

**SB 1073**

**TESTIMONY**



## Collection Law Section

**Chair:**  
Steven Guttman

**Vice Chair:**  
William J. Plum

**Secretary:**  
Thomas J. Wong

**Treasurer:**  
Ariette S. Harada

**Directors:**  
Lynn A.S. Araki-Regan  
Marvin S.C. Dang  
David C. Farmer  
Christopher Shea Goodwin  
Steven Guttman  
Ariette S. Harada  
James Hochberg  
Elizabeth A. Kane  
William J. Plum  
David B. Rosen  
Mark T. Shklov  
Yuriko J. Sugimura  
Thomas J. Wong

**Senator Clayton Hee, Chair  
Senate Judiciary Committee  
State Capital  
Honolulu, Hawaii**

**RE: SB 1073 / Indigent Surcharge  
OPPOSITION TO BILL  
SENATE JUDICIARY COMMITTEE  
HEARING FEBRUARY 7, 2011 @ 10:00 AM**

Dear Senator Hee and Judiciary Committee Members:

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

Introduction.

In order to boost revenue to fund civil legal services for the low- and moderate-income residents, SB 1073 sets an increased additional and expanded surcharge of \$35.00 at District Court and an increased additional surcharge of \$65.00 at Circuit Court for civil case filings and \$65.00 for filing appeals.

The proposed legislation would result in the following:

- A 350% increase in surcharge to be added to the initial filing fee when a civil action is initiated in District Court.
- A 260% increase in surcharge to be added to the initial filing fee when a civil action is initiated in Circuit Court.
- A 260% increase in surcharge to be added to the initial filing fee at the time of the initial filing by a person in a civil action in courts of appeal.
- A new charge on 20,000 cases annually.

---

<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.

Senator Clayton Hee  
Page 2  
February 3, 2011  
SB 1073

The legislation would ultimately result in the increase in filing fees for civil action cases in Circuit Court, District Court, and courts of appeal. As an example, in Circuit Court, the filing fees to initiate a civil action complaint, as well as to file cross-claims, counter-claims, third party complaints, petitions, interventions, and applications for special proceedings would be increased to \$315. The fee to initiate a civil action complaint in District Court would increase to \$155.

Our Position.

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 now cover a new class of cases that number over 20,000 annually.<sup>2</sup> Currently, in the District Court, only summary possession cases (over 2,500 annually<sup>3</sup>) pay the fee.

In the Circuit Court and the courts of appeal, the surcharge would increase by 260%. Furthermore, 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 filing 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. In Circuit Court, it is common for cases to contain multiple parties and multiple claims of this nature. If only the complaint and four other claims were filed, the fees for legal services groups would equal \$325 and exceed the filing fee of \$250 collected by the Judiciary.

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.

---

<sup>2</sup> 2010 Annual Report Statistical Supplement, The Judiciary, State of Hawai'i

<sup>3</sup> 2010 Annual Report Statistical Supplement, The Judiciary, State of Hawai'i

Senator Clayton Hee  
Page 3  
February 3, 2011  
SB 1073

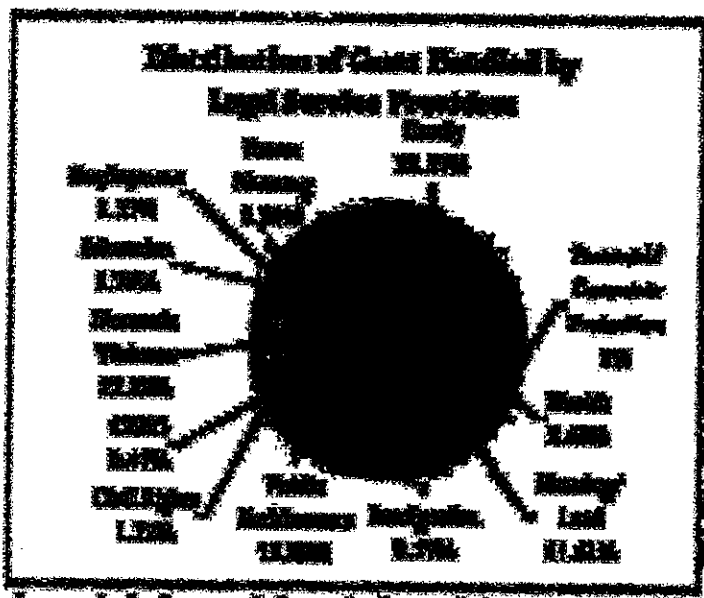
This proposed surcharge not only taxes access to the state courts and justice with no rational relationship to the institutions it benefits<sup>4</sup>, it is unfairly and unjustly taxing only a small segment of the population. Should the Legislature approve the proposed legislation, this small segment 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.

