



The Judiciary, State of Hawaii

Testimony to the Senate Committee on Judiciary and Labor

Senator Gilbert S.C. Keith-Agaran, Chair

Senator Karl Rhoads, Vice Chair

Monday, February 13, 2017, 9:30 a.m.

State Capitol, Conference Room 016

by

Rodney A. Maile

Administrative Director of the Courts

WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Bill No. 329, Relating to Legal Services.

Purpose: Senate Bill No. 329 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 Senate Bill No. 329 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 persons in our community.

For fiscal year 2016 – 2017, the Judiciary received an appropriation of \$750,000.00 pursuant to Act 105, 2016 Haw. Sess. Laws, for the purchase of civil legal services for low- and moderate-income persons. As a result of this appropriation, the Judiciary awarded civil legal services contracts to the Legal Aid Society of Hawaii (LASH), Volunteer Legal Services Hawaii (VLSH), and the Domestic Violence Action Center (DVAC).

In the first three months of its contract, LASH reported that it closed 1,181 cases, which affected the lives of 2,415 low-income persons in critical areas, such as keeping children safe and secure (e.g. guardian ad litem services for abused and neglected children), preserving the home (e.g., services for eviction defense, housing discrimination, and public housing assistance),



Senate Bill No. 329, Relating to Legal Services
Senate Committee on Judiciary and Labor
Monday, February 13, 2017
Page 2

foreclosure prevention, and maintaining economic stability (e.g., assistance with denials, appeals and terminations of social security benefits and Temporary Assistance for Needy Families).

Since the commencement of its contract, VLSH launched the Hawaii Online Pro bono (HOP) project. HOP allows income qualifying residents to post a legal question on a secured website, and receive an answer from a volunteer attorney. During the past three months, VLSH also reported that it completed over 500 intakes and held a Pop-Up Legal Clinic that served 44 individuals.

During the first quarter of its contract, DVAC reported that it provided outreach services to 52 petitioners seeking temporary restraining orders in Family Court and 24 survivors in criminal domestic violence cases. DVAC also assisted the petitioners and survivors with completing safety plans.

As described above, the current appropriation has enabled legal service providers to deliver much needed legal assistance to low- and moderate-income persons. However, this appropriation is still well below pre-recession funding levels. The Judiciary supports the increased funding for civil legal services in the amount of \$2,159,632.00. The proposed funding of \$2.1 million is the amount recommended by the working group that was assembled pursuant to House Resolution No. 12, H.D.1 and Senate Resolution No. 6, S.D. 1 (2015) in the "Plan for the Administration of Funding for Civil Legal Services" that was submitted to the legislature on December 30, 2015.

Thank you for the opportunity to testify on Senate Bill No. 329.

HSBA – DELIVERY OF LEGAL SERVICES TO THE PUBLIC COMMITTEE*

February 11, 2017

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

Re: SB 329

Hearing: February 13, 2017 at 9:30 a.m.

Testimony in SUPPORT

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

The Delivery of Legal Services to the Public Committee (“DLSP”) of the Hawaii State Bar Association recently met on February 10, 2017 and upon motion duly considered and carried, submits this testimony in SUPPORT of Senate Bill No. 329. DLSP is organized within the HSBA’s Goal 5: “To increase the availability of quality legal services to all who need them,” and by its stated mandate, “Develops and promotes programs designed to make legal services more readily available in the community, works with other organizations to increase services, coordinates participation of the HSBA membership in such programs, and provides a forum for exchange of ideas and information.”

DLSP strongly supports the passage of SB 329 as being in accord with the committee’s goal and mandate as this measure appropriates general revenue funds to the Judiciary to purchase civil legal services for low- and moderate-income persons, in the amounts specifically recommended by the “Plan for the Administration of Funding for Civil Legal Services,” submitted to the Legislature in December 2015 by the Hawai‘i Access to Justice Commission’s Working Group to Determine a Funding Administrator of Civil Legal Services. In recommending this appropriation, the Plan stated in part:

It is uncontroverted that the need for civil legal services continues to be great. Civil legal service assistance in the State of Hawai‘i is one of the areas that the State has failed to adequately fund despite the fundamental role that justice and access to justice plays in our democracy.

