacity and not on behalf of any other person or entity.

I have been involved in efforts to increase access to justice for our most vulnerable citizens throughout my professional career, and I have been acutely aware of the severe shortfall in according such access in our state since my sabbatical year here in 1999-2000 and, particularly, since I moved to Hawai'i permanently and began as Dean in the summer of 2003. The survey work and the extensive report done by the Access to Justice Hui in 2007 helped lead to the creation of the Access to Justice Commission in 2008 and underscored the severe gap between needs and services in our state. The underfunding of basic legal services only has become more severe since the substantial economic downturn began in 2008. The work of the Access to Justice Commission underscores the severity of the increasing gap we face in protecting the legal rights and benefits of those among us who are most in need.

Hawai'i can be rightfully proud of the excellent work done by the many remarkably committed and skilled lawyers and their staff members who serve those who most need legal help but who are unable to afford it. I am particularly proud that the students and faculty at our Law School do such a great deal of public interest work themselves through our clinics, our mandatory pro bono program, and in a myriad of other ways. Yet the

lack of even minimally adequate funding for basic legal services in our state has exacerbated the problems faced daily by the many who are poor and vulnerable among us. This ILAF amendment will do a great deal to help protect the people of Hawai'i most in need of legal assistance. I strongly urge its passage.

Please let me know if additional details or different information might be of use to you by contacting me at: 956-6363 or via e-mail at: [soifer@hawaii.edu](mailto:soifer@hawaii.edu).

Thank you.

My name is Calvin Pang, and I write in support of SB 1073, SD 2, HD 1.

I serve on the boards of the Legal Aid Society of Hawai'i and Lawyers for Equal Justice, and was a member of the Access to Justice Hui whose work resulted in the creation of the state's Access to Justice Commission. I presently serve on the Commission's committee that works to reduce cultural and language barriers to access to justice.

Expanding the ILAF is one of the few practical and concrete ways of increasing funding to local legal service provider organizations that serve the poor. These providers toil daily to bring justice for those who would otherwise have no access to professional legal help. They accept salaries far below market because they believe in the promise of justice for all. Their positions and, in turn, their work are seriously threatened by significant cuts to their funding.

I wish you could observe these professionals do their daily work. It is not glamorous and can be discouraging. But almost every one of them will talk about the rewards of saving homes, helping to put food on the table, securing employment, and ensuring other basic features of a dignified life. These are great people who don't ask for much except for the opportunity to keep doing their brave and necessary work.

I understand the complaints about raising surcharges. They'll make certain lawsuits more expensive to bring, and no one likes to pay more for anything. But the proposed surcharge increases are modest and represent the first raises in well over a decade. Moreover, in many of these cases, successful plaintiffs will be able to request a recovery of their costs and even attorney fees.

Most importantly, the modest increases proposed in this bill will enable legal service providers to continue their work and help our justice system fulfill its responsibility of ensuring justice to all, including the poorest and most vulnerable in our community.

Please pass this important measure. However, I respectfully urge this committee to strike the sunset provision in the current draft.

Thank you for the opportunity to submit this testimony.

March 28, 2011

**VIA FAX (586-6001)**

Representative Marcus Oshiro  
Chair, House Committee on Finance  
Hawaii State Capitol, Room 306  
Honolulu, HI 96813

Re: S.B. 1073, S.D.2, H.D. 1 (Indigent Legal  
Assistance Fund)

Hearing: March 30, 2011, 1:00 p.m.

Dear Chair Oshiro and Members of the Committee on Judiciary:

I write to urge the passage of the S.B. 1073, which would increase surcharges for certain district, circuit and appeals court filings in civil matters.