<sup>4</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.



Senator Clayton Hee  
Page 4  
February 3, 2011  
SB 1073

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 an unchecked pipeline of money from now until forever, as this bill does, is not oversight. 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

\sb1073a.cls

**HAWAII DISABILITY RIGHTS CENTER**

**900 Fort Street Mall, Suite 1040, Honolulu, Hawaii 96813**

*Phone/TTY: (808) 949-2922 Toll Free: 1-800-882-1057 Fax: (808) 949-2928*

*E-mail: [info@hawaiidisabilityrights.org](mailto:info@hawaiidisabilityrights.org) Website: [www.hawaiidisabilityrights.org](http://www.hawaiidisabilityrights.org)*

**THE SENATE  
THE TWENTY-SIXTH LEGISLATURE  
REGULAR SESSION OF 2011**

**Committee on Judiciary and Labor  
Testimony in Support of S.B. 1073  
Relating to Surcharge For Indigent Legal Services**

**Monday February 7, 2011, 10:00 A.M.  
Conference Room 016**

Chair Hee 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.

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.

**HAWAII JUSTICE FOUNDATION**  
P. O. Box 1230  
Honolulu, Hawaii 96807-1230  
(tel) 808•537-3886 (fax) 808•528-1974  
E-Mail: [hjff@hawaii.rr.com](mailto:hjf@hawaii.rr.com) Website: [www.hawaiijustice.org](http://www.hawaiijustice.org)

February 3, 2011

TESTIMONY FROM: Robert J. LeClair, Executive Director, Hawaii Justice Foundation  
(Note: Robert LeClair will not be testifying in person.)

TO: Committee on Judiciary and Labor, Senate

HEARING DATE/TIME: Monday, February 7, 2011, 10:00 a.m., Conf. Room 016

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

SUBMITTED BY WEB: <http://www.capitol.hawaii.gov/emailtestimony/>

**The Hawaii Justice Foundation (HJF) requests the Committee on Finance to approve SB 1073, 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, 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.** 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 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. 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 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 will be extremely beneficial.

**In previous years, 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. However, the reality is that SB 1073 will not result in people being unable to file cases in our judicial system. The Hawaii State Bar Association Board of Directors on December 20, 2007 endorsed the 10 Steps by 2010 included in the Community Wide Action Plan. Part of Step 2 of those 10 Steps included seeking additional funding for the ILAF program.** 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, it is clear that the surcharge is an essential part of the collective efforts to provide justice to all. For more than a decade, 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 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 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 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 is essential. Passage of this bill will be a major step toward efforts to achieve access to justice for all.

# SHKLOV & WONG LLP

A Limited Liability Law Partnership

1001 Bishop Street, Suite 988  
Honolulu, Hawaii 96813

MARK T. SHKLOV  
Telephone: (808) 585-8858  
Facsimile: (808) 599-4198  
mark@shklovwonglaw.com

---

## TESTIMONY OF MARK T. SHKLOV

BEFORE THE COMMITTEE ON JUDICIARY AND LABOR  
February 7, 2011 at 10:00 a.m.

### SENATE BILL 1073 SURCHARGE FOR INDIGENT LEGAL SERVICES

Chairperson Clayton Hee and Members of the Committee:

My name is Mark T. Shklov and I oppose Senate Bill 1073 (Surcharge for Indigent Legal Services).

I am an attorney and I have been licensed to practice law in the State of Hawaii since 1976. I worked for Legal Aid as a volunteer law student while in law school. I have supported the ACLU in time and money. I have contributed money to Volunteer Legal Services Hawaii ("VLSH") through the Hawaii State Bar Association. I have represented indigent persons and I have provided legal services through VLSH. I have provided many hours of pro bono professional legal services. In June 2008, I was awarded the Mayor's Award of Achievement and was recognized by VLSH for providing pro bono legal assistance to the community.

Organizations such as Legal Aid, the ACLU, and VLSH deserve support but this Bill is not the proper vehicle because it places added burdens on business and ordinary citizens, it taxes access to the Courts and it is vague and ambiguous in its application and consequences. There is no rational or reasonable relationship between the class of persons who are taxed by this Bill and the provision of indigent legal services. There is no reasonable justification for this increased additional and expanded surcharge.

I represent many individuals and small businesses in Hawaii who file lawsuits. It is unfair and unreasonable to burden these persons and businesses, who support the economy and employ citizens of our State, with another tax and penalty on what should be their right of access to the Courts of the State of Hawaii.