* This testimony is submitted by and on behalf of the Delivery of Legal Services to the Public Committee and not the Hawaii State Bar Association.

The Honorable Gilbert S.C. Keith-Agaran, Chair
The Honorable Karl Rhoads, Vice Chair
February 11, 2017

SB 329 provides critically needed funding for the provision of civil legal services and facilitates access to justice to those who are underserved and cannot afford such services. Accordingly, DLSP respectfully urges your Committee on Judiciary and Labor to pass this measure.

Respectfully submitted,



LYNDA L. ARAKAWA
Chair

REX Y. FUJICHAKU
Vice Chair

HSBA – Delivery of Legal Services
to the Public Committee



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 SB329 – RELATING TO THE JUDICIARY.

Committee on Judiciary and Labor - Room 016

Senator Gilbert S. C. Keith-Agaran, Chair
Senator Karl Rhoads, Vice Chair

February 13, 2017 at 9:30 a.m.

The Legal Aid Society of Hawaii submits strong testimony in support of SB329 – Relating to the Judiciary.

We support the passage of this bill that will provide \$2,159,632 per year, over the next two years, in funding for civil legal services purchase of service contracts through the Judiciary.

This funding would go to restoring general revenue funding for civil legal services. 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 in 2015 established by HR12 and 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 and other civil legal service providers are also a good investment for the state of Hawai'i. For every \$1 invested in civil legal services, Hawai'i residents received a benefit of \$6.35 of immediate and long-term financial benefits. Further, for every \$1 investment in the Legal Aid Society of Hawai'i, individually, an immediate and long-term financial benefit of \$7.97 is received.

The Legal Aid Society of Hawai'i has provided civil legal services to the community for over 65 years. Through our eleven 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 2016, our staff of 100 closed about 8,500 cases and opened over 8,800 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, but with the additional funds that we received through the support of the legislature which allowed us to leverage more funding, we were able to assign an attorney or paralegal for representation in 18.86% of these cases or 1,588 cases, an increase of 340 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.

Thank you for this opportunity to provide testimony.

Sincerely,

M. Nalani Fujimori Kaina
Executive Director



www.legalaidhawaii.org
A UNITED WAY AGENCY

Ryan H. Engle
Board President

Michelle D. Acosta
Executive Director



**VOLUNTEER LEGAL
SERVICES HAWAII**

545 Queen Street, Suite 100
Honolulu, Hawaii 96813
Phone: (808) 528-7050
Fax: (808) 524-2147

www.vlsh.org

**TESTIMONY IN SUPPORT OF SB329
RELATING TO CIVIL LEGAL SERVICES**

**Committee on Judiciary and Labor
Monday, February 13, 2017 at 9:30 a.m.
Conference Room 016**

CHAIR KEITH AGARAN, VICE CHAIR RHOADS, AND MEMBERS OF THE
COMMITTEE:

Volunteer Legal Services Hawaii strongly support passage of S.B. 329 and the recommendation to appropriate funds for the delivery of civil legal services to low- and moderate-income individuals in our state.

Volunteer Legal Services Hawaii has partnered with volunteer attorneys for over 35 years in the provision of civil legal assistance to individuals and families who would have otherwise gone without legal help due financial and social hardships. Those who seek assistance from Volunteer Legal Services Hawaii face legal issues that affect their basic needs: housing, ability to become employed, financial security, child custody, and caring for an incapacitated family member or loved one.

In 2016, Volunteer Legal Services Hawaii provided over 2,600 direct services to Hawaii residents whose incomes fell below 250% of the federal poverty level. Services were provided through a partnership with over 250 volunteer attorneys who invested over \$540,000 worth in pro bono hours to seniors, veterans, the homeless, grandparents caring for grandchildren, and hard working adult children caring for their elderly parents. Volunteer Legal Services Hawaii plays a critical role in facilitating the administrative support for volunteers to engage in meaningful pro bono service to meet community needs.

