

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 14, 2016 7:03 PM
To: JUDtestimony
Cc: louis@hawaiidisabilityrights.org
Subject: Submitted testimony for HB2121 on Feb 16, 2016 14:00PM

HB2121

Submitted on: 2/14/2016

Testimony for JUD on Feb 16, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Louis Erteschik	Hawaii Disability Rights Center	Support	No

Comments: We served on the Task Force that developed this recommendation and all members were in concurrence.

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LATE



The Judiciary, State of Hawaii

Testimony to the House Committee on Judiciary
Representative Karl Rhoads, Chair
Representative Joy A. San Buenaventura, Vice Chair

Tuesday, February 16, 2016, 2:00 p.m.
State Capitol, Conference Room 325

by

Rodney A. Maile
Administrative Director of the Courts

WRITTEN TESTIMONY ONLY

Bill No. and Title: House Bill No. 2121, H. D. 1, Relating to Legal Services.

Purpose: House Bill No. 2121, H.D. 1 appropriates moneys from the general fund for civil legal services for low- and moderate-income persons to be purchased by the Judiciary.

Judiciary's Position:

The Judiciary strongly supports House Bill No. 2121, H.D. 1 to appropriate funds for civil legal services providers to deliver civil legal services to low- and moderate-income persons. Civil legal services providers extend a lifeline to the most vulnerable in our community. The amount requested will restore funding for civil legal services for low- and moderate-income persons to pre-recession levels through contracts administered by the Judiciary.

House Resolution No. 12, H.D. 1 and Senate Resolution No. 6, S.D. 1 (2015) requested the Hawaii Access to Justice Commission to assemble state and community entities to determine and report which agency or organization should administer funding for civil legal services to low- and moderate-income persons. The resolution requested that the report include a history of state funding of civil legal services, issues historically faced by civil legal service providers, analysis of assigning administration to governmental entities, recommended level of funding and proposed legislation. This bill reflects the recommendations of the Working Group.



House Bill No. 2121, H.D. 1, Relating to Legal Services
House Committee on Judiciary
Tuesday, February 16, 2016
Page 2

The Judiciary concurs with the recommendations of the Working Group that the Judiciary administer the funding, and the Judiciary supports the Working Group's recommendation that the Judiciary be given the discretion to contract the administration of the funding with a nonprofit organization with at least five years' experience in administering grants to providers of civil legal services. Compensation for the administration is recommended to be limited to not more than five per cent of the total amount allocated for these services each fiscal year.

However, the Judiciary can only support these recommendations if such funding is not taken from the Judiciary's general operating funds or other critical needs. As noted in the report, the Judiciary has a significant concern that any funds provided by the Legislature be additional funding and not be made at the expense of the Judiciary's current budget requests and base budget, which would impact operations including contracts for treatment and prevention.

By establishing this process and restoring funding, providers of civil legal services will be able to plan and manage the delivery of much needed legal assistance to low- and moderate income persons.

Thank you for the opportunity to testify on this bill.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 15, 2016 1:01 PM
To: JUDtestimony
Cc: dkobayashi@schlackito.com
Subject: *Submitted testimony for HB2121 on Feb 16, 2016 14:00PM*

HB2121

Submitted on: 2/15/2016

Testimony for JUD on Feb 16, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Derek R. Kobayashi	Access to Justice Commission	Support	Yes

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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VOLUNTEER LEGAL
SERVICES HAWAII

TESTIMONY IN SUPPORT OF HB 2121 HD1- RELATING TO LEGAL SERVICES

Committee on Judiciary

Tuesday, February 16, 2016 at 2:00 p.m. - Conference Room 325

CHAIR RHOADS, VICE CHAIR SAN BUENAVENTURA, AND MEMBERS OF THE
JUDICIARY COMMITTEE:

Volunteer Legal Services Hawaii strongly supports passage of H.B. 2121 HD1 and the recommendations of which appropriates funds for civil legal services to low and moderate income individuals in our state.

I am the Executive Director of Volunteer Legal Services Hawaii ("Volunteer Legal"). Volunteer Legal has been providing civil legal services to the low- and moderate-income community in the State of Hawaii for 35 years. It does so in partnership with volunteer attorneys who donate their personal time and professional skills to ensure that the people who live in poverty or near poverty have meaningful access to legal services.

Each day, Volunteer Legal staff speak with individuals and families experiencing a legal crisis affecting very basic aspects of their lives: housing, financial stability, ability to maintain relationships with their children, and the ability to care for a vulnerable family member. Those who qualify for our services have limited personal resources to obtain legal representation. Through a variety of direct services: outreach, education, legal advice and counseling, guidance for self-representation, and full-representation, staff and volunteer attorneys are able to provide quality assistance to those with civil legal needs.

