

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

March 11, 2019

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

FROM: Pankaj Bhanot, Director

SUBJECT: **HB 1452 HD 1 - RELATING TO CIVIL LEGAL SERVICES**

Hearing: March 16, 2019, 9:00 a.m.
Conference Room 016, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services supports this bill, provides comments, requests amendments regarding membership and quorum requirements, and requests an appropriation provided that it does not supplant budget requests prioritized in the Executive Budget.

DHS supports the appropriation of funds to the Judiciary to purchase civil legal services.

PURPOSE: The purpose of this bill is to establish and appropriate funds for the Hawaii Legal Aid Interagency Roundtable to facilitate cooperation between various state agencies regarding civil legal services and access to justice. Appropriates funds for the Judiciary to purchase civil legal services for low- and moderate-income persons. The House Committee on Finance changed the appropriation to the Judiciary to an unspecified amount and made technical amendments. (HD1)

Low income residents often require free civil legal services to address legal barriers that hamper stability and efforts to improve family income and well-being. Legal representation may include assistance in obtaining government issued identification,

obtaining government benefits, family law matters, consumer or credit related issues, or other housing related representation.

As the Legislature's intent appears to be to create a permanent civil legal services coordinating program within Chapter 346, Hawaii Revised Statutes, DHS requests an appropriation of \$100,000 and the establishment of one permanent exempt full-time position (salary estimate at \$75,000 to \$80,000) to perform the described activities, and for administrative costs, such as IT support, data analytics, training, travel, and other related costs. Further, DHS requests an appropriation of \$45,000 for additional secretarial support in the Director's office, and the establishment of one permanent full-time civil service secretary position.

DHS proposes that the Roundtable also include a member of the Commission on Access to Justice, a representative from the Hawaii State Bar Association Committee on the Delivery of Legal Services to the Public or like committee, and a faculty member of the University of Hawaii, William S. Richardson School of Law.

To facilitate decision making, DHS further requests that a majority of members or member designees present at an open meeting of the Roundtable constitute a quorum for purposes of decision making per Chapter 92, Hawaii Revised Statutes.

DHS supports the appropriation of funds to the Judiciary to purchase civil legal services.

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



The Judiciary, State of Hawai‘i

Testimony to the Senate Committee on Judiciary

Senator Karl Rhoads, Chair
Senator Glenn Wakai, Vice Chair

Friday, March 15, 2019 9:00 AM
State Capitol, Conference Room 325

WRITTEN TESTIMONY ONLY

by
Rodney A. Maile
Administrative Director of the Courts

Bill No. and Title: House Bill No. 1452, House Draft 1 Hawai‘i Legal Aid Interagency Roundtable; Civil Legal Services.

Purpose: Establishes and appropriates funds for the Hawai‘i Legal Aid Interagency Roundtable to facilitate cooperation between various state agencies regarding civil legal services and access to justice. Appropriates funds for the Judiciary to purchase civil legal services for low- and moderate-income persons. (HB1452 HD1)

Judiciary's Position:

The Judiciary strongly supports House Bill No. 1452, House Draft 1 which establishes and appropriates funds for the Hawai‘i Legal Aid Interagency Roundtable. In 2015, President Barack Obama issued a Presidential Memorandum formally establishing the White House Legal Aid Interagency Roundtable. According to President Obama’s memorandum, this roundtable 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 roundtable and based on feedback received during statewide network partner meetings, Hawai‘i’s Justice for All Committee recommended the creation of a local interagency roundtable in its December 2017 Final Report.¹ The creation of a roundtable would help to bring together government agencies, coordinate ways to streamline government

¹ See Justice for All Committee, *Hawai‘i Justice for All Project: Final Report* (Dec. 2017), available at http://oaoa.hawaii.gov/jud/annual_reports/Hawaii_JFA_JFA_Project_Report_Year_1_FINAL.pdf.



House Bill No. 1452, House Draft 1 Relating to Hawaii Legal Aid Interagency
Roundtable; Civil Legal Services
Senate Committee on Judiciary
Friday, March 15, 2019 9:00 AM
Page 2

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.

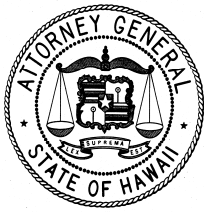
The Judiciary also strongly supports the bill's appropriation for civil legal services for fiscal years 2020 and 2021. Civil legal services providers extend a lifeline to the most vulnerable persons in our community.

