



The Judiciary, State of Hawai‘i

Testimony to the Senate Committee on Ways & Means

Senator Jill N. Tokuda, Chair

Senator Donovan M. Dela Cruz, Vice Chair

Wednesday, March 30, 2016, 9:15 a.m.
State Capitol, Conference Room 211

by

Rodney A. Maile

Administrative Director of the Courts

WRITTEN TESTIMONY ONLY

Bill No. and Title: House Bill No. 2121, H.D. 3, S.D. 1 Relating to Legal Services.

Purpose: House Bill No. 2121, H.D. 3, S.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. 3, S.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 Hawai‘i 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. 3, S.D. 1 Relating to Legal Services
Senate Committee on Ways & Means
Wednesday, March 30, 2016, 9:15 a.m.
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.



Hon. Simeon R. Acoba
Associate Justice (Ret.)
Hawai'i Supreme Court
Chair

Derek R. Kobayashi
Vice Chair

HAWAI'I ACCESS TO JUSTICE COMMISSION

Commissioners:

Hon. Edmund D. Acoba
Michelle Acosta
Rep. Della Au Belatti
Hon. Joseph Cardoza
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Victor Geminiani
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March 28, 2016

The Honorable Jill N. Tokuda, Chair
The Honorable Donovan M. Dela Cruz, Vice Chair
Senate Committee on Ways and Means
Hawaii State Capitol
415 South Beretania Street
Honolulu, HI 96813

Re: HB 2121, HD 3, SD 1
Hearing: March 30, 2016 at 9:15 a.m.
Testimony in SUPPORT

Dear Chair Tokuda, Vice Chair Dela Cruz and members of the Senate Committee on Ways and Means:

The Hawai'i Access to Justice Commission supports House Bill No. 2121, H.D. 3, S.D. 1 inasmuch as the bill arises as a recommendation of the plan submitted by of the "Working Group to Determine a Funding Administrator of Civil Legal Services," and the Commission has previously reviewed and approved the Working Group's plan. A copy of former Hawai'i Access to Justice Commission Chair Honorable Daniel R. Foley's December 30, 2015 letter in support of and transmitting the Working Group's plan to the President of the Senate is enclosed for your reference.

To reiterate, as stated in Judge Foley's letter, the Commission supports all efforts in the plan by nonprofit organizations that provide civil legal services to the low- and moderate-income Hawai'i residents. The Commission supports all civil legal services providers in their efforts to provide access to justice to those who are currently underserved. The perspective of

The Honorable Jill N. Tokuda, Chair
The Honorable Donovan M. Dela Cruz, Vice Chair
March 28, 2016

the Commission is to be all-inclusive in terms of funding for those civil legal services that provide access to justice to those who are currently underserved.

If you have any questions, I can be reached via telephone at 523-6060, or via email at dkobayashi@schlackito.com.

Very truly yours,



DEREK R. KOBAYASHI

Vice Chair

Hawai'i Access to Justice Commission

Encl.



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

HAWAII ACCESS TO JUSTICE COMMISSION

Commissioners:

Hon. Simeon R. Acoba, Jr. (ret.)
Michelle Acosta
Rep. Della Au Belatti
Hon. Joseph Cardoza
Rona Fukumoto

Victor Geminiani
Moses Haia
Hon. Ronald Ibarra
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Jean Johnson

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M. Nalani Fujimori Kaina
Sen. Gilbert Keith-Agaran
Derek Kobayashi
Mary Anne Magnier

Carol K. Muranaka
Hon. Trudy Senda
Gary M. Slovin
Dean Aviam Soifer
George J. Zweibel

December 30, 2015

Email transmission

senkouchi@Capitol.hawaii.gov

Honorable Ronald D. Kouchi
Senate President
Hawaii State Capitol
415 South Beretania Street, Room 409
Honolulu, HI 96813

Re: Senate Resolution No. 6, S.D. 1, Requesting 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 Low- and Moderate-Income Individuals

Dear Senate President Kouchi:

Pursuant to Senate Resolution No. 6, S.D. 1, the Hawai'i Access to Justice Commission was requested to assemble a "working group of interested government agencies and community entities to conduct meetings to develop a plan for determining which agency or organization should administer funding for civil legal services."

