



The Judiciary, State of Hawai‘i

Testimony to the House Committee on Judiciary
Representative Chris Lee, Chair
Representative Joy A. San Buenaventura, Vice Chair

Thursday, February 7, 2019 2:05 PM
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, Hawaii 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.

Judiciary's Position:

The Judiciary strongly supports House Bill No. 1452, 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, Relating to Hawaii Legal Aid Interagency Roundtable; Civil
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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 in the amount of \$800,000.00 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 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.

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‘anae 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, RELATING TO CIVIL LEGAL SERVICES.

LATE

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY

DATE: Thursday, February 7, 2019

TIME: 2:05 p.m.

LOCATION: State Capitol, Room 325

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

Chair Lee 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.

We would suggest that this bill be amended to encourage and support the efforts of the current roundtable as already established, rather than embedding the roundtable in statute. 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 would also support the appropriation to the Judiciary to further the efforts of the roundtable, and would suggest increasing the amount of the appropriation.

Thank you for the opportunity to provide comments.

TESTIMONY OF THOMAS D. FARRELL
Regarding HB 1452, Relating to Civil Legal Services
Committee on Judiciary
Representative Chris Lee, Chair/Representative Joy San Buenaventura, Vice Chair
Thursday, February 7, 2019 2:05 p.m.
Conference Room 325, State Capitol

Good afternoon Representative Lee and Members of the Committee:

I'll reserve comment on part I of HB 1452, which would establish a legal aid "roundtable" of government agencies. Perhaps others can explain the need for this entity, particularly in view of the existing Access to Justice Commission.

However, I strongly support part II of the bill, which would provide an appropriation for civil legal services.

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

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

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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 HB 1452 do not decide to cut the amount in your bill by some arbitrary amount.

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. HB 1452 represents a modest investment that can do a great deal of good.



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Joanne Lo Grimes, Esq.
President, Board of Directors

M. Nalani Fujimori Kaina, Esq.
Executive Director

TESTIMONY IN SUPPORT OF HB1452 – RELATING TO CIVIL LEGAL SERVICES

Committee on Judiciary – Room 325

Representative Chris Lee, Chair
Representative Joy A. San Buenaventura, Vice-Chair

February 7, 2019 at 2:05 p.m.

LATE

The Legal Aid Society of Hawaii submits testimony in strong support of HB1452 – Relating to Civil Legal Services. We apologize for the late submission of this testimony.

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

Angela Lovitt
Deputy Director

Trever Asam
Board President

Angela Kuo Min
Executive Director



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**TESTIMONY IN SUPPORT OF H.B. 1452
RELATING TO CIVIL LEGAL SERVICES
Committee on Judiciary - February 7, 2019 - Conference Room 325**

CHAIR LEE, VICE CHAIR SAN BUENAVENTURA, 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 funds 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

HB-1452

Submitted on: 2/6/2019 11:03:06 AM

Testimony for JUD on 2/7/2019 2:05:00 PM

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

Comments:

Rep. Chris Lee, Chair

Rep. Joy A. San Buenaventura, Vice Chair

I am submitting my testimony in support of HB 1452. As treasurer of VLSH, I see the importance of legal services for the indigent population.

Joanne Hoe

Treasurer

HB-1452

Submitted on: 2/6/2019 12:03:27 PM

Testimony for JUD on 2/7/2019 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Sidney K. Ayabe	Volunteer Legal Services Hawaii	Support	No

Comments:

Dear Chair Lee and members of the Committee on Judiciary,

I am writing to express my support for HB 1452 and respectfully requests that your Committee give favorable consideration to this bill. Thank you.

Aloha,

Sidney K. Ayabe



TO: Chair Chris Lee
Vice Chair Joy San Buenaventurai
Members of the Committee
FR: Nanci Kreidman, M.A.
Chief Executive Officer

RE: HB 1452 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.

HB-1452

Submitted on: 2/6/2019 11:32:45 AM

Testimony for JUD on 2/7/2019 2:05:00 PM

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

Comments:

Chair Lee, Vice Chair Buenaventura, 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 serves 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 are 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 imortance of these services and this funding.

