



The Judiciary, State of Hawai‘i

Testimony to the Senate Committee on Judiciary

Senator Karl Rhoads, Chair
Senator Glenn Wakai, Vice Chair

Friday, February 1, 2019, 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: Senate Bill No. 130, Relating to Civil Legal Services.

Purpose: Senate Bill No. 130 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. 130 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 2018 – 2019, the Judiciary received an appropriation of \$450,000.00 pursuant to Act 26, 2018 Haw. Sess. Laws, to purchase civil legal services for indigent residents of the State of Hawai‘i. As a result of this appropriation, the Judiciary awarded civil legal services contracts to the Legal Aid Society of Hawai‘i (LASH) and Volunteer Legal Services Hawai‘i (VLSH).

In the first three months of its contract, LASH reported that it closed 1,113 cases, which affected the lives of 2,229 low-income persons in priority areas, such as support for families, keeping children safe and secure, preserving the home, foreclosure prevention, maintaining economic stability, and protecting consumers. Services included providing legal advice, preparing legal documents, and providing representation in court and administrative actions.



Senate Bill No. 130, Relating to Civil Legal Services
Senate Committee Judiciary
Friday, February 1, 2019
Page 2

Since the commencement of its contract, VLSH reported that it completed over 495 intakes for residents seeking legal assistance in areas such as family law, collections and bankruptcy, probate matters, and landlord-tenant disputes. VLSH also conducted 44 pro se divorce workshops and 33 re-employment and community service project workshops. Additionally, VLSH held a pop-up legal clinic in Waianae that served 25 individuals.

The Judiciary supports the increased funding for civil legal services in the amount of \$800,000.00 for fiscal years 2020 and 2021. We note, however, that this amount is still well below the funding amount of \$2.1 million that was recommended by the working group 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," which was submitted to the legislature on December 30, 2015.

Thank you for the opportunity to testify on Senate Bill No. 130.

DAVID Y. IGE
GOVERNOR



PANKAJ BHANOT
DIRECTOR

CATHY BETTS
DEPUTY DIRECTOR

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

LATE

January 31, 2019

TO: The Honorable Senator Karl Rhoads, Chair
Senate Committee on Judiciary

FROM: Pankaj Bhanot, Director

SUBJECT: **SB 130 – RELATING TO CIVIL LEGAL SERVICES**

Hearing: Friday, February 1, 2019, 9:00 a.m.
Conference Room 016, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports this measure.

PURPOSE: The purpose of the bill is to appropriate funds to the Judiciary to purchase civil legal services for low and moderate income persons.

In addition to financial assistance, food assistance, medical insurance coverage, and other services and benefits, recipients and applicants of DHS services often require civil legal services to meet or obtain fundamental needs. Assisting families in addressing their complex legal issues will remove barriers that hamper residents' ability to gain employment, permanent housing, a violence free family home, as well as to uphold consumer protection and fair housing laws. Attending to the civil legal needs of low income families, will allow families to concentrate on the day to day care and needs of their children, disabled or elderly family members to improve overall health and well-being.

DHS was a participating member of the HCR 12 HD1 (2015) and SR 6 SD1 (2015) working groups that recommended increased funding for civil legal services for Hawaii's low-income residents.

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

AN EQUAL OPPORTUNITY AGENCY

Trever Asam
Board President

Angela Kuo Min
Executive Director



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

www.vlsh.org

**TESTIMONY IN SUPPORT OF S.B. No. 130
RELATING TO CIVIL LEGAL SERVICES
Committee on Judiciary - February 1, 2019 - Conference Room 016**

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

Volunteer Legal Services Hawaii strongly supports the passage of S.B. No. 130 and the recommendation to appropriate funds for the delivery of civil legal services to low- and moderate-income individuals in Hawaii.