The plan of the Working Group to Determine a Funding Administrator of Civil Legal Services¹ is hereby submitted.

The Working Group recommended that the Judiciary be assigned the administration of funding for civil legal services. The Working Group's plan was reviewed by the Hawai'i Access to Justice Commission on December 21, 2015, and was approved. The Commission supports all efforts in the plan by nonprofit organizations that provide civil legal services to the low-and moderate-income Hawai'i residents. The perspective of the Commission is to be all-inclusive in terms of funding for all civil legal services that provide access to justice to those who are currently underserved.

¹ A list of the Working Group's members is attached to the plan as Attachment A.

The Commission commends the Working Group for its diligence in preparing the aforementioned plan. The Working Group met on Tuesday, August 11, 2015; Tuesday, September 15, 2015; Tuesday, October 20, 2015; Monday, November 9, 2015; and Tuesday, December 15, 2015.

If you have any questions, please telephone me at 539-4698, or email me at Daniel.R.Foley@courts.hawaii.gov.

Very truly yours,

A handwritten signature in black ink that reads "Daniel R. Foley". The signature is written in a cursive style with a long, vertical tail on the letter 'y'.

DANIEL R. FOLEY
Associate Judge
Intermediate Court of Appeals
Chair
Hawai'i Access to Justice Commission

cc: Chief Justice Mark E. Recktenwald
Hawai'i Supreme Court



CATHOLIC CHARITIES HAWAII

TESTIMONY IN SUPPORT OF HB 2121, HD2 SD1: RELATING TO LEGAL SERVICES

TO: Senator Jill N. Tokuda, Chair; Senator Donovan Dela Cruz, Vice Chair, and Members, Committee on Ways and Means

FROM: Betty Lou Larson, Legislative Liaison, Catholic Charities Hawaii

Hearing: **Wednesday, 3/30/16; 9:15 AM; Conference Room 211**

Thank you for the opportunity to provide written testimony in support of HB 2121, HD2, SD1, which would appropriate funds to the Judiciary to purchase civil legal services for low- and moderate-income persons. I am Betty Lou Larson, representing Catholic Charities Hawaii.

Catholic Charities Hawaii (CCH) is a tax exempt, non-profit agency that has been providing social services in Hawaii for over 60 years. CCH has programs serving elders, children, developmentally disabled, homeless and immigrants. Our mission is to provide services and advocacy to the most vulnerable of the people in Hawaii.

In response to House Resolution No. 12, HD1 (2015), the Access to Justice Commission gathered many stakeholders, including Catholic Charities Hawaii, to develop a plan for how to administer funding for civil legal services for low- and moderate-income people. This bill is the result of this working group which has recommended funding of **\$2,159,632** to restore legal services to this very vulnerable group to pre-recession levels. The working group also recommended that the funding be appropriated to the Judiciary to contract services with civil legal services providers.

Having participated in this work group, Catholic Charities Hawaii supports this bill to ensure that the fundamental human needs of this vulnerable population be addressed. Lack of effective access to the civil justice system is widespread. While thousands each year must represent themselves due to lack of funds to hire an expensive lawyer, they can be overwhelmed by the system. Many may just give up. Ensuring that people have the right to a fair hearing when their legal rights are threatened is crucial.

Thank you for the opportunity to testify. We urge you to support this bill. Please contact me at (808) 373-0356 or bettylou.larson@catholiccharitieshawaii.org if you have any questions.





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SOCIETY OF HAWAII

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

M. Nalani Fujimori Kaina, Esq.
Executive Director

COMMENTS IN SUPPORT OF HB2121 HD3 SD1 – RELATING TO LEGAL SERVICES.

Committee on Ways and Means

Senator Jill N. Tokuda, Chair
Senator Donovan M. Dela Cruz, Vice-Chair

March 30, 2016 at 9:15 a.m.
Room 211

The Legal Aid Society of Hawaii submits comments in support of HB2121 HD3 SD1 – Relating to Legal Services. We thank, Chair Tokuda, for hearing this bill.

