

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 07, 2011 3:29 AM
To: JDLTestimony
Cc: ddunn@honolulu.gov
Subject: Testimony for SB1073 on 2/7/2011 10:00:00 AM
Attachments: Testimony SB 1073 020711 Prosecuting Attorney.doc

Testimony for JDL 2/7/2011 10:00:00 AM SB1073

Conference room: 016
Testifier position: ~~support~~
Testifier will be present: Yes
Submitted by: Dennis Dunn
Organization: Department of the Prosecuting Attorney
Address: 1060 Richards Street, 9th Floor
Phone: 768-7485
E-mail: ddunn@honolulu.gov
Submitted on: 2/7/2011

Comments:

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 768-7400 • FAX: (808) 768-7515



Keith M. Kaneshiro
PROSECUTING ATTORNEY

Armina A. Ching
FIRST DEPUTY
PROSECUTING ATTORNEY

THE HONORABLE CLAYTON HEE, CHAIR
THE HORABLE MAILE S.L. SHIMABUKURO, VICE CHAIR

SENATE COMMITTEE ON JUDICIARY AND LABOR
Twenty-sixth State Legislature
Regular Session of 2011
State of Hawai'i

February 7, 2011

RE: S.B. 1073; RELATING TO SURCHARGE FOR INDIGENT LEGAL SERVICES

Good morning, Chair Hee, Vice Chair Shimabukuro, and members of the Senate Committee on Judiciary and Labor, the Department of the Prosecuting Attorney submits the following testimony in support of S.B. 1073, which proposes to increase the Surcharge for Indigent Legal Services filing fees charged to civil litigants in Hawaii.

The civil legal needs of indigent crime victims in Hawaii are reaching critical proportions in the face of repeated funding reductions for the legal agencies providing services to this at risk population. For many victims of domestic violence, as well as other crime victims who are immigrants, the services of the indigent legal services programs at the Domestic Violence Action Center, Legal Aid Society of Hawaii (including Hawaii Immigrant Justice Center), Ala Kuola, and Volunteer Legal Services Hawaii meet some of their most important needs. Whether utilized for filing divorce or custody actions or intervening with immigration problems, these surcharges insure the ability for many crime victims to escape their abusers, establish child custody, or avoid imminent deportation. To many of Hawaii's crime victims these services represent a lifeline at a time when their very lives may be in danger. The services funded by these surcharges are an important of our state's safety that have often been overlooked or ignored. The proposed increases, although nominal, are essential to the very existence of these programs.

Due to the important role that the services funded by the Indigent Legal Services Surcharges in supporting the critical needs of crime victims, we strongly urge your support for S.B. 1073.

Thank you for your time and consideration.

LATE TESTIMONY

From: Liann Ebesugawa [lebesugawa@gmail.com]
Sent: Sunday, February 06, 2011 10:51 PM
To: JDL Testimony
Subject: JACL Testimony in Support of SB 1073
Attachments: JACL Testimony in Support of SB 1073.pdf

Please find attached the Japanese American Citizens League Honolulu Chapter's testimony in support of SB 1073.

Should you have any questions, please do not hesitate to contact me. Thank you.

Liann Ebesugawa
lebesugawa@gmail.com
(808) 221-9195



JAPANESE AMERICAN CITIZENS LEAGUE

HONOLULU CHAPTER

P.O. BOX 1291, HONOLULU, HAWAII 96807

PHONE: 523-8464 EMAIL: honolulu@jacl.org WEBSITE: www.jaclhawaii.org

Working For A Greater America

Board Members

Trisha Nakamura
President

Liann Ebesugawa
1st Vice President

Shawn Benton
2nd Vice President

Michael Murata
Treasurer

Sean Ibara
Secretary

Travis Agustin

Susan Arnett

Alphonso Braggs

David Forman

Linda Ichiyama

Craig Jerome

Nikki Love

Jacce Mikulanec

Karen Nakasone

Yoshie Tanabe

Jamie Yamagata

Legal Counsel

Benjamin Kudo

Advisory Council

Allicyn Hikida-Tasaka

Clayton Ikei

William Kaneko

Colbert Matsumoto

Alan Murakami

Senate Committee on Judiciary and Labor
Monday, February 7, 2011
Hawai'i State Capitol – Room 016

Testimony in **SUPPORT of SB 1073**, Relating to Surcharge for Indigent Legal Services

Dear Chair Hee, Vice-Chair Shimabukuro, and Members of the Committee:

The Japanese American Citizens League (JACL) Honolulu Chapter stands in support of Senate Bill 1073, which increases the surcharge on filing fees to fund indigent legal services.

JACL is the nation's oldest and largest Asian Pacific American civil rights organization with over 20,000 members. Locally our organization has consistently supported efforts to provide equal rights to citizens of this state.