This Bill, which sets an increased additional and expanded surcharge of \$35.00 at District Court and an increased additional surcharge of \$65.00 at Circuit Court for civil case filings and \$65.00 for filing appeals, was obviously drafted to benefit certain legal service providers who


have the largest budgets and spend the most money, and amounts to taxation of the public to support certain special interest groups who fit the definition under Haw. Rev. Stat. § 607-5.7.

This Bill 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 does this Bill adequately describe who will receive the funds, how the funds will be used or why. Nor is there any justification for rewarding, as this Bill does, those legal service providers with the largest budgets. Nor does this Bill necessarily provide funds to organizations that assist indigent parties with the legal needs identified in the Justice Hui Report entitled "Achieving Access to Justice for Hawaii's People". This Bill does not describe how this surcharge will help low- and moderate-income residents meet their legal needs. This Bill does not provide for any accountability by those who receive the funds or for how it is used. This Bill rewards spending, not results.

Legal services for the poor are needed. Indigent legal services should be supported. However, an increased additional and expanded surcharge on the right to Court access is not the way to do it. This Bill assures that the wealthiest will preserve their rights and hurts the middle class. This Bill does not guarantee proper legal services for the indigent. It proposes a tax on certain citizens for the support of certain private companies. This issue should be resolved through participation of Hawaii lawyers, the Hawaii State Bar Association and the Hawaii Supreme Court. The Bar Association and the Supreme Court have already begun this process. The Legislature and the indigent legal service providers should work with the Supreme Court and the Bar to find a fair and just solution.

Thank you for this opportunity to express my view.

Very truly yours,

A handwritten signature in black ink, appearing to read "Mark T. Shklov", with a stylized flourish at the end.

Mark T. Shklov

COMMITTEE ON JUDICIARY AND LABOR  
Senator Clayton Hee, Chair  
State Capitol  
Honolulu, Hawaii

RE: SB 1073/Indigent Surcharge

OPPOSITION TO BILL

SENATE JUDICIARY COMMITTEE

HEARING FEBRUARY 7, 2011 @ 10:00am  
CONFERENCE ROOM 016

Dear Senator Hee and Judiciary Committee Members:

Please note my objection against this bill, SB 1073, for these reasons:

1. Plaintiffs, as much as people want to vilify them, are an important entity in the economy of the 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; a small business owner selling shave ice; a Chinatown restaurant; a Waianae drive-inn; a Waipahu bike shop; a Kakaako mechanic; 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 or 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 or services they used to provide.
2. In the last 10-15 years I have not seen any indigent legal service providers assisting people in civil assumpsit cases (money matters) in District Court. Legal Aid Society tried to establish an illegal presence in the courts by setting up shop in the courtroom to assist eviction matters but were 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 adviser. They would not handle the case if it went to trial and therefore were more of a hinderance rather than help to the court system.
3. Now the major question to be asked is, if LAS, who would be the major recepient of the surcharge, does not do any significant work in the court system other than in the field of Family Court/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?

4. The cases filed in the District Court civil section in 2010 exceeded 13,000. These cases are in 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 service providers, fifty per cent (50%) of their monetary distribution goes toward Family/Domestic Violence Matters, and only six per cent (6%) goes for Financial/Consumer protection matters. Yet they seek to get funding from a segment of the legal population that they rarely provide services for. This is a crime. This is stealing from those who work hard to provide goods or services to the people of Hawaii. This is discrimination, but most of all, this is wrong.

Allan Y. Okubo, Esq.  
P.O. Box 10225  
Honolulu, HI 96816  
Ph. (808) 735-6582

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

**BENDET FIDELL**

ATTORNEYS AT LAW  
A LAW CORPORATION  
SUITE 1500  
DAVIES PACIFIC CENTER  
841 BISHOP STREET  
HONOLULU, HAWAII 96813

AREA CODE 808

TELEPHONE 524-0544  
TELEFAX 521-7739

jsugimura@bendetfidell.com  
WWW.BENDETFIDELL.COM

\*Also licensed in California

February 4, 2011

Senator Clayton Hee, Chair  
Senate Judiciary Committee  
State Capital  
Honolulu, Hawaii

Re: Opposition to SB 1073/Indigent Surcharge  
Senate Judiciary Committee Hearing February 7, 2011 @ 10:00 A.M.

Dear Senate Hee and Judiciary 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 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.

Senator Clayton Hee, Chair  
Senate Judiciary Committee  
February 4, 2011  
Page 2

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

Very truly yours,

A handwritten signature in cursive script, appearing to read "Yuriko J. Sugimura".