In the last thirty-seven years, Volunteer Legal Services Hawaii has partnered with volunteer attorneys in the provision of civil legal assistance to individuals and families of Hawaii. While Volunteer Legal Services Hawaii's only office is on Oahu, we service residents of Hawaii statewide. In 2018, with only a staff of 7, Volunteer Legal Services Hawaii qualified over 2,000 individuals. Volunteer Legal Services provided over 1,800 services in legal checkups, educational presentations, clinics, brief services and/or full representations. Twenty-Nine percent (29%) of those helped are homeless or at the risk of being homeless, 19% of those helped suffer from domestic violence, 9% of those helped were veterans, 25% of those helped are disabled, and 20% of those helped are seniors. If not for Volunteer Legal Services, these individuals would have otherwise gone without legal help.

Additionally, 61% of Volunteer Legal Services Hawaii's clients fall below the 125% federal poverty line, making just enough money to get by in Hawaii and definitely not enough money to hire a private attorney. Volunteer Legal Services Hawaii is honored that its pool of pro bono attorneys range from large law firm partners, associates, solo practitioners, public and private agency attorneys who are leaders in their areas of practice. With the 200+ attorneys we have volunteering their time through Volunteer Legal Services Hawaii, we were able to provide legal assistance to Hawaii residents in family law (divorce, child custody, child visitation, adoption, guardianship), estate planning (will, power of attorney, health care directive), Chapter 7 bankruptcy, collections, landlord-tenant, district court matters and veteran benefits issues.

In 2018, over 2,800 hours were donated by our pro bono attorneys, with services valued at over \$667,000.00 to our seniors, veterans, the homeless, children, and the community. 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 statewide. 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.

We respectfully request your passage of S.B. No. 130 in support of civil legal assistance for Hawaii residents.

Sincerely,
Angela Kuo Min
Executive Director



SB-130

Submitted on: 1/29/2019 9:23:10 AM

Testimony for JDC on 2/1/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ryan Engle	Testifying for Volunteer Legal Services Hawaii	Support	No

Comments:

I am writing to express **support** for SB 130. Funding under SB130 for civil legal services would increase access to justice in civil legal matters for low- and moderate-income residents of Hawaii.

I submit this testimony in support of SB 130 and respectfully requests that your Committee give this measure its favorable consideration.



TO: Chair Karl Rhoads
Vice Chair Glenn Wakai
Members of the Committee
FR: Nanci Kreidman, M.A.
Chief Executive Officer

RE: SB130

Aloha! The **Domestic Violence Action Center** provides unduplicated civil legal services, including full representation, to survivors of partner abuse in the First Judicial Circuit. The team of DVAC attorneys carries a complex, and potentially lethal caseload of restraining order, divorce, paternity and post decree cases for single adults, moms (dads), college students, victims of crime and teens. Since 2000, agency attorneys have made **9,109 appearances in court.**

The DVAC attorneys specialize in, what is known in the field as, DV Lawyering. The agency's Managing Attorney assigned 116 new cases during the first six months of FY 2019; 36 divorce cases were litigated with custody awarded to survivors; and 71 cases were closed. The **six** attorneys serving our island families answered 297 Helpline calls and spent 449 hours devoted to preparation of documents for court hearings; they had 659 contacts with clients on the agency's caseload during this time period.



Legal services are understood to be one of the most important and life changing needs victims have to alter the course and improve the safety of their lives and those of their children. Not every Family Law practitioner has a good understanding of the obstacles, terror, danger or complexity of the circumstances facing survivors. This has been brought to our attention by many clients who had sought assistance elsewhere and then needed our help.

We support the investment of Hawaii's dollars to support the work of community based organizations delivering civil legal services.
Thank you for your favorable action on this Bill.