We believe that this bill would make great strides in providing legal services to those who need them most. Without these funds many will go without representation or a means to access the courts.

According to the 2007 Access to Justice Hui report, total existing funds allow providers to serve less than 23% of low-income residents with critical legal problems. These legal problems can involve basic human needs and issues such as shelter, sustenance, safety, health or child custody.

The JACL's mission is to secure and maintain the civil rights of all who are victimized by injustice. We believe that the inequity in the ability of individuals to access the courts not only diminishes basic rights but erodes the foundational tenet of our society that we are all entitled to equal protection under the law. We must find ways to ensure funding for this critical need.

JACL thanks you for allowing us to testify in support of SB 1073.

Respectfully,

Liann Ebesugawa
1st Vice President

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 06, 2011 3:52 PM
To: JDLTestimony
Cc: executivedirector@hscadv.org
Subject: Testimony for SB1073 on 2/7/2011 10:00:00 AM
Attachments: SB1073 Indigent Legal Services.docx

Testimony for JDL 2/7/2011 10:00:00 AM SB1073

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Veroniika Geronimo
Organization: Hawai`i State Coalition Against Domestic Violence
Address:
Phone:
E-mail: executivedirector@hscadv.org
Submitted on: 2/6/2011

Comments:

HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE

The Honorable Clayton Hee, Chair
The Honorable Maile S.L. Shimabakuro, Vice Chair
Members of the Senate Committee on Judiciary and Labor

February 6, 2011

RE: SB1073 Support

Hearing Date: Monday, February 07, 2011, 10am, Conf Rm #016

The Hawai'i State Coalition Against Domestic Violence (HSCADV) is a statewide coalition of domestic violence programs and shelters. HSCADV and its member agencies advocate for policies and services to end domestic violence in Hawai'i. On behalf of our member agencies, we thank you for the opportunity to testify on this important measure.

Access to legal services and resources are critical to helping survivors transition from violence and abuse toward security and independence. Unfortunately, recent reductions to domestic violence legal service programs have resulted in fewer low-income survivors receiving assistance to navigate the legal system. Budget cuts have meant that more victims have to handle their own cases, compromising their rights to safety, visitation and property. SB1073 would provide survivors the assistance needed to navigate an unfamiliar and confusing system by increase funding for indigent civil legal services.

These funds could not come at a more critical time. A new survey conducted by the National Network to End Domestic Violence (NNEDV) reports a critical shortage of funds and staff in the state to assist victims in need of services, including legal services. We respectfully urge you to pass this measure and provide the funds that are vital to the safety and protection of low-income survivors of domestic violence.

Thank you for your consideration.

Submitted by:
Veronika Geronimo
Executive Director, Interim
Hawaii State Coalition Against Domestic Violence
Phone (808) 832-9316 x 104
executivedirector@hscadv.org

LATE TESTIMONY

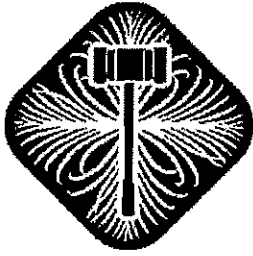
From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 06, 2011 11:21 PM
To: JDLTestimony
Cc: dew@vlsh.org
Subject: Testimony for SB1073 on 2/7/2011 10:00:00 AM
Attachments: VLSH SB1073 testimony 02-06-11.pdf

Testimony for JDL 2/7/2011 10:00:00 AM SB1073

Conference room: 016
Testifier position: support
Testifier will be present: Yes
Submitted by: L. Dew Kaneshiro
Organization: Volunteer Legal Services Hawaii
Address: 545 Queen Street, Ste. 100 Honolulu, HI 96813
Phone: 808-528-7059
E-mail: dew@vlsh.org
Submitted on: 2/6/2011

Comments:

LATE TESTIMONY



**VOLUNTEER
LEGAL
SERVICES
HAWAI'I**

545 Queen Street, Suite 100
Honolulu, Hawai'i 96813
PHONE: (808) 528-7046
TOLL-FREE: (800) 839-5200
FAX: (808) 524-2147
E-MAIL: vlsh@vlsh.org
www.vlsh.org

Moya T. Davenport Gray
EXECUTIVE DIRECTOR

BOARD OF DIRECTORS

Lincoln Ashida, Esq.
PRESIDENT

Peter Olson, Esq.
VICE PRESIDENT
Dew Kaneshiro
SECRETARY
Joanne C. Hoe
TREASURER

Joachim P. Cox Esq.
Sen. Suzanne Chun Oakland
Jay T. Kimura, Esq.
Barry W. Marr, Esq.
Arthur Park, Esq.
Wayne Tanna, Esq.