Yuriko J. Sugimura  
Of BENDET FIDELL

YJS:ss

Lynn A.S. Araki-Regan  
Stephen E. Pike

Christopher R. Dong  
Garrick L.H. Goo  
of Counsel



**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: **Monday, February 7, 2011**  
Hearing Time: **10:00 a.m.**  
Place: **Conference Room 16**  
**State Capitol, 415 South Beretania Street, Honolulu**

**POSITION: NOT IN SUPPORT**

Dear Committee Chair, Vice-Chair & Members:

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 now cover a new class of cases that number over 20,000 annually. Currently, in the District Court, only summary possession cases (over 2,500 annually) pay the fee.

In the Circuit Court and the courts of appeal, the surcharge would increase by 260%. Furthermore, 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 filing 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. In Circuit Court, it is common for cases to contain multiple parties and multiple claims of this nature. If only the complaint and four other claims were filed, the fees for legal services groups would equal \$325 and exceed the filing fee of \$250 collected by the Judiciary.

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.

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

Sincerely,

Lynn A.S. Araki-Regan



**VeriCheck** a division of PACIFIC COLLECTIONS1616 Liliha Street, 3rd Floor  
Honolulu, Hawaii 96817PH. 808-532-8353  
FAX 808-537-3059

To: Senator Clayton Hec, Chair  
Senator Maile Shimabukuro, Vic Chair

RE: **SB 1073 RELATING TO A SURCHARGE FOR INDIGENT LEGAL SERVICES**  
Hearing Date: Monday, February 7, 2011  
Hearing Time: 10:00 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 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,

Franklin Pang  
President

# PACIFIC COLLECTIONS

(COLLECTION AGENCY)

a division of DOCTORS BUSINESS BUREAU OF HAWAII

1616 Liliha Street, 3rd Floor / Honolulu, Hawaii 96817 / Phone (808) 532-8388



AMERICAN COLLECTORS  
association member

To: Senator Clayton Hee, Chair  
Senator Maile Shimabukuro, Vic Chair

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

Hearing Date: Monday, February 7, 2011

Hearing Time: 10:00 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 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,

Franklin Pang  
President

壽  
福  
喜  
祿

PACIFIC COLLECTIONS a division of

THE

**DOCTORS BUSINESS BUREAU**

OF HAWAII

REGISTRATION ACCEPTED

1618 LILIHUA STREET  
HONOLULU, HAWAII 96817  
PHONE (808) 532-8388  
FAX (808) 537-3059

To: Senator Clayton Fée, Chair  
Senator Maile Shimabukuro, Vic Chair

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

Hearing Date: Monday, February 7, 2011

Hearing Time: 10:00 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 undue burden on those utilizing the court system to resolve legal disputes.

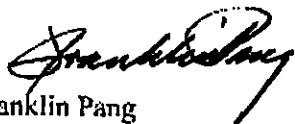
Anytime filing fees are increased, it creates barriers that may prevent some, especially those who already can least afford to seek access to our justice system, from having access, which is not only unfortunate – it is wrong. Making the court system less accessible will not benefit the parties by any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

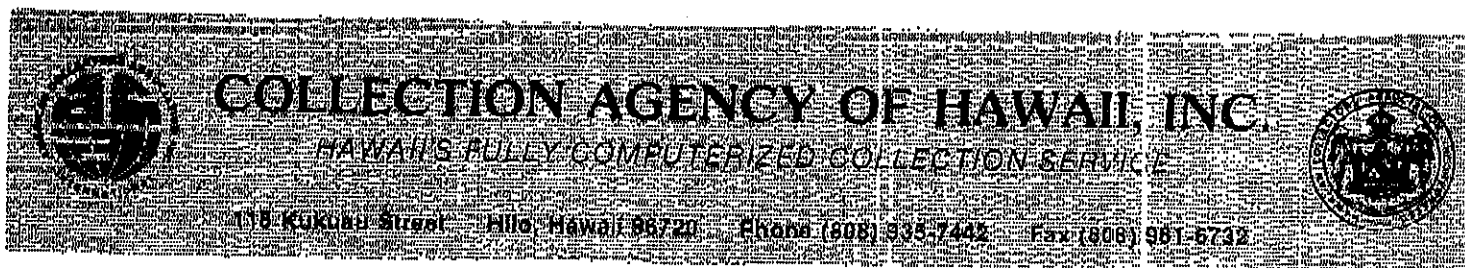
During these tough economic times, the last thing Hawai'i should do is force its residents, especially financially struggling residents, to pay an increase in fees in order to gain access to the state court system. Also, for small businesses which seek to gain access to the court system, such a hike 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,



Franklin Pang  
President



To: Senator Clayton Hec, Chair  
Senator Maile Shimabukuro, Vic Chair

RE: **SB 1073 RELATING TO A SURCHARGE FOR INDIGENT LEGAL SERVICES**  
Hearing Date: Monday, February 7, 2011  
Hearing Time: 10:00 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 undue burden on those utilizing the court system to resolve legal disputes.