For Fiscal Year 2018 – 2019, the Judiciary received a one-time 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.

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 Wai'anāe that served 25 individuals.

For these reasons, the Judiciary strongly supports this measure. Thank you for the opportunity to testify.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTIETH LEGISLATURE, 2019**

ON THE FOLLOWING MEASURE:

H.B. NO. 1452, H.D. 1, RELATING TO CIVIL LEGAL SERVICES.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY

DATE: Friday, March 15, 2019

TIME: 9:00 a.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): Clare E. Connors, Attorney General, or
James W. Walther, Deputy Attorney General

Chair Rhoads and Members of the Committee:

The Attorney General appreciates the intent of this bill and provides the following comments.

This bill would establish the Hawaii Legal Aid Interagency Roundtable that would be co-chaired by the Attorney General and the Director of Human Services. The membership would consist of representatives from multiple state programs, offices, and departments who would be tasked with evaluating and making recommendations about civil legal aid services available to the public in conjunction with supportive services that are provided by state programs, with an eye to expanding and coordinating those services across the departments. The bill also would appropriate funds for the Judiciary to procure civil legal aid services for low- and moderate-income persons.

We believe that expanding and coordinating civil legal aid services to low-income, indigent, vulnerable, and at-risk persons would allow those persons to participate more fully in legal processes to address issues that hinder their success such as eviction actions, access to vital records, and consumer protection matters. Improving access to assistance with these and other civil legal issues will lead to improved outcomes for persons who face challenges seeking employment and housing, which will in turn help those persons achieve greater self-sufficiency.

With that in mind, our Department and the Department of Human Services have already convened a roundtable similar to that described in this bill, with the assistance

of a facilitator who was contracted by the Hawaii Justice Foundation. The express purpose of this roundtable is to evaluate the civil legal services currently available to persons through State programs, and to make recommendations for coordinating and expanding the services where possible. The first meeting was held in January, with two more meetings scheduled for later in the spring, and a report is being developed to be completed by June of this year.

Creating the group statutorily may have unintended consequences. For instance, the open-ended nature of the membership could lead to problems meeting quorum, and the requirements of chapter 92, Hawaii Revised Statutes, would add significant time and impact agency resources, which could delay decision-making and action by the roundtable. These considerations are lessened with the flexibility of having the roundtable convened by executive action rather than by statute.

It is our intent to continue the work of the roundtable beyond the report to be produced in June, and we believe that having a statutorily defined group and rigid reporting requirements may hinder the flexibility the departments currently have to address the issues.

We also support the appropriation made in this bill for the Judiciary to procure civil legal services.

Thank you for the opportunity to provide comments.

Trever Asam
Board President

Angela Kuo Min
Executive Director



545 Queen Street, Suite 100
Honolulu, Hawai'i 96813
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**TESTIMONY IN SUPPORT OF H.B. 1452
RELATING TO CIVIL LEGAL SERVICES
Committee on Judiciary – March 15, 2019 9:00 AM - Conference Room 016**

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

Volunteer Legal Services Hawaii strongly supports the passage of H.B. No. 1452 and the recommendation to appropriate funding for the Hawaii Legal Aid Interagency Roundtable and funding for 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 ranges 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 H.B. No. 1452 in support of civil legal assistance for Hawaii residents. Thank you for this opportunity to provide testimony.

Sincerely,
Angela Kuo Min, Executive Director



70170



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

RE: HB 1452 HD1 Support

Aloha!

An interagency working body to examine issues pertaining to delivery of civil legal services and develop strategic ways for public and private agencies to work together to meet this pronounced issue is important to advance justice.

Thank you for favorable action in its continuation and support.

This testimony also supports the favorable action by this Committee to support civil legal services.

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.

SENATE COMMITTEE ON JUDICIARY

March 15, 2019, 9:00 A.M.

Room 016

TESTIMONY IN SUPPORT OF HB 1452

(written testimony only)

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

I'm writing in **support of HB 1452** to fund legal services for low and moderate income residents in Hawaii.

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 HB 1452 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 HB 1452.

