



The Judiciary, State of Hawai'i

Testimony to the Senate Committee on Judiciary and Labor

Senator Gilbert S.C. Keith-Agaran, Chair
Senator Maile S.L. Shimabukuro, Vice Chair

Monday, March 21, 2016, 9:00 a.m.
State Capitol, Conference Room 016

by

Rodney A. Maile
Administrative Director of the Courts

WRITTEN TESTIMONY ONLY

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

Purpose: House Bill No. 2121, H.D. 3 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 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, Relating to Legal Services
Senate Committee on Judiciary and Labor
Monday, March 21, 2016, 9:00 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

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Rep. Della Au Belatti
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Gary M. Slovin
Dean Aviam Soifer

March 19, 2016

The Honorable Gilbert S.C. Keith-Agaran, Chair
The Honorable Maile S.L. Shimabukuro, Vice Chair
Senate Committee on Judiciary and Labor
Hawaii State Capitol
415 South Beretania Street
Honolulu, HI 96813

Re: HB 2121, HD 3
Hearing: March 21, 2016 at 9:00 a.m.
Testimony in SUPPORT

Dear Chair Keith-Agaran, Vice Chair Shimabukuro and members of the Senate Committee on Judiciary and Labor:

The Hawai'i Access to Justice Commission supports House Bill No. 2121, H.D. 3 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 Gilbert S.C. Keith-Agaran, Chair
The Honorable Maile S.L. Shimabukuro, Vice Chair
March 19, 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,

/s/ Derek R. Kobayashi

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

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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.

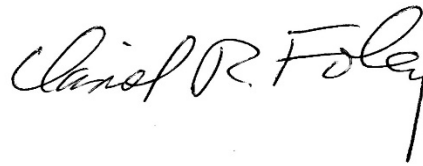
The Working Group recommended that the Judiciary be assigned the administration of funding for civil legal services. The Working Group's plan was reviewed by the Hawai'i Access to Justice Commission on December 21, 2015, and was approved. The Commission supports all efforts in the plan by nonprofit organizations 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



TO: Chair Gil Keith-Agaran
Vice Chair Maile Shimabukuro
Members of the Committee on Judiciary and Labor Finance

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

RE: H.B. 2121 HD3

Aloha, and thank you for hearing H.B. 2121 HD3 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.

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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



From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: [REDACTED]
Subject: *Submitted testimony for HB2121 on Mar 21, 2016 09:00AM*
Date: Friday, March 18, 2016 2:08:24 PM

HB2121

Submitted on: 3/18/2016

Testimony for JDL on Mar 21, 2016 09:00AM in Conference Room 016

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

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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LEGAL AID
SOCIETY OF HAWAII

Telephone: (808) 536-4302 • Fax: (808) 527-8088
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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 HD3 – RELATING TO LEGAL SERVICES
Committee on Judiciary and Labor - Room 016

Senator Gilbert Keith-Agaran, Chair
Senator Maile Shimabukuro, Vice-Chair
March 21, 2016 at 9:00 a.m.

The Legal Aid Society of Hawaii submits testimony in support of HB2121 HD3 – 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 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 Hawai'i 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 Hawai'i 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



VOLUNTEER LEGAL
SERVICES HAWAII

TESTIMONY IN SUPPORT OF HB 2121 HD3- RELATING TO LEGAL SERVICES

Senate Committee on Judiciary and Labor

Monday, March 21, 2016 at 9:00 a.m. - Conference Room 016

CHAIR KEITH-AGARAN, VICE CHAIR SHIMABUKURO, AND MEMBERS OF THE
JUDICIARY AND LABOR COMMITTEE:

Volunteer Legal Services Hawaii strongly supports passage of H.B. 2121 HD3.

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 HD3. Thank you for the opportunity to be heard.