Funding would restore and support general revenue funding for civil legal services in Hawaii. Civil legal assistance, when used effectively can help reduce dependency on costly social services. Funding for civil legal aid services is an investment that not only provides our community with an important resource, but makes fiscal sense. A recent study found that for every dollar invested in civil legal services, Hawaii residents receive a benefit of \$6.35 or immediate and long-term financial benefits.

We respectfully request your passage of S.B. 329 in support of civil legal assistance for Hawaii residents.

Sincerely,

Michelle D. Acosta
Executive Director

TESTIMONY IN SUPPORT OF SB329: RELATING TO LEGAL SERVICES

Committee on Judiciary and Labor
Monday, February 13, 2017 at 9:30 a.m.
Conference Room 016

CHAIR KEITH-AGARAN VICE CHAIR RHOADS

My name is Danielle Tucker. I am a resident of Honolulu, Hawaii, full time employee taking care of my grandson. I write in support of SB329.

I was faced with not knowing how I could get legal guardianship over my grandson. My grandson never knew who his mother was. He was raised by his father, my son. However, my son is in the military and has to relocate and get deployed for long periods of time. My grandson wanted to relocate back to Hawaii so he could be raised in a place he called home.

As anyone knows, meeting lawyers can be intimidating and expensive. I called VLSH with my legal issue and their staff was both so knowledgeable and compassionate of my situation. After completing my intake and their office letting me know I qualified for their services. They followed up with me with documents I needed to bring to my first appointment at their legal clinic. VLSH scheduled me with one of their volunteer family law attorneys and I was able to ask all the questions I had and started to put me at ease.

VLSH provided me step by step assistance in what documents needed to be filled out, signed and filed with the Court. There were so many steps but VLSH walked me through it. When the paperwork was all filed and there was a hearing date scheduled, VLSH even offered to find me a volunteer attorney to attend with me. It was the first time I had ever gone to Court so I did not know what to expect, but by having an attorney attend with me, he was able to put me at ease and let me know what to anticipate. There was more than one hearing in this case, and the volunteer attorney even offered to attend the second one. It was at this second hearing, that the Court granted the guardianship order! The volunteer attorney also prepared the order and filed it for me. After having someone walk me through the legal process and help me understand my options, I felt relieved. I no longer felt lost. I could not have done all this without receiving help – help that I would not have been able to afford on my own.

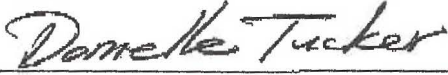
Investing in legal services for the people of Hawaii who are just like me, is a good investment for our community.

Please support SB 329. Thank you for the opportunity to be heard.

Respectfully,



Signature



Danielle Tucker

TO: Senator Gilbert S.C. Keith-Agaran, Chair
Senator Karl Rhoads, Vice Chair
Senate Committee on Judiciary and Labor

HEARING DATE: February 13, 2017

RE: Testimony in Support of SB329

Good day Senator Keith-Agaran, Senator Rhoads, and members of the Committee. My name is Jessi Hall. I am an attorney licensed to practice law in Hawaii and I am on the Boards of Hawaii Justice Foundation, Volunteer Legal Services and Mediation Center of the Pacific. I am here today to testify in support of SB329.

There are so many in our community that cannot afford legal services when they need it. This funding is essential for organizations such as Volunteer Legal Services and Legal Aid Society of Hawaii. Without these funds they would potentially have to close their doors leaving a wide section of the community without any legal assistance. That in turn would hurt our community as a whole. I strongly request that the funding proposal in SB329 be approved.

Thank you for the opportunity to testify in support of SB329.

