

**Testimony for SB1073\_SD2**

Wayne Tanaka [wctanaka@gmail.com]

**Sent:** Tuesday, March 15, 2011 9:26 AM**To:** JUDtestimony

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 Attached is testimony from Wayne Tanaka in strong support of S.B. 1073, S.D.2:
**Measure:** S.B. 1073, S.D.2 Relating to Surcharge for Indigent Legal Services**Hearing:** March 15, 2011, 2:00 pm, House Committee on Judiciary

Representative Gil Keith-Agaran  
 Chair, House Committee on Judiciary  
 Hawaii State Capitol, Room 302

**LATE TESTIMONY**

Dear Chair Keith-Agaran and Members of the Committee on Judiciary:

I am writing in support of S.B. 1073.

- **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).
- **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.
- **The proposed legislation corrects a problem that has been festering for 15 years.** Nonprofit organizations such as:

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

Volunteer Legal Services Hawaii

along with the dedication of their volunteers have labored unwaveringly to provide the needed representation.

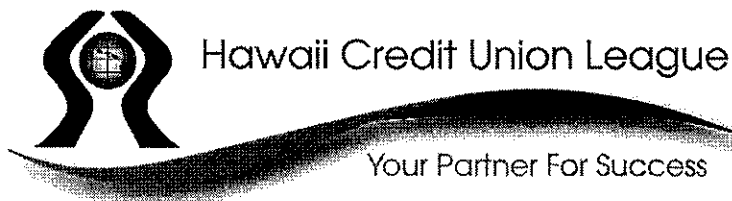
- **The modest surcharge increase will promote access to justice for all citizens of Hawaii.** This is not a competition as to whether laying off workers (which some opponents claim will be a result of the surcharge increase) is more or less important than protecting someone from being evicted from her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

Thank you for the opportunity to comment,

Wayne Tanaka

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Testimony to the House Committee on Judiciary  
Wednesday, March 15, 2011 at 2:00 p.m.

Testimony in opposition to SB 1073 SD2, Relating to Indigent Legal Services

To: The Honorable Gilbert Keith-Agaran, Chair  
The Honorable Karl Rhoads, Vice-Chair  
Members of the Committee on Judiciary

My name is Stefanie Sakamoto, and I am testifying on behalf of the Hawaii Credit Union League, the local trade association for 85 Hawaii credit unions, representing approximately 810,000 credit union members across the state. We are in opposition to SB 1073 SD2, Relating to Indigent Legal Services.

This bill would add a surcharge to the filing fees in District Court. This bill would essentially significantly raise the cost of entering into any District Court case. Hence, this bill would raise costs for credit unions by raising the cost of recovering on delinquent loans. The philosophy of credit unions has always been to "serve the underserved", by offering low-cost services to our member base. Restricting our ability to collect on loans by raising costs may affect our ability to offer such services.

Thank you for the opportunity to testify.

LATE TESTIMONY