When used effectively, civil legal aid can provide more than peace of mind to an individual, it helps reduce dependency on costly social services. For example, when a single mother is able to move out of a shelter and afford an apartment after receiving assistance obtaining child support, or when a child avoids entering the foster care system after his grandfather receives help establishing legal guardianship.

Investment of funds through an appropriation for civil legal services for the low and moderate income community ensures that programming and services remain a reliable resource for those who need them the most.

On behalf of Volunteer Legal Services Hawaii and those we serve, I respectfully request your support of H.B. 2121. Thank you for the opportunity to be heard.

Sincerely,

Michelle D. Acosta
Executive Director

DOI / LUKE

Attorneys At Law, A Limited Liability Law Company

GAVIN K. DOI
KENDAL A. LUKE
LARIE K.L. MANUTAI
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TESTIMONY IN SUPPORT OF HB 2121, HD1 RELATING TO LEGAL SERVICES

Tuesday, February 16, 2016 at 2:00 p.m.
Committee on Judiciary
Conference Room 325

CHAIR RHOADS, VICE CHAIR SAN BUENAVENTURA, AND MEMBERS OF THE COMMITTEE ON JUDICIARY:

My name is Gavin K. Doi, and I am an attorney in private practice, licensed in the State of Hawaii.

I have volunteered my time for over twenty years helping those who have little to no financial resources through various non-profit organizations including Volunteer Legal Services Hawaii and court-based services. I have conducted clinics and classes, volunteered at advice and counsel sessions, assisted pro se litigants in representing themselves, and represented individuals in contested cases. As a private practice attorney in the field of divorce and family law for my entire legal career, I know the costs of professional legal services, as well as the inability of the majority of everyday people to afford such services.

Dedicated funds for civil legal services to Hawaii's low-income community is critical in ensuring a fair judicial system. Civil legal services that address **basic** needs in Hawaii such as housing, receiving benefits, financial stability, protection from domestic violence, the ability to maintain family relations, and care for vulnerable family members does not just help those individuals, but provides a safety net for our entire community. Justice, and the protection of the legal system needs to be accessible to **all** and not just to those who can afford it.

I respectfully ask for your support of HB 2121. Thank you.

Sincerely,



Gavin K. Doi



**LEGAL AID
SOCIETY OF HAWAII**

Telephone: (808) 536-4302 • Fax: (808) 527-8088
Mailing Address: P.O. Box 37375 • Honolulu, Hawaii 96837-0375
924 Bethel Street • Honolulu, Hawaii 96813

Jodi S. Yamamoto, Esq.
President, Board of Directors

M. Nalani Fujimori Kaina, Esq.
Executive Director

TESTIMONY IN SUPPORT OF HB2121 – RELATING TO LEGAL SERVICES.

Committee on Judiciary - Room 325

Representative Karl Rhoads, Chair
Representative Joy A. San Buenaventura, Vice-Chair

February 16, 2016 at 2:00 p.m.

The Legal Aid Society of Hawaii submits testimony in support of HB2121 HD1 – Relating to Legal Services.

This bill would go to restoring general revenue funding for civil legal services. We would ask that such funding be restored to 2008 levels of \$2,159,632 through a recurring purchase of service contract through the Judiciary. Civil legal services are critical in that they can provide real world solutions to help families in crisis find stability and hope. The recommendation for this funding was the result of an off-session working group established by HR12 which requested the Hawaii Access to Justice Commission to Assemble Various State and Community Entities to Determine which Agency or Organization should Administer Funding for Civil Legal Services to the Low- and Moderate-Income.

The Legal Aid Society of Hawaii has provided civil legal services to the community for over 65 years. Through our ten offices which include one on each of the major Hawaiian islands, our staff assist residents of Hawaii to navigate and solve basic issues which require legal interventions. In 2015, our staff of 100 closed over 8,500 cases and opened almost 9,800 in legal areas ranging from family, housing, consumer, foreclosure, public benefits, elder law, homelessness, immigration, language access, and child welfare. In most of these cases, we are only able to provide legal counsel and advice or provide brief services which includes assisting with the completion of court forms and explaining the court process. Because of our limited resources, we were only able to assign an attorney or paralegal for representation in 13.25% of these cases or 1,248 cases. The provision of this funding for the purchase of additional civil legal services will go a long way to increasing the number of people in the community that we are able to assist.

As members of the Committee on Judiciary, we ask for your support on this measure as it will help to increase our community's ability to bring civil legal services to those most in need.