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: Submitted testimony for SB329 on Feb 13, 2017 09:30AM
Date: Thursday, February 9, 2017 5:30:28 PM
Attachments: [SB329.docx](#)

SB329

Submitted on: 2/9/2017

Testimony for JDL on Feb 13, 2017 09:30AM in Conference Room 016

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

Comments: While I didn't see anything specifying if this was for those convicted or those who have had a crime committed against them...I feel that professional legal assistance – especially in cases like mine, for low income families is important. We have legal services for people convicted of a crime, from low income families, who are given a defense attorney automatically if they can't provide one, wish it was the same for those who had a crime committed against them. If not, the perpetrators get off, and like mine may feel the need to stalk, harass, and continue with their actions because legal actions weren't or couldn't be taken. As no person should go through what I had to hear, when I called every single lawyer listed, like the lawyers who told me "wish there was penetration" for a sexual harassment suit, with other issues or "I don't see nothing here, but if you pay me, I might" or "it's not illegal for co-workers to go through your bag, and if they shoved you, call the police" just to name a few responses, because of "low income"...Especially when the agency's available for the issues feel it's too big for them to handle, they have too many cases pending (actually heard complaints from the agency's), and it takes 2 years to request – not view or investigate – but request to retain the needed footage...

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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While I didn't see anything specifying if this was for those convicted or those who have had a crime committed against them...I feel that professional legal assistance – especially in cases like mine, for low income families is important. We have legal services for people convicted of a crime, from low income families, who are given a defense attorney automatically if they can't provide one, wish it was the same for those who had a crime committed against them. If not, the perpetrators get off, and like mine may feel the need to stalk, harass, and continue with their actions because legal actions weren't or couldn't be taken. As no person should go through what I had to hear, when I called every single lawyer listed, like the lawyers who told me “wish there was penetration” for a sexual harassment suit, with other issues or “I don't see nothing here, but if you pay me, I might” or “it's not illegal for co-workers to go through your bag, and if they shoved you, call the police” just to name a few responses, because of “low income” ...Especially when the agency's available for the issues feel it's too big for them to handle, they have too many cases pending (actually heard complaints from the agency's), and it takes 2 years to request – not view or investigate – but request to retain the needed footage...

TESTIMONY IN SUPPORT OF SB329: RELATING TO LEGAL SERVICES

Committee on Judiciary and Labor
Monday, February 13, 2017 at 9:30 a.m.
Conference Room 016

CHAIR KEITH-AGARAN
VICE CHAIR RHOADS

My name is Lourdes Labrador. I am a resident of Waianae, Hawaii, divorced mother of six. I write in support of SB329.

I had multiple legal issues when I first went to VLSH to seek assistance. I was in an abusive relationship and knew I needed to divorce my husband of over 25 years. I went to VLSH's pop up legal clinic in Waipahu to seek help. VLSH staff and volunteer attorneys walked me through each step of my divorce proceeding, whether it was helping me fill out forms, filing and serving my documents. They looked out for my and my children's best interest and from the first meeting to the last, everything was done professionally and with compassion. My divorce was granted at the end of last year.

I was also faced with not knowing how I could get legal guardianship over my adult son, who suffers from a brain injury since birth where he has to reside in a long term care facility. He is completely reliant on a feeding tube and the care of others for his daily care and safety. However, since he was over 18 and legally an adult, I could not be his guardian anymore. I sought the assistance of VLSH to help with filing a Petition for Guardianship over an Incapacitated Adult.

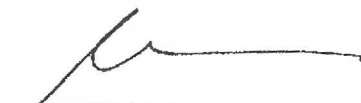
Just as how VLSH helped me step by step with my divorce, they are doing the same for my guardianship. The VLSH staff scheduled me to meet with a volunteer attorney, helped me fill out all the paper work to file. They even matched me with a volunteer attorney to attend the upcoming hearing with me.

Before my experience with VLSH, I was scared to ask for help from lawyers. They treated me the same or even better than had I been a paying client at a law firm. Both the staff and their volunteer attorneys calm me and have helped me through a really difficult time in my life.

I could not have done all this without receiving help -- help that I would not have been able to afford on my own. Investing in legal services for the people of Hawaii who are just like me, is a good investment for our community.

