



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Written Testimony Presented Before the
Senate Committee on Ways and Means
Tuesday, April 1, 2014 at 9:00 a.m.

by

Aviam Soifer, Dean
William S. Richardson School of Law
University of Hawai'i at Mānoa

SCR 116 – REQUESTING THE HAWAII ACCESS TO JUSTICE COMMISSION TO CONVENE A WORKING GROUP TO DEVELOP AN EDUCATIONAL LOAN REPAYMENT PROGRAM FOR WILLIAM S. RICHARDSON SCHOOL OF LAW GRADUATES TO EXPAND OPPORTUNITIES TO PURSUE PUBLIC INTEREST CAREERS IN HAWAII THAT DIRECTLY SERVE UNDERSERVED COMMUNITIES.

Chair Ige, Vice Chair Kidani, and Members of the Committee,

The William S. Richardson School of Law **strongly supports** SCR 116, which would establish a working group to develop a loan repayment plan and other means to expand opportunities for our law graduates to pursue public interest careers that directly serve underserved communities in Hawai'i.

Over the past forty years, the Law School has contributed both direct legal services and leadership to provide access to justice for the most vulnerable members of our many communities in Hawai'i. We are proud of the *pro bono* and clinical work that our students do while in law school and of their recognition of an ongoing obligation to community service once they graduate.

With our first-rate faculty members as their teachers as well as role models for community service, many of our students are committed to doing public interest work and providing access to justice for all once they graduate. Although our tuition is low compared to most other law schools, a majority of our students nonetheless graduate with substantial debt from paying for law school. Approximately 80 percent of all Richardson students must borrow to attend law school and when they graduate, they owe an average of \$75,419 from law school debt alone.

Accordingly, the Law School applauds the effort of the Legislature to enhance access to justice and to assist our graduates in building on the founding vision of Chief Justice William S. Richardson and his allies that included training first-rate lawyers to provide excellent legal service to everyone in Hawai'i in need of legal assistance, regardless of ability to pay. The Law School is a member of, and has worked closely with, the Access to Justice Commission since the Commission's inception, and we look forward to assisting in the efforts of the working group provided for in Senate Concurrent Resolution 116.

In further support of this important effort, the Law School is ready to supply meeting rooms and administrative and student research assistance for the Working Group without charge.

Thank you for the opportunity to testify.

**Board of Directors**

Sherry Broder, Esq.
David Derauf, M.D.
Naomi C. Fujimoto, Esq.
Patrick Gardner, Esq.
John H. Johnson
Nathan Nelson, Esq.
David J. Reber, Esq.

Executive Director

Victor Geminiani, Esq.

Testimony of Hawai'i Appleseed Center for Law and Economic Justice
Supporting SCR116 Relating to Access to Justice
Senate Committee on Ways and Means
Scheduled for Hearing Tuesday, April 1, 2014 9:00 AM, Room 211

Hawai'i Appleseed Center for Law and Economic Justice is a nonprofit, 501(c)(3) law firm created to advocate on behalf of low-income individuals and families in Hawai'i on civil legal issues of statewide importance. Our core mission is to help our clients gain access to the resources, services, and fair treatment that they need to realize their opportunities for self-achievement and economic security.

Thank you for the opportunity to testify in **strong support** of Senate Concurrent Resolution 116, which would convene a working group to develop a program providing loan repayments for eligible lawyers pursuing public interest work in Hawai'i. As a nonprofit legal organization dedicated to promoting social justice for Hawai'i's low-income and other vulnerable residents, we strongly believe in the need to support attorneys seeking to serve their community in public interest law.

The creation of a meaningful Loan Repayment Assistance Program (LRAP) would replicate successful existing programs in a number of stated and law schools in the nation. The costs of loan repayment by graduates of law schools remains an almost insurmountable barrier to many who have a passion to provide public service through employment at a legal services program. That is a tragedy. The need has been recognized in numerous studies on the unavailability of critical legal assistance when low-income residents are confronted with a legal challenge that will impact on their ability to stop illegal eviction, inappropriate terminations from critical benefits, custody of their children and so many other barriers to survival and self-achievement.