Thank you for this opportunity to provide testimony.

Sincerely,

M. Nalani Fujimori Kaina
Executive Director



25 Years

TO: Chair Karl Rhoads
Vice Chair Joy San Buenaventura
Members of the Committee

FR: Nanci Kreidman, M.A.
Chief Executive Officer

RE: H.B. 2121 HD 1

Aloha, and thank you for hearing H.B. 2121 today. It has long been apparent to the organizations providing legal services to the community, and to those needing assistance, that there are scarce resources invested in the delivery of legal services.

Access to justice is a phrase and a real concept that has swept the nation and resides in the hearts of our Hawaii communities. In order to meet or move in the direction of achieving such a lofty goal, there must be a larger investment of funds. When individuals, families, marginalized communities, differently abled, low income people and victims of domestic violence are represented adequately, or provided with necessary information to navigate the legal system, it serves the interests of the community as a whole.

The legal system is not a familiar or user friendly system for people unacquainted with it. Assistance to find redress or remedy helps people regain balance, stability and impetus to become contributing members of the community. It is also, most certainly, good for the courts to have parties with representation. Better outcomes, better management of court calendars and more timely resolution of challenges stands to serve us all.

Funds included in this Bill shall help to restore the loss of funds during the economic crisis and build momentum for efforts intended to really meet community need.

P. O. Box 3198 Honolulu, HI 96801-3198
O'ahu Helpline: 808 531-3771 | Toll-free: 800 690-6200 | Administration: 808 534-0040 | Fax 808 531-7228
dvac@stoptheviolence.org | www.domesticviolenceactioncenter |
facebook.com/domesticviolenceactioncenterhawaii



TESTIMONY OF THOMAS D. FARRELL
Regarding House Bill 2121, HD 1 Relating to Legal Services

Committee on Judiciary
Rep. Karl Rhoads, Chair

Tuesday, February 16, 2016, 2:00 p.m.
Conference Room 325, State Capitol

Good morning Representative Rhoads and members of the Committee:

I strongly support this bill.

I run a small law firm concentrating in Family Law. All of us are volunteer attorneys with Volunteer Legal Services Hawaii (VLSH), and I serve on its board. We see, first hand, the need for civil legal services to be provided to those who would otherwise have no access to justice. This bill will not only help fund VLSH, but it will provide financial support to the Legal Aid Society and other partners in the legal services community.

Indulge me, if you will, and let me take a moment to tell you about VLSH.

Earlier this month, I handled an adoption for a woman who has been in casual possession of a seven year old girl for the past five years. The child's mother has been in and out of prison, and the father is unknown. My client needs to have the legal authority to act as a parent, and also to make sure that mom doesn't demand the return of this child in a drug induced moment. The paperwork for an adoption is daunting, even for lawyers. My client---who makes about \$1,500/month---would never be able to afford to hire an attorney at \$300/hour. She's getting her adoption done through VLSH at no charge. And, by the way, the taxpayers of Hawaii benefit from this too. This child will remain in a safe and loving home, and will not be one of those who are in our CPS system and in foster care at taxpayer expense.

That's just one example of why civil legal services are vital, but they aren't free. My time may be free, but it takes an organization like VLSH to screen the cases, recruit the attorney volunteers, and match clients to lawyers. VLSH complements the work of the Legal Aid Society, which does not rely on volunteers, but also is an important partner in helping to provide access to justice. In fact, 40% of VLSH intakes are cases that Legal Aid was not able to accept.

VLSH has an annual budget of around \$600,000 year. We do fundraising, we get private grants, we get some of the interest on lawyers' trust accounts, and we get support from the bar. But for

Divorce ♦ Paternity ♦ Custody ♦ Child Support ♦ TROs ♦ Arbitration
also handling national security cases involving revocation or denial of security clearances

700 Bishop Street, Suite 2000, Honolulu, Hawaii 96813
Telephone 808.535.8468 ♦ Fax 808.585.9568 ♦ on the web at: www.farrell-hawaii.com

*Certified by the National Board of Trial Advocacy. The Supreme Court of Hawaii grants Hawaii certification only to lawyers in good standing who have successfully completed a specialty program accredited by the American Bar Association.

Testimony of Thomas D. Farrell
HB 2121, HD 1
February 16, 2016
page 2

the last several years, we haven't been able to make it without a GIA. That GIA was supposed to be a temporary measure. We have lurched from year to year, struggling to keep our doors open.

Last year, the Legislature created a task force on funding civil legal services, and their ultimate recommendation was that the best answer was to create a line item in JUD 100. This bill makes the appropriation and places it in the Judiciary. That will create a stable base of funding.