This bill would go to restoring general revenue funding for civil legal services. We would ask that the Committee support our request to restore civil legal services funding 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 SR6 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 Ways and Means, 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 our comments of support.

Sincerely,

M. Nalani Fujimori Kaina
Executive Director



www.legalaidhawaii.org
A UNITED WAY AGENCY



**VOLUNTEER LEGAL
SERVICES HAWAII**

**TESTIMONY IN SUPPORT OF HB 2121, HD3, SD 1
RELATING TO LEGAL SERVICES**

Committee on Ways and Means
Wednesday, March 30, 2016 at 9:15 a.m.
Conference Room 211

**TO CHAIR TOKUDA, VICE CHAIR DELA CRUZ, AND MEMBERS OF THE
COMMITTEE ON WAYS AND MEANS:**

I am the Executive Director of Volunteer Legal Services Hawaii ("Volunteer Legal"), and I write in strong support of HB 2121 HD 3, SD 1.

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 HD3, SD 1. Thank you for the opportunity to be heard.

Sincerely,


Michelle D. Acosta

March 29, 2016

Elijah Yip
Direct Line: (808) 521-9326
Direct Fax: (808) 521-9210
E-mail: eyip@ca des.com

Committee on Ways and Means
Senator Jill N. Tokuda, Chair
Senator Donovan M. Dela Cruz, Vice Chair

Re: HB 2121 - Relating to Legal Services

Dear Chair Tokuda, Vice-Chair Dela Cruz and Members of the Committee:

I write to express my strong support for HB 2121 and the appropriation of general revenue funds for the purchase of civil legal services for low and moderate income individuals.

I have served on the board of directors of the Legal Aid Society of Hawai'i ("LASH") since 2014. It is crucial that the most vulnerable members of our community have access to legal services to protect their most basic needs, such as food, shelter, and safety. Legal representation can often prevent the effects of social injustice from multiplying and costing more to remedy in the long term. The high cost of living in Hawai'i drives up the demand for such legal services, and yet the resources available to legal service providers like LASH and other organizations are limited. The passage of HB 2121 is greatly needed to enable LASH and other community service organizations to assist more members of our community.

Please support HB 2121.

Thank you for the opportunity to provide testimony and for your thoughtful consideration of the bill.

Very truly yours,

Elijah Yip



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March 29, 2016

Committee on Ways and Means
Senator Jill N. Tokuda, Chair
Senator Donovan M. Dela Cruz, Vice Chair

Re: HB 2121 – Relating to Legal Services

Dear Chair Tokuda, Vice-Chair Dela Cruz and Members of the Committee:

I write to express my strong support for HB 2121 and the appropriation of general revenue funds for the purchase of civil legal services for low and moderate income individuals.

I have served on the board of directors of the Legal Aid Society of Hawai'i ("LASH") since 2015. It is crucial that the most vulnerable members of our community have access to legal services to protect their most basic needs, such as food, shelter, and safety. Legal representation can often prevent the effects of social injustice from multiplying and costing more to remedy in the long term. The high cost of living in Hawai'i drives up the demand for such legal services, and yet the resources available to legal service providers like LASH and other organizations are limited. The passage of HB 2121 is greatly needed to enable LASH and other community service organizations to assist more members of our community.

Please support HB 2121.

Thank you for the opportunity to provide testimony and for your thoughtful consideration of the bill.

Very truly yours,

A handwritten signature in black ink, appearing to read "J. Blaine Rogers", written over a horizontal line.

J. Blaine Rogers

JBR:lk

To: Chair Jill N. Tokuda, Vice Chair Donovan M. Dela Cruz, and Members of the Committee:

I write to strongly support H.B. 2121 and the appropriation of general revenue funds for the purchase of civil legal services for low and moderate income individuals.