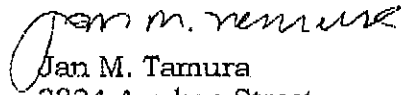
I am a member of the Hawaii bar and a former shareholder and of counsel to a Honolulu law firm. During my over twenty five years of practice in Hawaii, I have had the privilege of serving on numerous non-profit boards and committees as well as the honor of representing clients *pro bono* in family court and other matters. The agencies I have worked with, including the Hawaii Immigrant Justice Center at Legal Aid Society of Hawaii (fka Na Loio), Volunteer Legal Services of Hawaii and the Domestic Violence Action Center, are true guardians of justice for the abused, enslaved, underserved, marginalized, homeless, and poor (including those who work but simply cannot afford a lawyer - *any* lawyer). Their staff and volunteers work tirelessly and provide assistance with care and compassion. Their work is absolutely critical to ensuring that as many of residents in our community, including many constituents of members of your Committee, have equal access to the legal remedies and protections offered by our system of justice and to important information that will enable them, and their children, to survive.

No doubt, those charged with the welfare of our beloved State, including each of you as elected representatives, are being called upon to make extremely difficult decisions about how, and in certain cases whether, to continue supporting a broad range of programs and services. S.B. 1073, Draft 2 provides a viable and equitable mechanism to enhance the already crippled capacity of our legal services organizations. I applaud the bill's intent - to generate more revenue that can be used to increase or at least reinstate desperately needed services by implementing a relatively modest increase in filing fees and requiring a group of high-use litigants previously exempted from filing fees (such as those filing collection actions) to share in the burden currently carried by others. At the same time, I respectfully ask that the sunset provision be stricken from the legislation.

Representative Marcus Oshiro  
March 28, 2011  
Page 2 of 2

Thank you very much for allowing me to comment on S.B. 1073. If you have any questions please feel free to contact me.

Respectfully yours,



Jan M. Tamura  
3834 Anuhea Street  
Honolulu, HI 96813  
(808) 497-4052

March 29, 2011

Representative Marcus Oshiro  
Chair, House Committee on Finance  
Hawaii State Capitol, Room 306

RE: Support of S.B. 1073

Dear Chair Oshiro and Members of the Committee on Judiciary:

Thank you for the opportunity to submit written testimony in favor of S.B. 1073. I support S.B. 1073 for the reasons set forth below:

- The increase in filing fees is nominal compared to the costs of providing civil legal services to indigent persons. The \$40.00 increase of the filing fee surcharge for the indigent legal assistance fund (from \$25.00 to \$65.00) for circuit court and appellate filings and the \$25.00 increase of the surcharge (from \$10.00 to \$35.00) in district court cases is small when compared to the actual cost of providing services, which I understand to be approximately \$120-\$145 for a typical district court case and \$275-\$315 in a typical circuit court case.
- Without access to legal representation, low income people are deprived of access to legal services, which impacts a myriad of critical human needs such as housing, employment, medical care, consumer protection, protection of family and against domestic violence, and reasonable accommodations for disabilities. Access to legal recourse is a foundation of civil society and American democracy. This affects all of us.
- The number of people living in Hawai'i below 125% of the federal poverty guidelines has increased dramatically since 2007. For this group earning less than \$31,692 annually, for a family of four, the numbers rose from 156,321 to 172,862, and the number of those between 125 - 149% of the federal poverty guidelines rose from 38,499 to 45,392. These are the vulnerable in our community. They do not have the financial resources to retain an attorney. This affects more than the accounting ledgers and money in one's business account. These are the people whose life needs are critical and about daily survival. The emotional turmoil they face cannot be measured by mere dollars.
- The proposed legislation corrects a problem that has been festering for 15 years. Nonprofit organizations including the Domestic Violence Action Center, Hawaii Disability Rights Center, Legal Aid Society of Hawaii, Mediation Center of the Pacific, Native Hawaiian Legal Corporation, University of Hawaii Elder Law Program, and Volunteer Legal Services Hawaii, along with the dedication of their volunteers, have labored unwaveringly to provide the needed representation.