This is a modest investment that will do great good. Thank you for the opportunity to testify this morning.

**TESTIMONY IN SUPPORT OF HB 2121, HD1
RELATING TO LEGAL SERVICES**

Committee on Judiciary
Tuesday, February 16, 2016 at 2:00 p.m.
Conference Room 325

**CHAIR RHOADS, VICE CHAIR SAN BUENAVENTURA, AND MEMBERS OF THE
COMMITTEE ON JUDICIARY:**

My name is Philip Dureza. I am an attorney licensed in the State of Hawaii.

I am writing in support of the work of Volunteer Legal Services Hawai'i ("VLSH"). Prior to my moving to the Kaua'i's County Attorney's Office in November 2014, I had been a regular volunteer attorney with VLSH in Oahu. One of the principal reasons why I kept volunteering with VLSH was because of the gratification I received from consulting with VLSH clients during its legal clinics and other events. These individuals were typically very appreciative of the services that VLSH facilitated, even when the advice I gave to them was not particularly positive. Their appreciation suggested to me that there is a continued need within the community to keep providing these services.

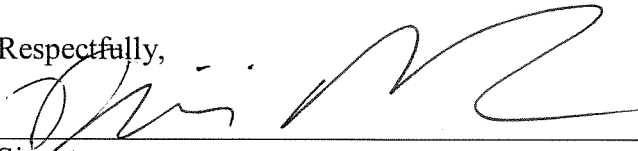
For similar reasons, I also took up a pro bona guardianship case here in Kaua'i that was facilitated by VLSH. One particularly compelling reason why I took up this case was because I felt the client was being taken advantage of by the opposing party (who was represented) because she didn't have an attorney. For example, the opposing party had repeatedly withheld visitation of the subject child from my client in violation of the court's visitation order. Again, this experience underscored to me the importance of facilitating pro bona legal services where possible, as even individuals with a strong case, such as my client, may be detrimentally affected without proper counsel to guide them through the legal labyrinths.

I also understand that pending funding, VLSH may expand more of its services to the outer islands. I hope VLSH will be successful in this regard. Based on my conversation with a judge and other litigants here in Kaua'i, there is definitely a need for pro bona legal services in family law here.

To this end, I hope that you will help VLSH continue with the important and meaningful

work that it has been doing with your support of HB 2121. Thank you for the opportunity to be heard.

Respectfully,

A handwritten signature in black ink, appearing to read "Philip Dureza", written over a horizontal line.

Signature

Philip Dureza

Printed Name

Trever Asam
Cades Schutte
1000 Bishop St., Suite 1200
Honolulu, HI 96813

HOUSE OF REPRESENTATIVES
THE TWENTY-EIGHTH LEGISLATURE
REGULAR SESSION OF 2016

COMMITTEE ON JUDICIARY

Rep. Karl Rhoads, Chair
Rep. Joy A. San Buenaventura, Vice Chair

TESTIMONY IN SUPPORT OF HB 2121, HD1

To the Chair, Vice Chair, and Members of the Committee,

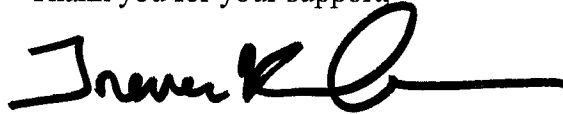
I strongly support the appropriation of funds for the purchase of civil legal services for low and moderate income individuals.

I am a partner at the law firm of Cades Schutte, our firm's pro bono coordinator, and a director and Vice President of Volunteer Legal Services Hawaii.

Volunteer Legal Services Hawaii coordinates and facilitates pro bono work by private practice attorneys for low and moderate income individuals in civil matters including divorce, adoption, family law, and other civil disputes. Appropriations such as those requested here fund the organization's administrative functions, which in turn leverage the efforts of the private bar.

Organizations such as Volunteer Legal Services Hawaii fulfill a critical function within our legal system by ensuring access to that system and justice for all. I urge passage of HB 2121 to ensure continued funding for these activities.

Thank you for your support.

A handwritten signature in black ink, appearing to read "Trever K. Asam", with a long horizontal flourish extending to the right.

