



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
TWENTY-NINTH LEGISLATURE, 2018**

---

**ON THE FOLLOWING MEASURE:**

H.B. NO. 2586, RELATING TO THE HAWAII LEGAL AID INTERAGENCY  
ROUNDTABLE.

**BEFORE THE:**

HOUSE COMMITTEE ON JUDICIARY

**DATE:** Wednesday, February 7, 2018      **TIME:** 2:00 p.m.

**LOCATION:** State Capitol, Room 325

**TESTIFIER(S):** Russell A. Suzuki, Acting Attorney General, or  
Andrea J. Armitage, Deputy Attorney General

---

Chair Nishimoto and Members of the Committee:

The department of the Attorney General supports the intent of this bill.

The purpose of this bill is to establish the Hawaii Legal Aid Interagency Roundtable, made up of the administrators of a number of state agencies and co-chaired by the Attorney General and the Director of Human Services, to facilitate cooperation between the agencies in order to provide legal services and access to justice for Hawaii's most underserved and vulnerable people. The roundtable is required to report to the Governor and the Legislature annually with respect to the progress made towards accomplishing its mission. The roundtable is also required to report to the Governor and the Legislature on the economic impact of funding access to civil legal services by January 1, 2020. The bill appropriates unspecified moneys to the Department of the Attorney General for fiscal year 2018 – 2019 for the purposes of this bill.

The department looks forward to working with the Legislature, the Director of Human Services, and the stakeholders to create a Legal Aid Interagency Roundtable that will benefit Hawaii's people by providing access to justice in government programs.



*The Judiciary, State of Hawai‘i*

**Testimony to the House Committee on Judiciary**  
Representative Scott Y. Nishimoto, Chair  
Representative Joy A. San Buenaventura, Vice Chair

Wednesday, February 7, 2018 2:00 PM  
State Capitol, Conference Room 325

by  
Rodney A. Maile  
Administrative Director of the Courts

**WRITTEN TESTIMONY ONLY**

---

**Bill No. and Title:** House Bill No. 2586, Relating to the Hawai‘i Legal Aid Interagency Roundtable.

**Purpose:** Establishes the Hawai‘i legal aid interagency roundtable to facilitate cooperation between various state agencies regarding civil legal services and access to justice. Requires the roundtable to report to the Governor and Legislature. Appropriates funds to the Department of the Attorney General for the roundtable.

**Judiciary's Position:**

The Hawai‘i State Judiciary strongly supports House Bill No. 2586, which will improve collaboration among state programs and increase access to justice in Hawai‘i.

This bill’s creation of an interagency roundtable is consistent with recent recommendations from Hawaii’s Justice for All Committee. In 2015, President Barack Obama issued a Presidential Memorandum formally establishing the White House Legal Aid Interagency Roundtable (LAIR). According to President Obama’s memorandum, LAIR was established to “increase the availability of meaningful access to justice for individuals and families and thereby improve the outcomes of an array of Federal programs[.]”

Inspired by the federal LAIR program and based on feedback received during statewide network partner meetings, Hawaii’s Justice for All Committee recommended the creation of a local interagency roundtable in its December 2017 Final Report. The envisioned roundtable



House Bill No. 2586, Relating to the Hawai'i Legal Aid Interagency Roundtable.  
House Committee on Judiciary  
Wednesday, February 7, 2018  
Page 2

would bring together government agencies to coordinate ways to streamline government services and improve meaningful access to civil legal justice here in Hawai'i.

The Judiciary has representation on the Justice for All Committee and would welcome the opportunity to participate with the Hawai'i legal aid interagency roundtable once established.

Thank you for the opportunity to comment on this measure.

DAVID Y. IGE  
GOVERNOR



**LATE**

PANKAJ BHANOT  
DIRECTOR

CATHY BETTS  
DEPUTY DIRECTOR

STATE OF HAWAII  
DEPARTMENT OF HUMAN SERVICES  
P. O. Box 339  
Honolulu, Hawaii 96809-0339

February 7, 2018

TO: The Honorable Representative Scott Y. Nishimoto, Chair  
House Committee on Judiciary

FROM: Pankaj Bhanot, Director

SUBJECT: **HB 2586 – RELATING TO HAWAII LEGAL AID INTERAGENCY ROUNDTABLE**

Hearing: Wednesday, February 7, 2018, 2:00 p.m.  
Conference Room 325, State Capitol

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) supports the intent of this measure, so long as any appropriation does not supplant the priorities identified in the Governor's supplemental budget request; DHS provides comments and requests clarification. DHS defers to the testimony of other departments, agencies, commissions, and the Judiciary.

**PURPOSE:** The purpose of the bill is to establish the Hawaii legal aid interagency roundtable to facilitate cooperation between various state agencies regarding civil legal services and access to justice. Requires the roundtable to report to the Governor and Legislature. Appropriates funds to the Department of the Attorney General for the roundtable.

DHS appreciates the Legislature's continued interest in addressing the civil legal needs of Hawai'i's low income, vulnerable, and at-risk populations, and provides the following comments and requests clarification as to the group's purpose and role.

There is and has been a substantial amount of attention and work, reports written, recommendations made to improve civil legal services for Hawai'i's most vulnerable residents.

DHS would like to avoid a duplication of efforts, and respectfully encourages the Legislature to instead consider and act on previous recommendations.

While all of the department's 360,000 recipients do not require civil legal services, at any given moment, as with any Hawaii resident, unanticipated legal issues such as a family law matter or a housing issue, can become insurmountable for a low income person without access to free civil legal services. The chart illustrates the state general funds, both through grant in aid and purchase of services, to the State's civil legal service providers for a ten year period.