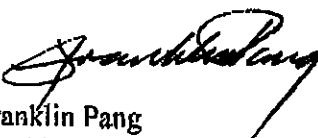
Anytime filing fees are increased, it creates barriers that may prevent some, especially those who already can least afford to seek access to our justice system, from having access, which is not only unfortunate -- it is wrong. Making the court system less accessible will not benefit the parties by any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

  
Franklin Pang  
President

**A R Recovery Solutions**  
of Hawaii  
94-229 Waipahu Depot Rd #401  
Waipahu, HI 96797  
(808) 678-8100  
(808) 678-8488 fax

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

RECEIVED

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

Hearing Date: **FEB 07 2011**

Hearing Time: **10:00 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 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.

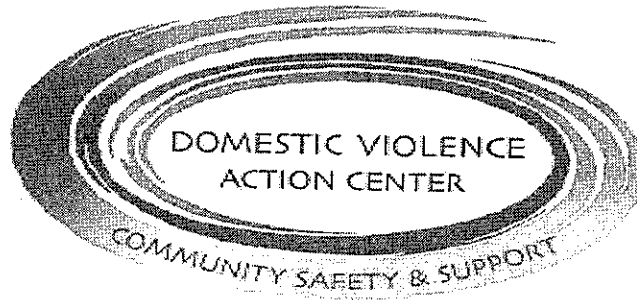
This proposed surcharge not only taxes access to the state courts and justice with no rational relationship to the institutions it benefits, it is unfairly and unjustly taxing only a small segment of the population. Should the Legislature approve the proposed legislation, this small segment of our residents 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,

  
**DAVID KETZENBERG R**



February 04, 2011

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

TO: Senator Clayton Hee, Chair  
Senator Maile S.L. Shimabakuro, Vice Chair  
Members of the Committee

RE: **SB 1073 Support**  
Hearing Date: Monday, February 07, 2011, 10am, Conf Rm #016

Aloha. Please accept this testimony in support of S.B. 1073. 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.

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.

Thank you for inviting community comment on this important measure. We encourage your favorable action on S.B. 1073.

P. O. Box 3198 Honolulu, HI 96801-3198  
Oahu Helpline: 808 531-3771 Toll-free: 800 690-6200 Administration: 808 534-0040 Fax 808 531-7228  
[dvac@stoptheviolence.org](mailto:dvac@stoptheviolence.org) [www.stoptheviolence.org](http://www.stoptheviolence.org)





# MOLOKAI COMMUNITY FEDERAL CREDIT UNION

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

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: FEB 07 2011

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 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,

Alli-Ann M. Alcon  
 Collections & Operations Manager



**REAL ESTATE INVESTMENT COUNSELORS**  
 CONDOMINIUMS, HOUSES, OCEANFRONT, COMMERCIAL & LAND  
 SALES SPECIALISTS - VACATION AND LONG TERM RENTALS  
 CONDOMINIUM MANAGING AGENTS

*Senate  
 Committee on Judiciary*

February 4, 2011

RE: **SB 1073 RELATING TO A SURCHARGE FOR INDIGENT LEGAL SERVICES**  
 Hearing Date: 2-7-11  
 Hearing Time: 10 am  
 Place: Conference Room 116  
 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,

*James L. Worley*  
 James L. Worley  
 Principal Broker/Owner





# Maui Collection Service, Inc.

A Debt Collection Agency

1885 Main Street Suite 106 • P O Box 14 • Wailuku, Hawaii 96793

Phone (808) 242-9771 Fax (808) 242-8929

Sen. Clayton Hee, Chair  
Committee on Judiciary & Labor

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

Hearing Date: FEB 07 2011

Hearing Time: 10 am

Place: Conference Room 616  
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,

*Patricia R. Tomita*  
Patricia R. Tomita  
President

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

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: FEB 07 2011

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 undue burden on those utilizing the court system to resolve legal disputes.

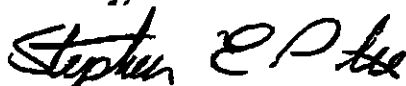
Anytime filing fees are increased, it creates barriers that may prevent some, especially those who already can least afford to seek access to our justice system, from having access, which is not only unfortunate -- it is wrong. Making the court system less accessible will not benefit the parties by any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

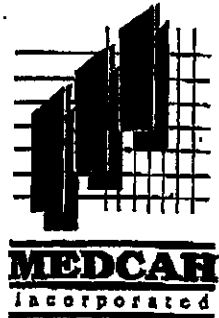
I humbly urge you to not support this legislation at this time.