Please support SB 329. Thank you for the opportunity to be heard.

Respectfully,



Lourdes Labrador

SIDNEY K. AYABE

ATTORNEY AT LAW
A LAW CORPORATION
1000 BISHOP STREET, SUITE 807 HONOLULU, HAWAII 96813
TELEPHONE: (808) 258-3724
AYABERESOLUTION@GMAIL.COM

February 11, 2017

Senator Gilbert S. C. Keith-Agaran, Chair
Senate Judiciary and Labor Committee
Hawaii State Capitol
Honolulu, Hawaii 96813

RE: S. B. 329
Monday, February 13, 2017 at 9:30 am
Conference Room 016

Dear Chair Keith-Agaran and committee members:

I am an attorney in private practice and serve on the Volunteer Legal Services Hawaii Board. My experience on the Board has given me much insight on what organizations like Volunteer Legal Services Hawaii do for our community in providing legal services.

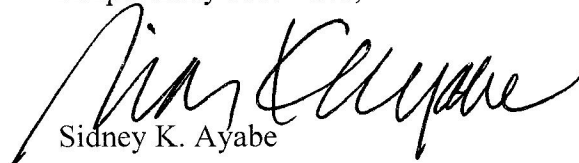
I am in strong support of S.B. No. 329 which will provide appropriation of funds for purchase of civil legal services for low and moderate income individuals in our community.

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. In 2016, Volunteer Legal Services Hawaii provided more than 2,600 services to individuals and families who would not have otherwise received legal assistance.

Organizations such as Volunteer Legal Services Hawaii fulfill a critical role within our legal system by ensuring access to the legal system and justice for all. I strongly recommend passage of S.B. 329 to ensure continued funding for such critical activities which will serve those citizens who would otherwise be without assistance.

Thank for your time and consideration on this very important matter.

Respectfully submitted,


Sidney K. Ayabe

**TESTIMONY IN SUPPORT OF SB 329
RELATING TO LEGAL SERVICES**

Committee on Judiciary and Labor
Monday, February 13, 2017 at 9:30 a.m.
Conference Room 016

**TO CHAIR KEITH-AGARAN, VICE CHAIR RHOADS, AND MEMBERS OF THE
COMMITTEE ON JUDICIARY AND LABOR:**

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 Damon Key Leong Kupchak Hastert, and serve on the Volunteer Legal Services Hawaii Board. Although I write this testimony in my personal capacity (and not on behalf of Damon Key Leong Kupchak Hastert), 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. In 2016 alone, Volunteer Legal provided over 2,600 services to individuals and families who would have gone without legal assistance otherwise.

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 SB 329 to ensure continued funding for these critical activities.

Thank you for your support.

Best regards,

Tred R. Eyerly

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: Submitted testimony for SB329 on Feb 13, 2017 09:30AM
Date: Friday, February 10, 2017 8:52:28 AM

SB329

Submitted on: 2/10/2017

Testimony for JDL on Feb 13, 2017 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Trever Asam	Individual	Support	No

Comments: Aloha, Chair Agaran and Vice Chair Rhodes, I strongly support this measure and its appropriation of funds for civil legal services for low and moderate income individuals in the State. I am a partner at the law firm of Cades Schutte, as well as the firm's pro bono coordinator. I also serve on the board of directors at Volunteer Legal Services Hawaii ("VLSH"). Organizations like VLSH are critical to our legal ecosystem as they leverage the resources of private firms and attorneys for the benefit of low and moderate income clients. VLSH, in particular, accomplishes this goal by connecting attorneys willing to serve with clients in need. Through the facilitation provided by VLSH, pro bono services offered throughout the state are coordinated, efficient, and effective. This, in turn, ensures that all members of our community--including the most vulnerable--continue to have access to our justice system. At no time in my legal career has such a need been more apparent. I urge passage of SB 329 to ensure continued funding for these critical activities. Mahalo, Trever Asam

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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