To: Committee on Judiciary and Labor
From: L. Dew Kaneshiro, Interim Executive Director
Volunteer Legal Services Hawai'i
Re: Testimony in Support of S.B. 1073
Relating to Surcharge for Indigent Legal Services
Hearing: February 7, 2011 at 10:00 am
Place: Conference Room 106, State Capitol

Chair Hee, Vice Chair Shimabukuro, and members of the Committee on Judiciary and Labor,

Volunteer Legal Services Hawai'i submits this testimony in support of S.B. 1073, Relating to Surcharge for Indigent Legal Services.

S.B. 1073 raises the court filing fee surcharge and expands the surcharge to all District Court cases. Money from the surcharge is deposited into the Indigent Legal Assistance Fund (ILAF), which financially supports organizations that provide legal services to Hawaii's low-income population. Current recipients of ILAF funds are Domestic Violence Action Center, Hawai'i Disability Rights Center, Legal Aid Society of Hawai'i, Mediation Center of the Pacific, Native Hawaiian Legal Corporation, University of Hawai'i Elder Law Program, and Volunteer Legal Services Hawai'i.

Volunteer Legal Services Hawai'i (VLSH) provides free legal assistance to low-income individuals and families through volunteer attorneys. Like other legal service organizations, VLSH has experienced a substantial decrease in funding in recent years. At the 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 individuals and families.

As other funding sources continue to dwindle, ILAF has become increasingly important to legal service providers. The surcharge increases in S.B. 1073 will help these organizations meet the increased need for direct legal services. VLSH therefore respectfully requests your support of S.B. 1073.



what matters.

LATE TESTIMONY

From: Carol K. Muranaka [carol.k.muranaka@gmail.com]
Sent: Sunday, February 06, 2011 3:52 PM
To: JDLTestimony
Subject: Support for Indigent Legal Assistance Fund bill (S.B. 1073)
Attachments: testimony re ILAF bill.pdf

Attached is testimony in support of SB 1073 Relating to Surcharge for Indigent Legal Services.
Committee: JDL
Hearing: Monday, February 7, 2011 at 10:00 a.m.

Thank you.

Carol K. Muranaka

CAROL K. MURANAKA

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

February 6, 2011

Senator Clayton Hee
Chair, Senate Committee on Judiciary and Labor
Hawaii State Capitol, Room 407
Email: JDLTestimony@Capitol.hawaii.gov

Re: **SB 1073 - Relating to Surcharge for Indigent Legal Services**

Dear Chair Hee:

I am writing in support of the Indigent Legal Assistance Fund bill (S.B. 1073). I am a member of the Hawaii State Bar Association and have previously practiced law primarily as a federal 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. I volunteered because of the Commission's purpose.

As you are probably aware, the purpose of the Commission is to substantially increase access to justice in civil legal matters for low- and moderate-income residents of Hawai'i.

Each of us in Hawai'i has a stake in ensuring that all residents have equal access to justice. When access to justice is denied, justice becomes a mere illusion perceived as available only to those who can pay for it. Such a situation undermines a rule of law that is premised on the principle that all individuals stand equally before the law.¹

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.

¹ 2007 Report of the Access to Justice Hui.

The economic difficulties during these times touch everyone in this community. The statistics show that the number of people living below 125% of the federal poverty guidelines increased in Hawai'i. The total number of those earning less than \$31,692 for a family of four annually rose from 156,321 to 172,862 and those between 125-149% of the federal poverty guidelines increased from 38,499 to 45,392.

Funding for the legal service providers such as Domestic Violence Action Center, Hawai'i 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 that provide civil legal services to the low-income residents have been severely reduced. The passage of the subject bill is needed in order that legal assistance can be provided to these indigent people and families who have housing, family, income, and other critical issues.

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. 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. The approval of the subject bill will be acknowledgment that equal justice is important and the courtroom doors should be open to everyone in legitimate need.

Thank you for the opportunity to comment.

Very truly yours,

/s/ Carol K. Muranaka

LATE TESTIMONY

LAWRENCE C. ING
DAVID M. JORGENSEN

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

BRADFORD R. ING

LAW OFFICES OF
ING & JORGENSEN

a Limited Liability Law Partnership

Senator Clayton Hee, Chair
Senator Maile Shimabukuro,
Vice-Chair
Committee on Judiciary & Labor

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

Hearing Date: 2-7-11

Hearing Time: 10 am

Place: Conference Room 16
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.

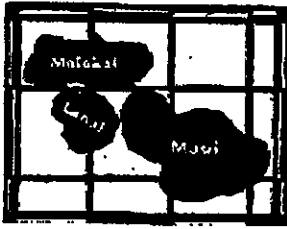
I respectfully urge you to not support this legislation at this time.