The most recent study conducted by the Hawai'i Legal Services Hui indicated that the justice gap is so wide that less than one in four low-income residents in Hawaii were able to find assistance when confronted with a legal challenge. An effective LRAP program would provide a significant tool for legal aid programs and prospective employees to use in overcoming the economic barriers to public service that high loan repayment obligations impose.

Again, thank you for an opportunity to testify in strong support of SCR 116/



Hon. Daniel R. Foley
Associate Judge
Intermediate Court of Appeals
Chair

Jill M. Hasegawa
Vice Chair

HAWAII ACCESS TO JUSTICE COMMISSION

Commissioners:

Hon. Simeon R. Acoba, Jr.
Rep. Della Au Belatti
Hon. Joseph Cardoza
Victor Geminiani
Moses Haia

Sen. Clayton Hee
Hon. Ronald Ibarra
R. Elton Johnson, III
Jean Johnson
Tracy Jones

M. Nalani Fujimori Kaina
Michelle Acosta
Derek Kobayashi
Mary Anne Magnier
Patricia McManaman

Scott S. Morishige
Darien Nagata
Hon. Trudy Senda
Gary M. Slovin
Dean Aviam Soifer

March 31, 2014

To: Senator David Y. Ige
Chair, Senate Committee on Ways & Means

Re: Senate Committee on Ways & Means
Hearing Date: Tuesday, April 1, 2014
Hearing Time: 9:00 a.m.

Testimony in **Strong Support** of SCR 116, to convene a working group to develop an educational loan repayment program for individuals pursuing public interest careers directly serving underserved communities

Dear Chair Ige and Members of the Senate Committee on Ways & Means:

The Hawaii Access to Justice Commission (the "Commission"), **strongly supports** the convening of a working group to develop an educational loan repayment program for individuals pursuing public interest careers directly serving underserved communities, and more especially those who pursue public interest work through our non-profit legal service providers.

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 of substantially increasing access to justice in civil legal matters for low- and moderate-income residents of Hawaii ("low income Hawaii residents"), including developing initiatives designed to enhance recruitment and retention of attorneys who work for nonprofit civil legal services providers in Hawai'i and to encourage law students to consider, when licensed, the practice of poverty law in Hawai'i.

The Commission was created in response to the 2007 Assessment of Civil Legal needs and Barriers of Low- and Moderate-Income People of Hawaii (2007

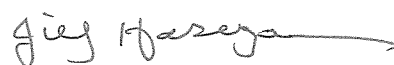
Assessment), which found that four out of five low income Hawaii residents do not have their legal needs met and that legal service providers are only able to assist one in three persons who contact them for assistance. The Commission recognizes that in order to increase delivery of legal services to low income Hawaii residents, more resources, including increasing the number of attorneys who practice public interest law is needed.

Many law students enter law school with the desire and passion to assist the public through public interest work. However, several barriers exist which deter those individuals from pursuing this aspiration. Among them is the financial reality of having to immediately payoff their student loans. One crucial step towards increasing the number of public interest attorneys is to lessen some of the financial burdens of those attorneys through a educational loan repayment assistance program. With such a program, those attorneys interested in practicing public interest law would have one less financial obstacle to overcome.

In order to create a successful sustainable educational loan repayment assistance program, the Commission realizes that many issues need to be addressed, which will require cooperation, discussion, and collaboration amongst a number of groups including, but not necessarily limited to: the William S. Richardson School of Law, law students, legal service providers, the Hawaii State Bar Association, and representatives from the legislative and judicial branches.

It is especially important for our legal service providers to have a voice in the creation of a successful educational loan repayment assistance program, as they are a critical piece of the discussion, and have legitimate concerns about any negative effect on their funding. The legal service providers, who provide valuable services to our underrepresented communities, are especially concerned that any funds to maintain an educational loan repayment assistance program, not supplant and/or be diverted from their programs.