	General Civil Legal Services <sup>10</sup>		Specialized Civil Legal Services <sup>11</sup>				Total
	Legal Aid	Volunteer Legal	DVAC <sup>12</sup>	HLJC	HDRC	NHLC <sup>13</sup>	
FY 06	\$ 649,000	\$ 200,000	\$ 499,556	\$ 249,475	\$ 165,505	\$ 530,482	\$2,294,018
FY 07	649,000	400,000	597,095	249,475	165,505	567,302	2,628,377
FY 08	810,000	600,000	642,718	422,496	165,505	592,302	3,233,021
FY 09	800,000	400,000	695,218	292,683	165,505	491,981	2,845,387
FY 10	0	0	495,631	0	No longer receiving any state general revenue funds	473,080	968,711
FY 11	0 <sup>14</sup>	0 <sup>15</sup>	632,548	Merged with Legal Aid		524,400	1,156,948
FY 12	720,000	300,000	482,534			524,400	2,026,934
FY 13	800,000	400,000	482,534			524,400	2,206,934
FY 14	400,000	250,000	500,384			524,400	1,674,784
FY 15	150,000	200,000	525,343			524,400	1,399,743
FY 16	400,000	200,000	481,087			524,400	1,605,457

See Report to the Speaker of the House, workgroup on House Resolution 12 HD1 (2015).

In previous reports and studies, the common recommendation identified to improve access to justice in the state has been to increase funding for civil legal services as the demand for services clearly exceeds the capacity to serve. The chart above, based upon provider information, illustrates that state funds have remained somewhat stable for nearly 10 years, with its highest point at fiscal year 2018 at \$3.2 million. The notion that there is duplication of civil legal services for the low-income requires clarification, and DHS asks the Legislature to identify the areas of duplication of services or improvement it is most interested in identifying and addressing.

Legal services organizations that receive federal funds already have extensive reporting requirements to their federal funders, and it would seem that requiring additional reporting requirements would further divert valuable state funds away from direct client

services as federal funds likely could not be used to respond to this roundtable's requests, and the state legislature would not necessarily be able to alter federal grant requirements or criteria.

One of the foundational reports that galvanized the legal community to address access to justice issues in Hawaii was done by the Access to Justice Hui, "Achieving Access to Justice for Hawaii's People: The Communitywide Action Plan: Ten Action Steps to Increase Access to Justice in Hawai'i by 2010 and The 2007 Assessment of Civil Legal Needs and Barriers of Low- and Moderate-Income People in Hawai'i, November 2007," which lead to the Judiciary's formation of the Hawaii Access to Justice Commission in 2008; the study is still relevant today.

DHS served on the Commission for a number of years. The Commission has steadily championed initiatives to meet its primary purpose to increase access to justice in civil legal matters for low- and moderate-income residents of Hawaii. The Commission has seven substantive committees that are formed to address many similar issues as proposed in this bill. DHS requests clarification as to this roundtable's role in comparison to the Commission's role and work.

DHS participated in the 2015 workgroup formed in accordance with Senate Resolution 6 SD 1 and House Resolution 12 HD1, 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.

This workgroup lead by the Hawaii Access to Justice Commission met and thoroughly discussed the issues as tasked and prepared a detailed report with recommendations to the Legislature.

DHS also participated as a member of the State of Hawaii, Implementation Plan For the S.T.O.P. Violence Against Women Formula Grants lead by the Department of the Attorney General. These plans are well documented and readily available on line.

DHS recognizes the persistence of poverty, the impact of domestic violence, consequences of trauma, the needs of the disabled, and has for 20 years consistently funded

civil legal services with a mixture of federal and state funds for DHS recipients to obtain federal and other benefits and overcome civil legal barriers to self-sufficiency.

DHS recommends that if the Legislature is intent on forming another group to address civil legal services in Hawaii, that instead of embedding the workgroup in statute that would require administrative structure and expenses, that the group be formed through session law for a limited period of time, with an appropriation to cover the administrative needs of the group.

Thank you for the opportunity to provide comments on this measure.

**HB-2586**

Submitted on: 2/5/2018 2:16:19 PM

Testimony for JUD on 2/7/2018 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Javier Mendez-Alvarez		Support	No

Comments:



**HB-2586**

Submitted on: 2/5/2018 4:01:20 PM

Testimony for JUD on 2/7/2018 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Karin Nomura		Support	No

Comments:

As someone who has gone through the channels and tried to hire lawyers, gone through the programs that are supposedly out there for low income, etc. I feel that when something occurs that is so absurd and beyond any legal boundary, that being able to have a legal representative is a must. With after being told of the short staffing; "voluntary" (complex cases were not of interest); etc. that I have had 'explained' to me as to why my claim would not be accepted - this with had the claim been processed within 3 months of submitting the request should have had viable security footage to support my claim - feel that if appropriations are made, that turning a person away is or should be made a crime, if there are items that fall into the reason the program was instituted in the first place. It not only assists the person being victimized, but sends a warning to prevent further instances from occurring - either by that employer or others who feel that acting in the same manner is "fun"...That by not taking the matter to civil court is the same as approving of and supporting the conduct that brought the party to the program/lawyers in the first place.

We have guaranteed legal representatives available for any one who have committed a crime or been accused of one, but may not be able to hire one themselves. There is no guarantee for those who are victims. There are lawyers who will work on a contingency or pro-bono, but the case is picked by them.

I also feel that if there is a monetary gain by work completed, that paying a percentage of any gain, would be appropriate as to keep the program active without taxing too much from the state, as well as give an incentive to those who have volunteered their services to take more cases.