DOMESTIC VIOLENCE ACTION CENTER

ADDRESS: P.O. BOX 3198, HONOLULU, HI 96801-3198

LEGAL HELPLINE: (808) 531-3771

TOLL-FREE NEIGHBOR ISLAND HELPLINE: (800) 690-6200

WEBSITE: WWW.DOMESTICVIOLENCEACTIONCENTER.ORG

EMAIL: DVAC@STOPTHEVIOLENCE.ORG

SB-130

Submitted on: 1/30/2019 6:49:16 PM

Testimony for JDC on 2/1/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Joanne Hoe	Testifying for Voluntary Legal Services Hawaii	Support	No

Comments:

Re: SB130

Hearing: Friday 1, 2019 at 9:00am

Testimony IN SUPPORT (written testimony only)

Dear Chair Rhoads, Vice Chair Wakai and members of the Senate Committee on Judiciary:

I am writing to express **support** for SB 130. Funding under SB130 for civil legal services would increase access to justice in civil legal matters for low- and moderate-income residents of Hawaii. As a board member for Volunteer Legal Services Hawaii, I am strongly supporting this bill to fund civil legal services for the state of Hawaii.

I submit this testimony in support of SB 130 and respectfully requests that your Committee give this measure its favorable consideration.

Sincerely,

Joanne Hoe

Treasurer of VLSH



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

Joanne Lo Grimes, Esq.
President, Board of Directors

M. Nalani Fujimori Kaina, Esq.
Executive Director

TESTIMONY IN SUPPORT OF SB130 – RELATING TO CIVIL LEGAL SERVICES

Committee on Judiciary - Room 016

Senator Karl Rhoads, Chair
Senator Glenn Wakai, Vice-Chair

February 1, 2019 at 9:00 a.m.

The Legal Aid Society of Hawaii submits testimony in strong support of SB130 – Relating to Civil Legal Services.

This funding would go to ensure that general revenue funding for civil legal services is available. Civil legal services are critical in that they can provide real world solutions to help families in crisis find stability and hope.

Over the years, the Legal Aid Society of Hawai'i has received general funds from the state which has enabled us to provide key civil legal services across the state. The Legal Aid Society of Hawai'i has provided civil legal services to the community for almost 70 years and we are the only legal services organization in the state to have offices on each of the major Hawaiian islands, including four offices on Oahu (Bethel Street, Chinatown, Waianae and Kaneohe) and two on Hawai'i Island (Kona and Hilo). Our staff regularly assist residents of Hawai'i to navigate and solve basic issues which require legal interventions. In 2018, our staff closed over 6,500 cases in legal areas ranging from family, housing, consumer, foreclosure, public benefits, elder law, homelessness, immigration, language access, and child welfare.

Thank you for this opportunity to provide testimony.

Sincerely,

M. Nalani Fujimori Kaina
Executive Director

Sergio Alcubilla
Director of External Relations



Thomas D. Farrell
Certified Specialist in Family Law*
tom@farrell-hawaii.com
Anthony A. Perrault
tony@farrell-hawaii.com
J. Alberto Montalbano
juan@farrell-hawaii.com
Leslie Ching Allen
leslie@farrell-hawaii.com
Kainani Collins Alvarez
kainani@farrell-hawaii.com

TESTIMONY OF THOMAS D. FARRELL
Regarding SB130, Relating to Civil Legal Services
Committee on Judiciary
Senator Karl Rhoads, Chair/Senator Glenn Wakai, Vice Chair
Friday, February 1, 2019 9:00 a.m.
Conference Room 016, State Capitol

Dear Senator Rhoads and Members of the Committee:

I strongly support SB 130 which would appropriate \$800,000 for the Judiciary to spend to purchase civil legal services for low and moderate income persons.

Just so there is no misunderstanding, this is not a bill to put money in the pockets of lawyers in private practice. As in the past, these funds will be expended through non-profit providers such as Volunteer Legal Services Hawaii (VLSH) and the Legal Aid Society.

I run a small law firm concentrating in Family Law. All of us are volunteer attorneys with VLSH. We see, first hand, the need for civil legal services to be provided to those who would otherwise have no access to justice.