Sincerely,



STEPHEN E. PIKE

MEDICAL COLLECTION AGENCY OF HAWAII  
COMMERCIAL COLLECTION AGENCY OF HAWAII



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

Sen. Clayton Hee  
Committee on Judiciary & Labor

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

Hearing Date: FEB 07 2011

Hearing Time: 10 am

Place: Conference Room 016  
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,

Genevieve Freeman  
President



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

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 Time: 10 am FEB 07 2011  
Hearing Date: FEB 07 2011  
Place: Conference Room 216  
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,

*Victoria Ah Quin*

VICTORIA AH QUIN

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

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: FEB 07 2011

Hearing Time: 10 am

Place: Conference Room 010  
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,

  
JULIE-BETH GALEON

493 Pualani Street  
Wailuku, HI 96793

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: FEB 07 2011

Hearing Time: 10 AM

Place: Conference Room 016  
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,



ANN Y. ARAKI

**Renee A Matsui**  
**395 Elilani Street**  
**Pukalani, HI 96768**

- 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: FEB 07 2011

Hearing Time: 10 am

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.

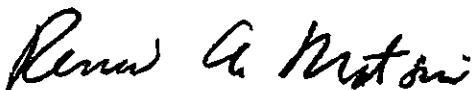
Anytime filing fees are increased, it creates barriers that may prevent some, especially those who already can least afford to seek access to our justice system, from having access, which is not only unfortunate -- it is wrong. Making the court system less accessible will not benefit the parties by any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



Renee A Matsui

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

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: FEB 07 2011

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 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,

  
**CHRISTOPHER R. DANG**



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

- 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: FEB 07 2011

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,



Rowena D. Seavers



**Credit Associates**  
OF MAUI, LTD.

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: FEB 07 2011

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 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,



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

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

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

Hearing Date: FEB 07 2011

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 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,



FRED K. ARAKI

**JO-ANN JOAN**  
**106 Nanaina St**  
**Pukalani Hi, 96768**

.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: FEB 07 2011

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 undue burden on those utilizing the court system to resolve legal disputes.

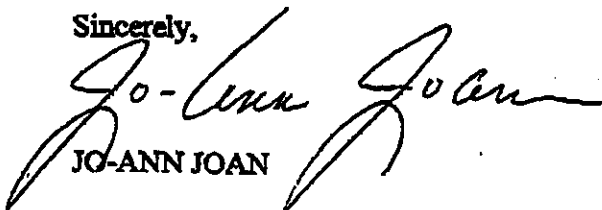
Anytime filing fees are increased, it creates barriers that may prevent some, especially those who already can least afford to seek access to our justice system, from having access, which is not only unfortunate -- it is wrong. Making the court system less accessible will not benefit the parties by any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

  
JO-ANN JOAN

**MICHELLE OTANI**  
**PO BOX 1074**  
**WAILUKU, HI 96793**

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: FEB 07 2011

Hearing Time: 10 AM

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,

*Michelle Otani*

MICHELLE OTANI

**DONALD MEDINA  
PO BOX 1074  
WAILUKU, HI 96793**

- 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: FEB 07 2011

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 undue burden on those utilizing the court system to resolve legal disputes.

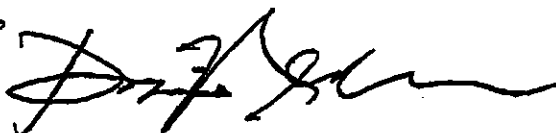
Anytime filing fees are increased, it creates barriers that may prevent some, especially those who already can least afford to seek access to our justice system, from having access, which is not only unfortunate - it is wrong. Making the court system less accessible will not benefit the parties by any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



DONALD MEDINA

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

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: FEB 07 2011

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 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,



CAROL M. A. AKIMA

**KAREN FERGUSON  
P O BOX 863  
KIHUI, MAUI, HI. 96753**

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: FEB 07 2011

Hearing Time: 10 am.

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.

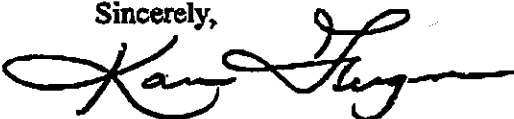
Anytime filing fees are increased, it creates barriers that may prevent some, especially those who already can least afford to seek access to our justice system, from having access, which is not only unfortunate -- it is wrong. Making the court system less accessible will not benefit the parties by any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



KAREN FERGUSON



**MIKE AMBY  
23 KAIKAI ST  
WAILUKU, HI 96793**

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: FEB 07 2011

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 undue burden on those utilizing the court system to resolve legal disputes.