As Vice-President of the Legal Aid Society of Hawaii (“LASH”), I have first-hand knowledge of the vital roles that LASH and similar organizations provide to our community in ensuring that the most vulnerable members of our society have access to quality legal services to address basic needs such as food, shelter, and physical safety. My law firm, Carlsmith Ball LLP, recently received LASH’s prestigious Leadership Circle Recognition Award in recognition of our firm’s robust community involvement and its longtime support of LASH, particularly on Oahu, Maui, and the Big Island where our offices are located. Private contributions are not enough, however. Limited resources impair LASH’s ability to provide these services to all who need them. Through the passage of H.B. 2121, additional funding will be available to increase the reach of LASH and enable LASH to assist more members of our community with their basic needs. Thank you for the opportunity to provide testimony and for your careful consideration of this matter.

Sincerely,
Joanne L. Grimes

March 29, 2016

Committee on Ways and Means
Senator Jill N. Tokuda, Chair
Senator Donovan M. Dela Cruz, Vice-Chair

Writer's Direct Dial: (808) 540-4503
Writer's Email: jyamamoto@ychawaii.com

Re: **HB 2121 – Relating to Legal Services**

Dear Chair Tokuda, Vice Chair Dela Cruz and Members of the Committee:

I am writing to express my strong support for HB 2121 and the appropriation of general revenue funds for the purchase of civil legal services for low and moderate income individuals.

I am privileged to serve as the President the Legal Aid Society of Hawaii ("LASH") where I have been a member of the board since 2004. LASH and other organizations like it are vital to our community. They help to ensure that the most vulnerable members of our society have access to quality legal services to ensure their most basic needs including food, shelter, and physical safety. However, limited resources impair LASH's ability to provide these services to all who need them. Through the passage of HB 2121, additional funding will be available to increase the reach of LASH and enable LASH to assist more members of our community with these basic needs.

I strongly urge you to support HB 2121.

Thank you for the opportunity to provide testimony and for your careful consideration of this matter.

Very truly yours,

Jodi S. Yamamoto

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: jboivin@hawaiigas.com
Subject: Submitted testimony for HB2121 on Mar 30, 2016 09:15AM
Date: Tuesday, March 29, 2016 12:13:10 PM

HB2121

Submitted on: 3/29/2016

Testimony for WAM on Mar 30, 2016 09:15AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Joseph Boivin	Individual	Support	No

Comments: I write to express my strong support for HB 2121 and the appropriation of general revenue funds for the purchase of civil legal services for low and moderate income individuals. I have served on the board of directors of the Legal Aid Society of Hawai'i ("LASH") since 2009. It is crucial that the most vulnerable members of our community have access to legal services to protect their most basic needs, such as food, shelter, and safety. Legal representation can often prevent the effects of social injustice from multiplying and costing more to remedy in the long term. The high cost of living in Hawai'i drives up the demand for such legal services, and yet the resources available to legal service providers like LASH and other organizations are limited. The passage of HB 2121 is greatly needed to enable LASH and other community service organizations to assist more members of our community.

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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Committee on Ways and Means

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 Professor of Law at the University of Hawai`i William S. Richardson School of Law. Although I write this testimony in my personal capacity (and not on behalf of the Law School or University), my job has given me insights in to the great legal needs of lower income citizens of Hawai`i.

Volunteer Legal Services Hawaii coordinates and facilitates pro bono work by private practice attorneys for low and moderate income individuals in civil matters such as family law, adoption, divorce, and other civil disputes. Appropriations such as those requested here fun 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 the legal system and justice for all. I urge passage of HB 2121, HD3, SD1 to ensure continued funding for these critical activities.

Thank you for your support.

Sincerely,

/s/ Justin D. Levinson

To: The Honorable Senator Jill M. Tokuda, Chair
The Honorable Senator Donovan M. Dela Cruz, Vice Chair
and the members of the Committee on Ways and Means

From: Naomi C. Fujimoto

Re: Testimony in Support of H.B.2121, H.D. 3, S.D. 1 Relating to Legal Services
Hearing on March 30, 2016, at 9:15 a.m. in Room 211

Thank you for hearing this bill. I have served on the Board of the Legal Aid Society of Hawaii for over 15 years. I strongly support this bill to restore funding for civil legal services to \$2,159,632 through a recurring purchase of service contract through the Judiciary, as recommended by the group formed by the Hawaii Access to Justice Commission pursuant to SR 6. I respectfully request that you support this bill as well.