Sincerely,



DAVID M. JORGENSEN

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

LATE TESTIMONY

TRI-ISLE REALTY & DEVELOPMENT CO., INC.
 1962 Wells Street, Wailuku, Hawaii 96793
 (808) 244-7441, (808) 242-7030 Fax

To Whom It May Concern,

2/3/2011

Judiciary Committee
 SB 1073
 Hearing Date: 2/7/11
 10am

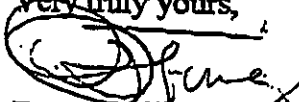
Re: In Opposition to HB 1381 and SB 1073

The surcharge fees being proposed would not only be a significant increase but would be extended to thousands of new cases. In the District Court, for example, the surcharge on summary possession cases would go up 350% and would cover a new class of cases that number of 20,000 annually. In Circuit Court and courts of appeal the surcharge would increase by 260%. Remember the surcharge is not a one time fee, but a fee that can be charged multiple times in the same case. This is because the surcharge applies to the filings of cross claims, counter claims and third party complaints. Should any of those events occur in a case and they often do, the surcharge is again collected. What a hardship on all the parties.

Those who are least able to pay would be at a disadvantage. During these tough economic times, the last thing Hawaii should do is force its residents, especially struggling residents to pay such a large increase. 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. Let the big picture unfold before we rush to do something so drastic in this down economy.

As a manager of numerous rentals, I implore that this bill be shelved, until we can see the bigger picture with details.

Very truly yours,


 Donna P. Ting, R(B), CRS, GRI

LATE TESTIMONY

GUARDIAN CAPITAL MANAGEMENT HAWAII, LLC



Senator Clayton Hee, Chair
Senator Maile Shimabukuro,
Vice-Chair
Committee on Judiciary & Labor

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

Hearing Date: 2-7-11

Hearing Time: 10am

Place: Conference Room 16
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.

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, 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,

LATE TESTIMONY



**KAUAI CREDIT ADJUSTERS, LTD.
(A COLLECTION AGENCY)**

KAUAI'S FINEST COLLECTION SERVICE
2984D EWALU STREET P.O. BOX 1976
LIHUE, KAUAI, HAWAII 96766
PHONE (808) 245-4094 FAX (808) 248-3756

MEMBER
HAWAIIAN COLLECTORS ASSN
AMERICAN COLLECTORS ASSN

Senator Clayton Hee, Chair
Senator Maile Shimabukuro,
Vice-Chair
Committee on Judiciary & Labor

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

Hearing Date: 2-7-11

Hearing Time: 10 AM

Place: Conference Room 110
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.

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, 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.

M.H. Kobayashi
President

LATE TESTIMONY

Shore to Shore REALTY, INC.

Senator Clayton Hee, Chair
Senator Maile Shimabukuro,
Vice-Chair
Committee on Judiciary & Labor

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

Hearing Date: 2-7-11
Hearing Time: 10am
Place: Conference Room 10

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.

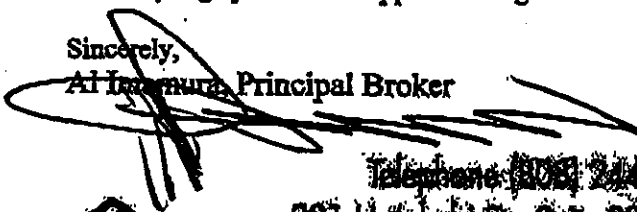
Anytime filing fees are increased, it creates barriers that may prevent some, especially those who already can least afford to seek access to our justice system, from having access, which is not only unfortunate – it is wrong. Making the court system less accessible will not benefit the parties by any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

This proposed surcharge not only taxes access to the state courts and justice with no rational relationship to the institutions it benefits, 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,
Ai Inamura, Principal Broker



Telephone: (808) 241-7112 Fax: (808) 242-0751
331 Hahaione St., Suite 202 • Wahiawa, Maui, Hawaii 96793
Property Management And Estate Sales
www.shoretoshorealty.net



PEAKE / LEVOY

COMMERCIAL REAL ESTATE SERVICES

LATE TESTIMONY

Senator Clayton Hee, Chair
 Senator Maile Shimabukuro,
 Vice-Chair
 Committee on Judiciary & Labor

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

Hearing Date: 2-7-11

Hearing Time: 10AM

Place: Conference Room 10
 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.

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, 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,



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

PEAKE / LEVOY
COMMERCIAL REAL ESTATE SERVICES80 Puunene Avenue, Suite 102 | Kahului, HI 96732
O: 808/877-7073 | F: 808/877-6162**LATE TESTIMONY**: **SB 1073 RELATING TO A SURCHARGE FOR INDIGENT LEGAL SERVICES**Hearing Date: 2-7-11Hearing Time: 10 amPlace: Conference Room 16
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.

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, 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,


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