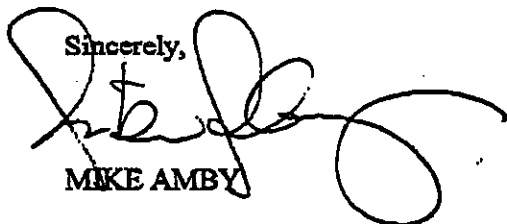
Anytime filing fees are increased, it creates barriers that may prevent some, especially those who already can least afford to seek access to our justice system, from having access, which is not only unfortunate – it is wrong. Making the court system less accessible will not benefit the parties by any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



MIKE AMBY

MADELINE GARCIA  
PO BOX 1074  
WAILUKU, HI 96793

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: FEB 07 2011

Hearing Time: 10:00 am

Place: Conference Room 112  
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,



MADELINE GARCIA

**CAROL HIWATASHI**  
**PO BOX 1074**  
**WAILUKU, HI 96793**

• 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: FEB 07 2011

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 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,

  
 CAROL HIWATASHI

**RODNEY USHIRO**  
**PO BOX 1074**  
**WAILUKU, HI 96793**

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: FEB 07 2011

Hearing Time: 10 AM

Place: Conference Room 116  
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,

  
RODNEY USHIRO

**JOEL ACOSTA**  
**2140 Kahawai Street**  
**Wailuku, HI 96793**

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: FEB 07 2011

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 undue burden on those utilizing the court system to resolve legal disputes.

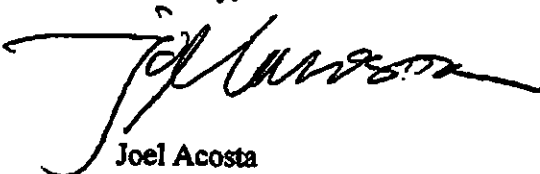
Anytime filing fees are increased, it creates barriers that may prevent some, especially those who already can least afford to seek access to our justice system, from having access, which is not only unfortunate – it is wrong. Making the court system less accessible will not benefit the parties by any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



Joel Acosta

JUDITH TOM  
PO BOX 1074  
WAILUKU, HI 96793

.. 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: FEB 07 2011  
Hearing Time: 10 am  
Place: Conference Room 116

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.

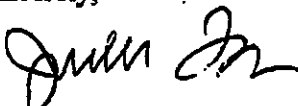
Anytime filing fees are increased, it creates barriers that may prevent some, especially those who already can least afford to seek access to our justice system, from having access, which is not only unfortunate – it is wrong. Making the court system less accessible will not benefit the parties by any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

  
JUDITH TOM



HAWAII ACCESS TO JUSTICE COMMISSION

Daniel R. Foley  
Judge, Intermediate Court of Appeals  
Chair

Jill M. Hasegawa, Esq.  
Vice Chair

February 3, 2011

Attn: Senate Committee on Judiciary and Labor  
Hearing Date: Monday, February 7, 2011  
Time: 10:00 a.m.

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

Dear Chair Hee, Vice-Chair Shimabukuro and Members of the Senate Committee on Judiciary and Labor:

On behalf of the Access to Justice Commission (the "Commission"), I am writing to request your support for SB 1073 Relating to a 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.

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.

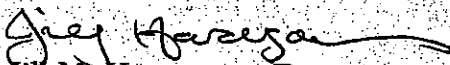
Since 2007, legal service providers have consistently seen between a 20-50% increase in the number of requests for assistance over and above the 2007 figures. This at a time when the legal service providers experienced cuts in

legislative funding and reductions in traditional funding sources. In addition, 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 Loio) due to funding cuts. It also saw several organizations 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.

On behalf of the Commission, support of the passage of HB 1073, which embodies the Commission's intent is urged to assure that the legal needs of our communities' indigent will be addressed. Thank you.

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



---

**From:** LWV [lwvhawaii@gmail.com]  
**Sent:** Saturday, February 05, 2011 12:00 PM  
**To:** JDLEstimony  
**Subject:** Testimony for SB 1073

From Jean Aoki, League of Women Voters of Hawaii

Testimony on **SB 1073 Relating to Surcharge for Indigent Legal Services.**  
Before **Committee on Judiciary and Labor**

Date: **Monday, February 07, 2011**

Time: **10:00 A.M.**

Place: **Conference Room 016**

--

League of Women Voters  
49 South Hotel Street, Rm. 315  
Honolulu, Hawaii 96813

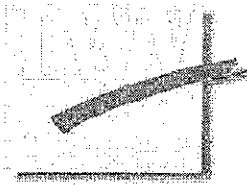
Tel. 808 531-7448

Fax 808 599-5669

Visit us at [www.lwv-hawaii.com](http://www.lwv-hawaii.com)