- The modest surcharge increase will promote access to justice for all citizens of Hawaii. This is not a competition as to whether laying off workers (which some opponents claim will be a result of the surcharge increase) is more or less important than protecting someone from being evicted from her home. This bill proposes a solution to the crisis for the decrease in available funding for legal service providers.

Again, I appreciate the opportunity to comment regarding this important legislation.

Yours truly,

Jodi Shin Yamamoto

THE HOUSE OF REPRESENTATIVES  
STATE OF HAWAII  
REGULAR SESSION OF 2011

**COMMITTEE ON FINANCE**

Rep. Marcus Oshiro, Chair  
Rep., Vice Chair

Hearing: Wednesday, March 30, 2011

Time: 1:00 p.m.

Place: Room 306, State Capitol

**TESTIMONY OF LOWELL CHUN-HOON**

**RE: SB 1073, SD 2, HD 1**

Chair Oshiro, Vice Chair , Members of the Committee:

Thank you for the opportunity to present testimony regarding SB 1073, SD 2, HD1. I wish to testify in support of the measure.

I am a union side labor lawyer who has practiced in this community for more than three decades.

## FINTestimony

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From: mailinglist@capitol.hawaii.gov  
Sent: Monday, March 28, 2011 5:52 PM  
To: FINTestimony  
Cc: mpoirier808@gmail.com  
Subject: Testimony for SB1073 on 3/30/2011 1:00:00 PM

Testimony for FIN 3/30/2011 1:00:00 PM SB1073

Conference room: 308  
Testifier position: support  
Testifier will be present: No  
Submitted by: Marion G. Poirier, M.A., R.N.  
Organization: Individual  
Address:  
Phone:  
E-mail: [mpoirier808@gmail.com](mailto:mpoirier808@gmail.com)  
Submitted on: 3/28/2011

Comments:  
Chair Oshiro, Vice Chair Lee, and Members of the House Committee on Health:

I am Marion G. Poirier, M.A., R.N., and am providing this testimony in SUPPORT of S.B. 1073, S.D. 2, H.D. 1 Relating to Surcharges for Indigent Legal Services.

As a member of the Board of Directors of the Hawaii Disability Rights Center, I am clearly aware that we need to improve our capabilities to serve indigent clients who have, in particular, mental illnesses. There are various agencies poised to do this type of legal work as well. More resources are needed. This bill will be of valuable assistance to organizations in their missions to provide legal assistance for indigent clients.

Please pass this bill. It will help Hawaii to the right thing for people without resources for the legal assistance that they need.

Thank you very much.

Signed Marion G. Poirier, M.A., R.N.

## FINTestimony

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 28, 2011 6:54 PM  
**To:** FINTestimony  
**Cc:** jtkent@gmail.com  
**Subject:** Testimony for SB1073 on 3/30/2011 1:00:00 PM

Testimony for FIN 3/30/2011 1:00:00 PM SB1073

Conference room: 308  
Testifier position: support  
Testifier will be present: No  
Submitted by: Jeff Kent  
Organization: Individual  
Address:  
Phone:  
E-mail: [jtkent@gmail.com](mailto:jtkent@gmail.com)  
Submitted on: 3/28/2011

Comments:

LAWRENCE N. C. ING  
DAVID M. JORGENSEN

BRADFORD R. ING

2145 WELLS STREET, SUITE 204  
WELLS STREET PROFESSIONAL CENTER  
WAILUKU, MAUI, HI 96793-2222  
(808) 242-4555 • FAX (808) 244-6964  
dave@ihj-law.com

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Rep. Marcus R. Oshiro, Chair  
Rep. Marilyn B. Lee, Vice Chair  
HOUSE FINANCE COMMITTEE

RE: SB 1073 RELATING TO A SURCHARGE FOR INDIGENT LEGAL SERVICES

Hearing Date: 3-30-11

Hearing Time: 1 pm

Place: Conference Room \_\_\_\_\_  
State Capitol, 415 South Beretania Street, Honolulu

**POSITION: NOT IN SUPPORT**

Dear Committee Chair, Vice-Chair & Members:

The current filing fees in District and Circuit Courts are \$120.00 and \$275.00 respectively. To increase the indigent fee from \$10.00 to \$35.00 in District Court and from \$25.00 to \$65.00 in Circuit Court will place an undue burden on those utilizing the court system to resolve legal disputes.