The Commission strongly supports the passage SCR 116 and appreciates the opportunity that this resolution provides to further the discussion towards the creation of a successful educational loan repayment assistance program, that will truly benefit the underserved populations in Hawaii. Thank you for your attention to this matter.



Jill M. Hasegawa, Esq.

Vice-Chair

Hawaii Access to Justice Commission

COMMUNITY ALLIANCE ON PRISONS

P.O. Box 37158, Honolulu, HI 96837-0158

Phone/email: (808) 927-1214 / kat.caphi@gmail.com



COMMITTEE ON WAYS AND MEANS

Sen. David Ige, Chair

Sen. Michelle Kidani, Vice Chair

Tuesday, April 1, 2014

9:00 a.m.

Room 211

SUPPORT FOR SCR 116- Loan Repayment Program for Richard Law Students

Aloha Chair Ige, Vice Chair Kidani and Members of the Committees!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies for more than a decade. This testimony is respectfully offered on behalf of the 5,800 Hawai'i individuals living behind bars, always mindful that approximately 1,500 Hawai'i individuals are serving their sentences abroad, thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Native Hawaiians, far from their ancestral lands.

SCR 116 requests the Hawai'i Access to Justice Commission to convene a working group to develop an educational loan repayment program for William S. Richardson School of Law graduates to expand opportunities to pursue public interest careers in Hawai'i that directly serve underserved communities.

Community Alliance supports this measure.

It is so encouraging to us that the students have initiated this discussion. Many of our law school graduates *want* to stay and assist our communities that lack access to and help navigating the justice system. We are proud that these students are standing up for communities that desperately need their help. At the same time we are saddened that our law school graduates are saddled with such crippling debt that they cannot afford to do the work for which they trained. Our communities need help. There are law graduates that want to help.

Please support our students who want to help build safe, healthy, and just communities. They are our hope for a better future.

Mahalo for this opportunity to testify.

TESTIMONY IN SUPPORT OF SCR 116

Senate Committee on Ways and Means:

Senator David Y. Ige, Chair

Senator Michelle N. Kidani, Vice Chair

William S. Richardson School of Law
University of Hawai'i
2465 Campus Road
Honolulu, HI 96822

Cassie Bagay
Co-President

Mari Fujimoto
Co-President

Mike Dunford
First Amendment Coordinator

David Klaponski
Forms Director

Christina Simpson
Curriculum Coordinator

Courtney Takara
Public Relations Coordinator

Nikki Yamauchi
Secretary

March 31, 2014

Students for Public Outreach and Civic Education (SPOCE) is a student-run organization at the William S. Richardson School of Law, and submits this testimony in strong support of Senate Concurrent Resolution 116.

SPOCE's primary goal is to increase public understanding of the law, particularly as it relates to the issues that people are most likely to encounter in their daily lives. We have been privileged, over the last several years, to be able to conduct education and outreach efforts in middle- and high-school classrooms both on Oahu and on the Neighbor Islands. In the process, we have encountered many students who are very enthusiastic about finding career paths that will enable them to help their families and communities. Many of these students have expressed a strong interest in exploring public interest law careers as a path to accomplishing those goals.

Many of the students who have the desire to serve their community through a career in the law will be unable to attend law school without accumulating substantial debt, both for their undergraduate education and for law school. The need to repay these debts can create a barrier for students who want to work in the often low-paying field of public interest law. The development of a financially sustainable loan repayment program would represent a substantial step toward eliminating that barrier.

The establishment of a working group to develop legislation to establish such a repayment program is a critical step forward toward the development of this program, which will help deserving students attain their dream of being able to spend their careers serving their families and communities. Their service, in turn, will help those who need legal assistance the most, and will benefit our communities and our state.

We ask that the legislature pass this important measure, and thank you for allowing us the opportunity to testify in favor of passage of this bill.