I recall handing an adoption for a woman who had been in casual possession of a seven year old girl for some five years. The child's mother had been in and out of prison, and the father was unknown. My client needed to have the legal authority to act as a parent, and also to make sure that mom didn'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 made about \$1,500/month---would never be able to afford to hire me at \$325/hour. Typically, these cases run from \$5,000 to \$15,000. She got her adoption done through VLSH at no charge. And, by the way, the taxpayers of Hawaii benefitted too. This child will remain in a safe and loving home, and will not be one of those who are in our CPS system and in foster care at taxpayer expense.

That's just one example of why civil legal services are vital, but they aren't free. My time may be free, but it takes an organization like VLSH to screen the cases, recruit the attorney volunteers, and match clients to lawyers. VLSH's annual budget runs some \$600,000. It will only get a share of the amount that you appropriate---based on past experience, that will be less than 25% of what it needs to survive. So, I hope the money committees who will pass on SB 130 do not decide to cut the amount in your bill by some arbitrary amount.

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

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

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

Testimony of Thomas D. Farrell
SB 130
February 1, 2019
page 2

I don't have the detailed knowledge of statistics for other legal service providers, but I can tell you that in 2018, VLSH handled 2,088 intakes, over 1800 of whom were provided a range of services from advice and consultation to full representation. Many of these clients were homeless or disabled, or both. I was one of some 200 volunteer attorneys who, collectively, donated over 2,800 hours of their time.

No doubt, my colleagues from other legal services providers have equally compelling stories to tell, and they deserve your support, too.

So I commend to you making a commitment to justice for all. SB 130 represents a modest investment that can do a great deal of good.

Thank you for the opportunity to testify this morning.

SB-130

Submitted on: 1/29/2019 10:33:24 AM

Testimony for JDC on 2/1/2019 9:00:00 AM

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

Comments:

Chair Rhodes, Vice Chair Wakai, and Members of the Committee,

I am writing in support of SB 130, which provides funding for civil legal services through a purchase of service contract by the Judiciary.

I am the President of the Board of Volunteer Legal Services Hawaii, which is one of the organizations that provide civil legal services to Hawaii's low and moderate income residents. These services assist families in caring for their relatives, help kupuna in drafting wills and trusts, and assist veterans in accessing benefits from the federal government. We ensure that Hawaii's justice system is accessible to all who need it.

You should also be aware that, every dollar that the State spends on these services is matched several times over through private contributions and in-kind donations of time.

Thank you for your recognition of the importance of these services and this funding.

SB-130

Submitted on: 1/30/2019 6:46:27 AM

Testimony for JDC on 2/1/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Eileen M Gawrys	Individual	Support	No

Comments:

SB-130

Submitted on: 1/30/2019 12:39:49 PM

Testimony for JDC on 2/1/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Tred Eyerly	Individual	Support	No

Comments:

Dear Chair Rhodes, Vice Chair Wakai and members of the Senate Committee on Judiciary:

I am writing to express **support** for SB 130. Funding under SB130 for civil legal services would increase access to justice in civil legal matters for low- and moderate-income residents of Hawaii. As a board member for Volunteer Legal Services Hawaii, ...

I submit this testimony in support of SB 130 and respectfully requests that your Committee give this measure its favorable consideration.

Sincerely,

Tred R. Eyerly

SENATE COMMITTEE ON JUDICIARY

February 1, 2019, 9:00 A.M.

Room 016

TESTIMONY IN SUPPORT OF SB 130

(written testimony only)

Aloha Chair Rhoads, Vice Chair Wakai, and Committee members:

I'm writing in **support of SB 130**, which appropriates funds for the judiciary to purchase civil legal services for low and moderate income residents.

As a board member for Volunteer Legal Services Hawaii, efforts to increase access to justice in Hawaii are near and dear to my heart. Not everyone can afford an attorney, but they may be able to find help to resolve legal issues if given the right information, professional support, and assistance.

Funding under SB 130 is important to help increase access to justice in civil legal matters for Hawaii's low and moderate income residents.

Mahalo for your consideration and the opportunity to testify in support of SB 130.

Sincerely,

Melissa Miyashiro