Sincerely,

Melissa Miyashiro

HB-1452-HD-1

Submitted on: 3/11/2019 10:23:30 PM

Testimony for JDC on 3/15/2019 9:00:00 AM

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

Comments:

Kenekoa/Senator Karl Rhoads, Luna Ho‘omalu/Chair

Kenekoa/Senator Glenn Wakai, Hope Luna Ho‘omalu/Vice Chair

I am submitting testimony in support of HB 1452 as treasurer of VLSH. I have been working with VLSH for over 10 years. VLSH serves a critical need in our community. Please support this bill.

Joanne Hoe

Treasurer of VLSH



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

Joanne Lo Grimes, Esq.
President, Board of Directors

M. Nalani Fujimori Kaina, Esq.
Executive Director

TESTIMONY IN SUPPORT OF HB1452 HD1 – RELATING TO CIVIL LEGAL SERVICES

Committee on Judiciary – Room 016

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

March 15, 2019 at 9:00 a.m.

The Legal Aid Society of Hawaii submits testimony in strong support of HB1452 HD1 – Relating to Civil Legal Services. We encourage the Committee on Judiciary to include in this bill the amount of \$800,000 for the purchase of civil legal services for low- and moderate-income.

This funding would go to ensure that coordination occurs at a state level to maximize federal funds and other funding opportunities for civil legal services as well as provide important 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. Both aspects of this bill are important in that coordination at a state level can help to increase access to justice and general revenue funding can provide much needed matching funds for federal grants as well as fill gaps where funding is not available in areas of need for civil legal services.

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

Jim Gagne
Director of Finance

HB-1452-HD-1

Submitted on: 3/12/2019 1:26:54 PM

Testimony for JDC on 3/15/2019 9:00:00 AM

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

Comments:

Senator Rhoads and Members of the Committee,

I am writing in support of this bill and its 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, helping kupuna in drafting wills and trusts, and assisting 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.

HB-1452-HD-1

Submitted on: 3/12/2019 12:58:34 PM

Testimony for JDC on 3/15/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Tred Eyerly	Testifying for Damon Key Leong Kupchak Hastert	Support	No

Comments:

As a board member of Volunteer Legal Services Hawaii, I strongly support the passage of HB 1452. Access to legal services is extremely important to those less fortunate citizens living in our communities.

07/12/2019 11:14 AM FROM: TBA TO: 000-000-0101 PAGE: 002 OF 000

Testimony in Support of HB1452 Relating to Civil Legal Services

Chair Karl Rhoads, Vice Chair Glenn Wakai and Committee on Judiciary

March 15, 2019 9am, Room 016
30th Hawaii State Legislature
415 South Beretania Street
Honolulu, Hawaii 96813

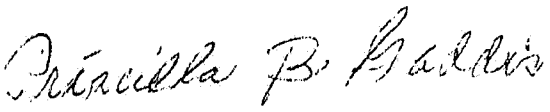
Aloha Members of the 30th Hawaii State Legislature,

My name is Priscilla Gaddis, a client of the non-profit 501(c)3 Volunteer Legal Services Hawaii (VLSH). Thank you for your recent funding and support of VLSH, an organization that provides much needed *pro bono* legal services for community members in situations like mine. I am writing you to request funding and support for VLSH so they may continue their mission of *pro bono* legal services to more residents and communities around the State of Hawaii.

I recently received assistance from VLSH in order to petition the Family Court to grant me guardianship over my two grandsons. I have found it difficult to raise my two grandsons without the legal ability to make decisions for them. When I take them to the hospital, register them for school or other activities that requires a parent/guardian's consent I find there are many challenges in getting things done. These challenges make my grandson's lives much harder than it needs to be so I decided to take action and seek assistance.

When I reached out to VLSH I was paired up with a volunteer attorney, Mr. Juan Montalbano, who reviewed the facts of my case and listened to my story. After providing initial assistance, Mr. Montalbano elected to fully represent me during my guardianship hearings free of charge. I could not be more grateful for his assistance. VLSH provided administrative support and drafted the motions required to initiate the guardianship hearings. Once completed, a staff member drove out to Kapolei courthouse to assist me in filing the motions.

Obtaining guardianship over my two grandsons is important so I can make the legal decisions required to raise them in the State of Hawaii. I ask for the Hawaii State Legislature's continued funding and support of VLSH so others who need *pro bono* legal assistance in Hawaii may receive it!

Sincerely, 

Priscilla B. Gaddis