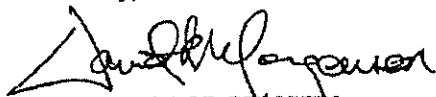
Anytime filing fees are increased, barriers are created that may prevent some people from having access to the courts, especially those who can least afford to seek access to our justice system. This is not only unfortunate – it is wrong. Making the court system less accessible will not benefit the parties in any way.

This proposed surcharge not only taxes access to the state courts and justice with no rational relationship to the institutions it purports to benefit, it will unfairly and unjustly tax only a small segment of the population. Should the Legislature approve the proposed legislation, this small segment of our residents will end up paying a large share of the operational budgets for these non-profit legal services groups.

During these tough economic times, the last thing Hawai'i should do is force its residents, especially financially struggling residents, to pay an increase in fees in order to gain access to the state court system. Also, for small businesses which seek to gain access to the courts, such a hike will result in taking much-needed resources away from those local businesses, inevitably causing them to reduce wages, lay off workers, file for bankruptcy relief or even worse, close their doors entirely.

I respectfully urge you to not support this legislation at this time.

Sincerely,



DAVID M. JORGENSEN

Dave/Letters/General/Senate – Collection legislation (02-05-11)



- Rep. Marcus R. Oshiro, Chair
- Rep. Marilyn B. Lee, Vice Chair
- HOUSE FINANCE COMMITTEE

RE: **SB 1073 RELATING TO A SURCHARGE FOR INDIGENT LEGAL SERVICES**

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I humbly urge you to not support this legislation at this time.

Sincerely,



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MEMBER  
HAWAIIAN COLLECTORS ASSN  
AMERICAN COLLECTORS ASSN

Rep. Marcus R. Oshiro, Chair  
Rep. Marilyn B. Lee, Vice Chair  
HOUSE FINANCE COMMITTEE

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I humbly urge you to not support this legislation at this time.

  
M.H. Kobayashi  
President

# Shore to Shore REALTY, INC.

Rep. Marcus R. Oshiro, Chair  
Rep. Marilyn B. Lee, Vice Chair  
HOUSE FINANCE COMMITTEE

RE: **SB 1073 RELATING TO A SURCHARGE FOR INDIGENT LEGAL SERVICES**

Hearing Date: 3/30/11

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I humbly urge you to not support this legislation at this time.

Sincerely,  
At Inamura, Principal Broker



Telephone (808) 244-7142 Fax (808) 242-2751  
331 Ho'okahi St., Suite 202 • Wailuku, Maui, Hawaii 96793

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30 Puunene Avenue, Suite 102 | Kahului, HI 96725  
T: 808/877-7073 | F: 808/877-6162

Rep. Marcus R. Oshiro, Chair  
Rep. Marilyn B. Lee, Vice Chair  
HOUSE FINANCE COMMITTEE

## SB 1073 RELATING TO A SURCHARGE FOR INDIGENT LEGAL SERVICES

Hearing Date: 3/30/11

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I humbly urge you to not support this legislation at this time.

Sincerely,



Anthony Levo, III, RPA®, R(S)  
President



# PEAKE // LEVOY

COMMERCIAL REAL ESTATE SERVICES

80 Puunene Avenue, Suite 102 | Honolulu, HI 96727

T: 808/877-7073 | F: 808/877-6162

Rep. Marcus R. Oshiro, Chair  
Rep. Marilyn B. Lee, Vice Chair  
HOUSE FINANCE COMMITTEE

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I humbly urge you to not support this legislation at this time.