Trever K. Asam

February 12, 2016

Rep. Karl Rhoads, Chair
Rep. Joy A. San Buenaventura, Vice Chair
Members of the House Committee on Judiciary
Twenty-Eighth Legislature
Regular Session, 2016

Re: HB2121, HD1
Hearing on Tuesday, February 16, 2016, at 2:00 p.m.
Conference Room 325

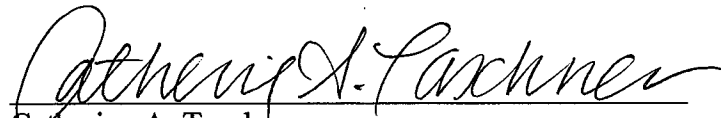
Dear Chair, Vice Chair and Members of the Committee:

My name is Catherine A. Taschner, and I am an attorney licensed to practice in the State of Hawaii. Thank you for allowing me to submit these remarks today in support of HB2121, HD1.

For several years, I have volunteered my time helping those who have little to no financial resources through various non-profit organizations, including Volunteer Legal Services Hawaii. Dedicated funds to organizations providing civil legal assistance, such as Volunteer Legal Services Hawaii, are critical in ensuring increased access to justice for low-income individuals in Hawaii. Civil legal services that address basic living needs such as housing, receiving benefits, financial stability, protection from domestic violence, the ability to maintain family relations, and care for vulnerable family members, offer peace-of-mind to the recipients, and are essential to our legal system. For justice to prevail, access to justice must be universal.

Please support HB 2121. Thank you for your kind consideration of this legislation.

Respectfully,



Catherine A. Taschner

TO: Representative Karl Rhoads, Chair
Representative Joy A. San Buenaventura, Vice Chair
House Committee on Judiciary

HEARING DATE: February 16, 2016

RE: Testimony in Support of HB2121 HD1

Good day Representative Rhoads Representative San Buenaventura, and members of the Committee. My name is Jessi Hall. I am an attorney whose practice concentrates in Family Law and also a volunteer for Volunteer Legal Services Hawaii. I am also a past Chair of the Family Law Section of the Hawaii State Bar Association. I am here today to testify in support of HB2121 HD1.

There are many in the community that are in desperate need of legal assistance, but cannot afford to hire a private attorney. Unlike criminal cases, in civil and family law cases litigants do not have an automatic right to counsel, leaving them to seek assistance where they can and often working aimlessly through the legal system.

Dedicated funds for civil legal services to Hawaii's indigent community is critical in ensuring that everyone benefits from the judicial system in as fair a manner as possible. Civil legal services that address basic living needs in Hawaii such as housing, receiving benefits, financial stability, protection from domestic violence, the ability to maintain family relations, and to care for vulnerable family members does not just achieve peace of mind for those individuals, but provides a safety net for our community, and in the long-run ensures that our legal system is accessible to all and not just to those who can afford it.

There is also a side benefit to the indigent community having counsel. With legal representation cases will move expeditiously through the system, which in turn will help reduce the backlogs in the Courts. That creates a benefit not only for the indigent community, but everyone who needs assistance from the Courts.

Thank you for the opportunity to testify in support of HB2121 HD1.

Samantha J. Kasnetz, Esq.

4348 Waialae Ave #547

Honolulu, Hawaii 96816

917-328-3355

xzlu7419@gmail.com

February 12, 2016

To: House Committee on Judiciary

Rep. Karl Rhoads, Chair

Rep. Joy A. San Buenaventura, Vic Chair

Members of the Committee

Re: Support for HB 2121, H.D. 1

I am Samantha 'Sam' Kasnetz. I strongly support HB2121. We have a duty to care for our most vulnerable residents in our community: veterans and their families, seniors, victims of domestic violence, the homeless, those facing disabilities and those living on the verge of poverty and homelessness. The availability of civil legal services for the low and the moderate income residents in our state is a key part in our continuous combat against poverty. These services aid so many of our residents who are the most vulnerable. I strongly urge support for HB2121. The funding for such services is a reinvestment in our community.

Please support HB2121. I am grateful for the opportunity to be read and heard. Thank you.



Samantha 'Sam' Kasnetz

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 16, 2016 8:59 AM
To: JUDtestimony
Cc: weygan@hawaii.edu
Subject: Submitted testimony for HB2121 on Feb 16, 2016 14:00PM

HB2121

Submitted on: 2/16/2016

Testimony for JUD on Feb 16, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Carolyn Weygan-Hildebrand	Individual	Support	No

Comments: "Justice delayed is justice denied" is a common expression. This is in support of this bill because it offers a solution that will help the Justice system and service providers focus more on addressing justice. The ultimate beneficiaries are members of the vulnerable populations who need all the help they can but especially legal services and yes, timely legal services. To many among the most vulnerable, legal services are critical but services are often not availed of because of fear, ignorance and/or cost. Supporting this bill will enable nonprofit service providers to reach out more and provide more (not less) much-needed legal education and services. Thank you.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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