Despite the hard work and commitment of people who provide civil legal services to those in our community who cannot afford to pay for a private attorney, the needs of our community members for assistance with even basic civil legal issues outweigh our limited resources. The Legal Aid Society of Hawaii provides legal assistance for family, housing, consumer, foreclosure, public benefits, elder law, homelessness, immigration, language access and child welfare issues. This increase in funding will make a significant difference in the number of people who will receive legal assistance and in the extent of the legal services that can be offered. In many cases, being able to resolve a basic legal issue prevents the escalation of the issue into one that affects not just the individual but our broader community. For example, if a low or moderate income person could receive legal assistance with a housing or foreclosure or public benefits issue and the issue can be resolved, it may prevent that person from becoming homeless. The increased funding is a very worthwhile investment in helping to protect the especially vulnerable members of our community who have low or moderate incomes, who may be elderly or may be children or may have language access barriers or who have other barriers to navigating our civil legal system and would also be an investment in increasing the stability of our overall community.



Law Office of
Rebecca A. Copeland
LLC

March 29, 2016

Chair Jill N. Tokuda
Vice Chair Donovan M. Dela Cruz
Committee on Ways and Means,
Senate, State of Hawai'i
Honolulu, HI

***House Bill 2121 HD3 SD1, Relating to Legal Services
Testifying in STRONG SUPPORT***

Dear Chair Tokuda, Vice Chair Dela Cruz and Committee Members:

I write in strong support of HB2121 HD3 SD1 RELATING TO LEGAL SERVICES, a bill being considered by this Committee on Wednesday, March 30, 2016. As you know, this bill would appropriate monies from the general fund for civil legal services for low- to moderate-income persons to be purchased by the judiciary.

I am a local attorney. As a member of the Hawaii State Bar Association, I am in my second term on the Board of Directors for the HSBA as an Oahu Director. I also serve as a Board Member on the City and County of Honolulu's Zoning Board of Appeals, a position I have held for several years. I am also a Board Member on the Hawaii LGBT Legacy Foundation and Equality Hawaii. My testimony is not submitted in my official capacity for any of the above organizations, but in my personal capacity.

As a member of the Hawaii bar, and a member of the Access to Justice Commission's Committee on Increasing Pro Bono Legal Services, I have helped create a new program to match low to moderate income pro se appellate litigants with attorneys willing to represent them on a pro bono basis. The Appellate Pro Bono Pilot Project was approved by the Hawaii Supreme Court last year, and accepted its first client in December 2015. The partners for the Pilot Project are the HSBA Appellate Section and Volunteer Legal Services of Hawaii. The Pilot Project fills an area where there was a need for pro bono attorney assistance that was not previously being served.

The partnership with Volunteer Legal Services of Hawaii is instrumental to the success of the program, however, because VLSH maintains oversight of the cases that are handled through the Pilot Project, it must allocate its own resources to the Pilot Project even though there is not a separate funding mechanism to compensate VLSH for this service. Also, because this is a Pilot

Project, there are many cases that will not be eligible for the program – and many pro se litigants who will nevertheless need legal assistance on appeal. As this committee is aware, there are many individuals at all stages of court cases that cannot afford market attorney rates, and who are denied justice merely because they cannot do so.

HB2121 is important because it will provide funding to assist a growing population in our state of individuals who need and deserve to access the courts, but cannot afford to hire an attorney. Mahalo for your consideration of HB2121 HD3 SD1.

Sincerely,

A handwritten signature in black ink that reads "Rebecca A. Copeland". The signature is written in a cursive, flowing style.