Sincerely,



Graham C. Peake, CPM, CCIM, R  
Principal Broker





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SALES SPECIALISTS - VACATION AND LONG TERM RENTALS

Rep. Marcus R. Oshiro, Chair  
Rep. Marilyn B. Lee, Vice Chair  
HOUSE FINANCE COMMITTEE

RE: **SB 1073 RELATING TO A SURCHARGE FOR INDIGENT LEGAL SERVICES**

Hearing Date: 3/30/11

Hearing Time: 1:00

Place: Conference Room  
State Capitol, 415 South Beretania Street, Honolulu

**POSITION: NOT IN SUPPORT**

Dear Committee Chair, Vice-Chair & Members:

The current filing fees in District and Circuit Courts are \$120.00 and \$275.00 respectively. To increase the indigent fee from \$10.00 to \$35.00 in District Court and from \$25.00 to \$65.00 in Circuit Court will place undue burden on those utilizing the court system to resolve legal disputes.

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During these tough economic times, the last thing Hawai'i should do is force its residents, especially financially struggling residents, to pay an increase in fees in order to gain access to the state court system. Also, for small businesses which seek to gain access to the court system, such a hike will result in taking much-needed resources away from our local businesses, inevitably causing them to reduce wages, lay off workers, file for bankruptcy relief or even worse, close their doors entirely.

I humbly urge you to not support this legislation at this time.

Sincerely,

James L. Worley  
Principal Broker/Owner



Kihei Office: 1993 S. Kihei Road, Kihei, Maui, Hawaii 96753 (808) 879-4416 Fax (808) 879-2790





320 Uunuu Street, Suite 5  
Mailing Address:  
P.O. Box 1187  
Kaliua, Hawaii 96734  
Telephone: (808) 266-2020  
Fax: (808) 266-2049

Rep. Marcus R. Oshiro, Chair  
Rep. Marilyn B. Lee, Vice Chair  
HOUSE FINANCE COMMITTEE

RE: **SB 1073 RELATING TO A SURCHARGE FOR INDIGENT LEGAL SERVICES**

Hearing Date: 3/30/11

Hearing Time: 1pm

Place: Conference Room \_\_\_\_\_  
State Capitol, 415 South Beretania Street, Honolulu

**POSITION: NOT IN SUPPORT**

Dear Committee Chair, Vice-Chair & Members:

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I humbly urge you to not support this legislation at this time.

Sincerely,

Genevieve Freeman  
President



VICTORIA AH QUIN  
1221 KAPIOLANI BOULEVARD, SUITE 245  
HONOLULU, HI 96814

Rep. Marcus R. Oshiro, Chair  
Rep. Marilyn B. Lee, Vice Chair  
HOUSE FINANCE COMMITTEE

RE: **SB 1073 RELATING TO A SURCHARGE FOR INDIGENT LEGAL SERVICES**

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Sincerely,

*Victoria Ah Quin*

VICTORIA AH QUIN

JULIE-BETH GALEON  
1221 KAPIOLANI BOULEVARD, SUITE 245  
HONOLULU, HI 96814

Rep. Marcus R. Oshiro, Chair  
Rep. Marilyn B. Lee, Vice Chair  
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RE: **SB 1073 RELATING TO A SURCHARGE FOR INDIGENT LEGAL SERVICES**  
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Sincerely,

  
JULIE-BETH GALEON

493 Pualani Street  
Wailuku, HI 96793

Rep. Marcus R. Oshiro, Chair  
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RE: **SB 1073 RELATING TO A SURCHARGE FOR INDIGENT LEGAL SERVICES**

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Sincerely,



ANN Y. ARAKI

Renee A Matsui  
395 Elilani Street  
Pukalani, HI 96768

Rep. Marcus R. Oshiro, Chair  
Rep. Marilyn B. Lee, Vice Chair  
HOUSE FINANCE COMMITTEE

RE: **SB 1073 RELATING TO A SURCHARGE FOR INDIGENT LEGAL SERVICES**

Hearing Date: 3/30/2011

Hearing Time: 1:00 PM

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I humbly urge you to not support this legislation at this time.