HB-1452

Submitted on: 2/6/2019 8:37:24 PM

Testimony for JUD on 2/7/2019 2:05:00 PM

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

Comments:

LATE

To: Chair Lee, House Committee on Judiciary
Vice Chair San Buenaventura, House Committee on Judiciary
Date: February 7, 2019
Capitol Room 325

Testimony in Support of House Bill 1452

Aloha Chair Lee, Vice Chair San Buenaventura, and committee members,

My name is Kathleen Algire and I am the coordinator for the current pilot project of the Hawaii Legal Aid Interagency Roundtable. As stated in the bill, the goals of the roundtable support creating meaningful access to legal services for people, regardless of wealth or status, with a special focus on low-income, indigent, and vulnerable populations. Access to legal services for all of Hawaii's people results in better outcomes for our communities and state.

Research over the last decade has shown that the general public does not have a good understanding of what kinds of issues are legal in nature. Instead, they believe issues like eviction, denial of healthcare, unlawful termination from employment, and barriers accessing benefits are part of God's plan, bad luck, or that it is a personal problem¹. Additionally, it has been recognized by another growing body of research that government benefits and government programs have better outcomes when the appropriate legal services are included. One example of this is the need for expungement as a tool of job training programs. An estimated 70 million adults in the US have some kind of criminal record². Although several states have taken initiatives to "ban the box", with Hawaii leading the way, criminal records of any kind, ranging from arrest to conviction, make acquiring a job, a vocational license, or a promotion difficult. By pairing job training with applying for expungements, people are able to not only gain employment but it also gives them the chance to turn that job into a career and become self-sufficient.

In 2015 under the Obama administration, a federal legal aid roundtable was created with the goal of enhancing justice across the US through collaboration and sharing of best practices. Much of what was accomplished during the federal roundtable's time was allowing legal services to be an allowable cost for federal funding streams and grants, like the Workforce Innovation and Opportunity Act, Title IV, and Temporary Assistance to Needy Families (TANF). The federal roundtable published a toolkit that explained how the various agencies utilize legal aid to better serve their clients and populations³. The toolkit and the progress made through the federal roundtable provide a great starting point for the state, with identifiable ways to make progress.

¹ Sandefur, Rebecca (2014) *Accessing Justice in the Contemporary USA: Findings from the Community Needs and Services Study*, American Bar Foundation

² Sentencing Project, *Americans with Criminal Records*, <https://www.sentencingproject.org/wp-content/uploads/2015/11/Americans-with-Criminal-Records-Poverty-and-Opportunity-Profile.pdf>

³ Federal Legal Aid Interagency Roundtable Toolkit, <https://www.justice.gov/atj/file/450451/download>

The Hawaii Legal Aid Roundtable pilot project is a great start to ensuring access to justice for all in Hawaii. The pilot project will be complete by June 2019 but the work will be ongoing. Continuing the roundtable with a dedicated staff member can ensure the goals of the roundtable are met and continue to expand and increase the availability of civil legal services.

The need for civil legal services in Hawaii is great. There is only one legal services attorney for every 2,291 persons living below 125 percent of the federal poverty level and only one attorney for every 4,402 persons living below 200 percent of the poverty level.⁴ The appropriated funds to the Judiciary provide much needed access and resources to help people receive the benefits they are entitled to, protections that can save their lives, and remove barriers that allow people to live their fullest lives. A 2016 study by the Community Services Analysis LLC found that for every dollar Hawaii spent on civil legal services, Hawaii residents will receive \$6.35 of immediate and long-term financial benefits.⁵ The appropriated funding is much needed and critical to ensuring the most vulnerable have access to justice.

Both aspects of this bill will help Hawaii residents address their civil legal needs. These types of needs are unique because without the proper intervention, they will not resolve. For these reasons, I respectfully request the committee vote favorably on House Bill 1452.

Thank you,
Kathleen Algire, MSW

⁴ Hawaii House of Representatives Resolution 126 (2018)
https://www.capitol.hawaii.gov/session2018/bills/HR126_.htm

⁵ Hawaii Consortium of Legal Service Providers (2016) *The Economic Impact of Legal Service Providers in Hawaii*