Sincerely,



Michelle D. Acosta
Executive Director

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: [REDACTED]
Subject: *Submitted testimony for HB2121 on Mar 21, 2016 09:00AM*
Date: Friday, March 18, 2016 10:24:36 AM

HB2121

Submitted on: 3/18/2016

Testimony for JDL on Mar 21, 2016 09:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Dara Carlin, M.A.	Individual	Support	No

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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March 19, 2016

Committee on Judiciary and Labor
Senate
Sen. Gilbert Keith-Agaran, Chair
Sen. Maile Shimabukuro, Vice Chair

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

Re: **HB 2121 Hd3 – Relating to Legal Services**

Dear Chair, Vice Chair and Members of the Committee:

I am writing to express my strong support for HB 2121 HD3 and the appropriation of general revenue funds for the purchase of civil legal services for low and moderate income individuals. I do ask that funding be restored to the original bill amount of \$2,159,632.

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 HD3, 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 HD3.

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: [JDLTestimony](#)
Cc: [REDACTED]
Subject: Submitted testimony for HB2121 on Mar 21, 2016 09:00AM
Date: Friday, March 18, 2016 12:16:28 PM

HB2121

Submitted on: 3/18/2016

Testimony for JDL on Mar 21, 2016 09:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Karin Nomura	Individual	Support	No

Comments: Think that's wonderful. Though my only comment is this - we provide legal defense services to those who can't afford a lawyer...though for my claim which was the opposite, found that not to be the case...hope one day there will be lawyers available for both sides (not just the discretionary type, and who actually enforce the laws, not claim that "it's legal"...)

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March 18, 2016

Peter W. Olson
Direct Line: (808) 521-9385
Direct Fax: (808) 540-5059
E-mail: polson@cades.com

VIA E-MAIL

Committee on Judiciary and Labor
Hawaii State Senate
Sen. Gilbert S.C. Keith-Agaran, Chair
Sen. Maile S.L. Shimabukuro, Vice Chair

Re: HB 2121, HD3, Relating to Legal Services

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

I am writing to support HB 2121, HD3.

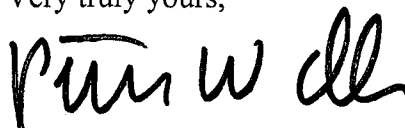
I am a partner in the Cades Schutte law firm, and it was my great honor and privilege to serve as the President of Volunteer Legal Services Hawaii ("VLSH") from 2011 to 2015. I remain on VLSH's board of directors.

VLSH 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 will help to fund the organization's administrative functions, which in turn leverage the efforts of the private bar.

Based upon my years of service as an officer and director of VLSH, and also as a volunteer attorney providing pro bono services through VLSH, I have witnessed first-hand the tremendously important and good work that VLSH does in coordinating and providing desperately needed civil legal services to Hawaii's low and moderate income populations. Those critical needs would likely go unmet if not for the safety net provided by organizations such as VLSH.

Organizations such as VLSH fulfill a critical function within our legal system by ensuring access to the legal system and justice for all. I strongly urge passage of HB 2121 H.D.3 to ensure continued funding for these critical activities.

Very truly yours,



C S

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Kahului, Hawaii 96732
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Fax: 808.871.6017

To the Senate Judiciary and Labor 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. Please support HB2121 HD3.

Thank you,

Samuel Suen

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

Senate Committee on Judiciary and Labor
Senator Gilbert S. C. Keith-Agaran, Chair

Monday, March 21, 2016 9:00 a.m.
Conference Room 016, State Capitol

Good morning Senator Keith-Agaran and Members of the Committee:

I strongly support House Bill 2121, with the caveat that the funding amount recommended by the Access to Justice Commission, approximately \$2.1M, should replace the current unspecified amount.

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 appears to be a very large disconnect between what was recommended and what will 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.

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 restore 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 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

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Testimony on HB2121, HD3

March 21, 2016

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

SENATE
THE TWENTY-EIGHTH LEGISLATURE
REGULAR SESSION OF 2016

COMMITTEE ON JUDICARY AND LABOR

Senator Gilbert S.C. Keith-Agaran, Chair

Senator Maile S.L. Shimabukuro, Vice Chair

TESTIMONY IN SUPPORT OF HB 2121, HD2

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