Sincerely,



Renee A Matsui



STEPHEN E. PIKE  
ARAKI-REGAN & ASSOCIATES, LLC  
1823 Wells Street, Suite 2A  
Wailuku, HI 96793

Rep. Marcus R. Oshiro, Chair  
Rep. Marilyn B. Lee, Vice Chair  
HOUSE FINANCE COMMITTEE

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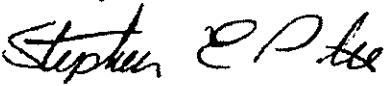
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STEPHEN E. PIKE

**CHRISTOPHER R. DANG**  
1823 Wells Street, Suite 2A  
Wailuku, Hawaii 96793

Rep. Marcus R. Oshiro, Chair  
Rep. Marilyn B. Lee, Vice Chair  
HOUSE FINANCE COMMITTEE

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CHRISTOPHER R. DANG

**ROWENA D. SEEVERS**  
1823 Wells Street, Suite 2A  
Wailuku, HI 96793

Rep. Marcus R. Oshiro, Chair  
Rep. Marilyn B. Lee, Vice Chair  
HOUSE FINANCE COMMITTEE

RE: **SB 1073 RELATING TO A SURCHARGE FOR INDIGENT LEGAL SERVICES**

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Rowena D. Seavers

- Rep. Marcus R. Oshiro, Chair
- Rep. Marilyn B. Lee, Vice Chair
- HOUSE FINANCE COMMITTEE

RE: **SB 1073 RELATING TO A SURCHARGE FOR INDIGENT LEGAL SERVICES**

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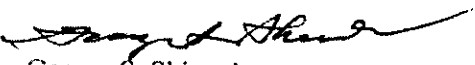
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I humbly urge you to not support this legislation at this time.

Sincerely,

  
George S. Shimada  
Chairman of the Board

Serving the debt collection needs of Hawaii since 1954

FRED K. ARAKI  
493 Pualani Street  
Wailuku, HI 96793

Rep. Marcus R. Oshiro, Chair  
Rep. Marilyn B. Lee, Vice Chair  
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JO-ANN JOAN  
106 Nanaina St  
Pukalani Hi, 96768

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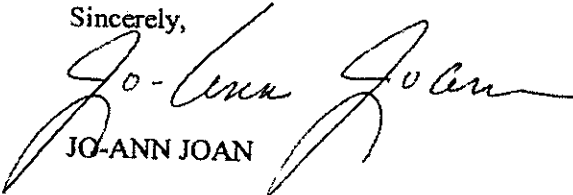
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JO-ANN JOAN

MICHELLE OTANI  
PO BOX 1074  
WAILUKU, HI 96793

Rep. Marcus R. Oshiro, Chair  
Rep. Marilyn B. Lee, Vice Chair  
HOUSE FINANCE COMMITTEE

RE: **SB 1073 RELATING TO A SURCHARGE FOR INDIGENT LEGAL SERVICES**

Hearing Date: 3/30/2011

Hearing Time: 1:20 PM

Place: Conference Room  
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MICHELLE OTANI

DONALD MEDINA  
PO BOX 1074  
WAILUKU, HI 96793

Rep. Marcus R. Oshiro, Chair  
Rep. Marilyn B. Lee, Vice Chair  
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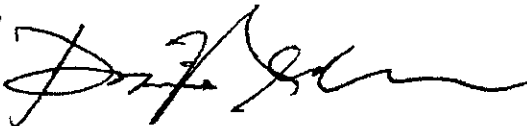
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DONALD MEDINA