Rebecca A. Copeland



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Michael R. Kirgan
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A Partnership of
Law Corporations

Of Counsel:
A. Bernard Bays
Phillip L. Deaver
Jean K. Campbell

Jason N. Baba
(1957-2001)

March 29, 2016

**TESTIMONY IN SUPPORT OF HB 2121, HD3, SD 1
RELATING TO LEGAL SERVICES**

Committee on Ways and Means
Wednesday, March 30, 2016, at 9:15 a.m.
Conference Room 211

**TO CHAIR TOKUDA, VICE CHAIR DELA CRUZ, AND MEMBERS OF THE
COMMITTEE ON WAYS AND MEANS:**

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

I am a Partner at Bays Lung Rose & Holma, and the President of Volunteer Legal Services Hawaii. Although I write this testimony in my personal capacity (and not on behalf of Bays Lung Rose & Holma), my job has given me insights into the great legal needs of lower income citizens of Hawai'i.

Volunteer Legal Services Hawaii coordinates and facilitates pro bono work by private practice attorneys for low and moderate income individuals in civil matters such as family law, adoption, divorce, 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 the legal system and justice for all. I urge passage of HB 2121 HD 3, SD 1 to ensure continued funding for these critical activities.

Thank you for your support.

Best regards,

Ryan H. Engle

RHE:tsm

To the Ways and Means Committee,

I would like to voice my support for HB 2121 HD3. I am an attorney in private practice who volunteers with Volunteer Legal Services Hawaii and Legal Aid Society of Hawaii. I believe it is important to set aside an amount certain for the judiciary to fund organizations whose mission it is to provide legal assistance to low- and moderate- income individuals. VLSH and LASH are vital components in a network of organizations that provide access to justice for those who may not have the financial wherewithal to retain legal counsel. The overwhelming support this bill has garnered thus far is indicative of the tremendous importance that organizations like VLSH and LASH have in our community and the ever-growing need for more affordable legal services. Please continue to support HB2121 HD3.

Thank you,

Samuel Suen

TESTIMONY OF THOMAS D. FARRELL
Regarding House Bill 2121, HD3, SD1 Relating to Legal Services

Senate Committee on Ways and Means
Senator Jill N. Tokuda, Chair

Wednesday, March 30, 2016 9:15 a.m.
Conference Room 211, State Capitol

Good morning Senator Tokuda and Members of the Committee:

I strongly support House Bill 2121, HD3, SD1 with the caveat that the funding amount recommended by the Access to Justice Commission and in SD1---approximately \$2.1M---should remain intact.

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. An appropriation is consistent with that recommendation and will create a stable base of funding that will be complemented by private grants and fundraising. However, there are differing views on what is needed and what will actually be appropriated. The task force and ultimately the Access to Justice Commission put the figure at \$2.1M, and that is the amount that the drafter inserted into HB 2121. However, the House Human Services Committee deleted the number and put in a blank, as HD1. Then the House Judiciary Committee put the number back in, as HD2. Subsequently, the House Finance Committee removed the number again and left a blank, as HD3. That's the form in which this bill crossed over to you. The Senate Judiciary and Labor Committee put the \$2.1M figure back in. That is SD1, and I urge you to send that version to the floor without further changes.

Meanwhile, Senate Bill 2102, the Judiciary Supplemental Appropriation, has crossed over to the House. It contains a provision similar to this bill, but appropriating only \$600,000 to the Judiciary for the purchase of civil legal services for the indigent.

At this point, I would imagine that HB 2121 and SB 2102 will both go to conference committee, and when they do, I hope that the conferees will agree to appropriate the original recommended amount of \$2.1M to whatever vehicle finally emerges.

This isn't money that is going to go into lawyers' pockets; rather, it will go to non-profits such as VLSH, Legal Aid, and others. As both a volunteer pro bono attorney with Volunteer Legal Services Hawaii, and a board member, I know that providing civil legal services not only

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Testimony on HB2121, HD3, SD1
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benefits the individuals who receive this assistance; it can benefit taxpayers as well. Currently, I'm handling 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 went to VLSH, and they found me to handle the case at no charge. 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.

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

Trever Asam
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SENATE
THE TWENTY-EIGHTH LEGISLATURE
REGULAR SESSION OF 2016

COMMITTEE ON WAYS AND MEANS
Senator Jill N. Tokuda, Chair
Senator Donovan M. Dela Cruz, Vice Chair

TESTIMONY IN SUPPORT OF HB 2121, HD3, SD1

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,



Trever K. Asam