Contact us at [Voters@LWV-Hawaii.com](mailto:Voters@LWV-Hawaii.com)

A Non-Partisan Organization to Encourage Informed Citizen Participation in Government



# THE LEAGUE OF WOMEN VOTERS OF HAWAII

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

Committee on Judiciary and Labor  
Senator Clayton Hee, Chair  
Senator Maile S.L. Shimabukuro, Vice Chair  
Date: Monday, February 07  
Time: 10:00 a.m.  
Place: Conference Room 016

Testifier: Jean Aoki, LWV Legislative Committee

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

The League of Women Voters opposes SB 1073 which tries to address the need for more funds to help the indigent get access to legal services that they can not presently afford.

We support wholeheartedly the objectives of the bill. We have always supported ways of increasing aid to those who cannot afford to access legal services.

Our objection to SB 1073 lies in the unfairness of levying surcharges on only a small segment of our residents. We cannot understand why only those who engage in certain civil actions in court should have to contribute to help the indigent acquire assistance for legal advice and services they cannot afford. This should be a shared obligation for all of us. We do not expect only parents who have children in public schools to pay for their children's education. We all share the costs because we know that the benefits of educating all children accrue to all of us. The same can be said for helping those who cannot afford legal services.

Not all of the people who have to resort to the courts for justice can really afford the high cost of challenging another party for redress of their grievances. As we add more costs to citizens who need to rely on our courts to iron out their civil differences, more and more of them will either not be able to afford the costs, or will be discouraged from seeking assistance which they feel costs too much.

Furthermore, this bill does not specify the fund where the increased fees are deposited, and the process by which the truly indigent are given access to legal aid.

This is one of the instances when taxpayer money should be used to help those in need.

Thank you for this opportunity to testify on S.B. 1073.

**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](mailto:mcp@mediatehawaii.org)

February 5, 2011

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

**TO:** Committee on Judiciary and Labor

**HEARING DATE/TIME:** Monday, February 7, 2011, 10:00 a.m. Conf. Room 016

**MEASURE NUMBER:** SB 1073, RELATING TO SURCHARGE FOR INDIGENT LEGAL SERVICES

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

Dear Chair Hee, Vice-Chair Shimabukuro and members of Committee on Judiciary and Labor:

My name is Tracey Wiltgen, Executive Director of The Mediation Center of the Pacific (the Mediation Center). I am writing on behalf of the Mediation Center to respectfully request the Committee on Judiciary and Labor to approve SB 1073 including: increasing the surcharge from \$25 to \$65 in Circuit Court and Court of Appeal filings; increasing the fee from \$10 to \$35 in District Court filings; and expanding the surcharge in District Court filings from just summary possession to all cases, including collection cases.

Your support of SB 1073 is needed because it has a significant impact on access to justice for individuals in the low income and vulnerable populations. In November 2007, The Access to Justice Hui reported that low-income residents have a tremendous unmet need for civil legal services. Since the 2007 Report was published, the number of people living below 200% of the federal poverty guidelines increased slightly and the number of people living below 125% of the federal poverty guidelines increased dramatically. Simultaneously, while the number of individuals in the low income populations increased, funding to support their civil legal needs significantly decreased. SB 1073 provides the opportunity to increase financial support for the legal service providers to address the growing needs of low income residents.

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. The Mediation Center is the only dispute resolution option on Oahu for individuals in the low-income population to assist them in resolving disputes quickly and creatively. Each year, the Mediation Center helps approximately 5,000 individuals to talk, rebuild relationships and resolve conflicts creatively and quickly. 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. Overall, 51% of the cases mediated resulted in written agreements.

Due to an approximate 25% reduction in funding over the past two years, the Mediation Center has struggled to meet growing community needs for additional on-site court mediation requests, foreclosure mediation and more.

To increase access to justice for Hawaii's people, the Mediation Center works closely with other civil legal service providers and the Access to Justice Commission Committees. Through these partnerships, we strive to assist more people in a variety of critical areas such as landlord/tenant disputes, custody and visitation matters, and family conflicts involving teens or aging parents. Support of SB 1073 will ensure the continued growth and development of the partnerships between the legal service providers to meet the civil legal needs of Hawaii's growing low-income population. 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 is essential. Passage of this bill will be a major step toward efforts to achieve access to justice for all.

Sincerely,

*Tracey S. Wiltgen*

Tracey S. Wiltgen  
Executive Director