CAROL M. A. AKIMA  
P O Box 285  
Wailuku, HI 96793

Rep. Marcus R. Oshiro, Chair  
Rep. Marilyn B. Lee, Vice Chair  
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CAROL M. A. AKIMA

KAREN FERGUSON  
P O BOX 863  
KIHEI, MAUI, HI. 96753

Rep. Marcus R. Oshiro, Chair -  
Rep. Marilyn B. Lee, Vice Chair -  
HOUSE FINANCE COMMITTEE -  
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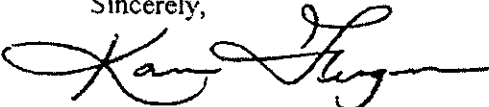
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This proposed surcharge not only taxes access to the state courts and justice with no rational relationship to the institutions it benefits, it is unfairly and unjustly taxing only a small segment of the population. Should the Legislature approve the proposed legislation, this small segment of our residents will end up paying a large share of the operational budgets for these non-profit legal services groups.

During these tough economic times, the last thing Hawai'i should do is force its residents, especially financially struggling residents, to pay an increase in fees in order to gain access to the state court system. Also, for small businesses which seek to gain access to the court system, such a hike will result in taking much-needed resources away from our local businesses, inevitably causing them to reduce wages, lay off workers, file for bankruptcy relief or even worse, close their doors entirely.

I humbly urge you to not support this legislation at this time.

Sincerely,



KAREN FERGUSON

MIKE AMBY  
23 KAIKAI ST  
WAILUKU, HI 96793

Rep. Marcus R. Oshiro, Chair  
Rep. Marilyn B. Lee, Vice Chair  
HOUSE FINANCE COMMITTEE

RE: **SB 1073 RELATING TO A SURCHARGE FOR INDIGENT LEGAL SERVICES**

Hearing Date: 3/30/2011

Hearing Time: 1 PM

Place: Conference Room  
State Capitol, 415 South Beretania Street, Honolulu

**POSITION: NOT IN SUPPORT**

Dear Committee Chair, Vice-Chair & Members:

The current filing fees in District and Circuit Courts are \$120.00 and \$275.00 respectively. To increase the indigent fee from \$10.00 to \$35.00 in District Court and from \$25.00 to \$65.00 in Circuit Court will place undue burden on those utilizing the court system to resolve legal disputes.

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Sincerely,

  
MIKE AMBY

MADELINE GARCIA  
PO BOX 1074  
WAILUKU, HI 96793

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Rep. Marilyn B. Lee, Vice Chair —  
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MADELINE GARCIA

CAROL HIWATASHI  
PO BOX 1074  
WAILUKU, HI 96793

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CAROL HIWATASHI

RODNEY USHIRO  
PO BOX 1074  
WAILUKU, HI 96793

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Sincerely,

  
RODNEY USHIRO

JOEL ACOSTA  
2140 Kahawai Street  
Wailuku, HI 96793

Rep. Marcus R. Oshiro, Chair -  
Rep. Marilyn B. Lee, Vice Chair -  
HOUSE FINANCE COMMITTEE -  
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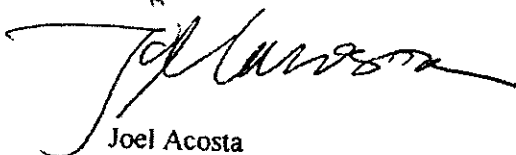
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Sincerely,



Joel Acosta

JUDITH TOM  
PO BOX 1074  
WAILUKU, HI 96793

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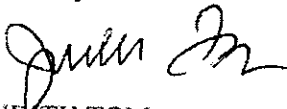
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# MOLOKAI COMMUNITY FEDERAL CREDIT UNION

P.O. Box 1888, Kaunakakai, Hawaii 96748 (808)553-5328 FX: (808)553-3830

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Alli-Ann M. Alcon  
Collections & Operations Manager