



The Judiciary, State of Hawai‘i

**Testimony to the Thirty-Second Legislature
2023 Regular Session**

House Committee on Judiciary and Hawaiian Affairs
Representative David A. Tarnas, Chair
Representative Gregg Takayama, Vice Chair

Wednesday, March 15, 2023, 2:15 p.m.
State Capitol, Conference Room 325 & Videoconference

by
Rodney A. Maile
Administrative Director of the Courts

WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Bill No. 35, S.D. 2, Relating to Civil Legal Services.

Purpose: Appropriates moneys from the general fund for the Judiciary to purchase civil legal services for low- and moderate- income persons. Effective 7/1/2023.

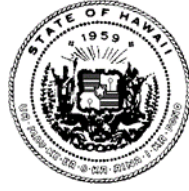
Judiciary's Position:

The Judiciary strongly supports Senate Bill No. 35, S.D. 2 which would appropriate funds from the general fund to contract non-profit organizations to deliver civil legal services to low and moderate income persons. Civil legal services providers provide critical and essential legal services to the most vulnerable persons in our community.

The Judiciary respectfully requests that any appropriations for this bill not supplant the Judiciary's existing funding and current budget requests.

Thank you for the opportunity to testify on Senate Bill No. 35, S.D. 2.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



CATHY BETTS
DIRECTOR
KA LUNA HO'OKELE

JOSEPH CAMPOS II
DEPUTY DIRECTOR
KA HOPE LUNA HO'OKELE

STATE OF HAWAII
KA MOKU'ĀINA O HAWAI'I
DEPARTMENT OF HUMAN SERVICES
KA 'OIHANA MĀLAMA LAWELAWE KANAKA
Office of the Director
P. O. Box 339
Honolulu, Hawaii 96809-0339

March 14, 2023

TO: The Honorable Representative David A. Tarnas, Chair
House Committee on Judiciary & Hawaiian Affairs

FROM: Cathy Betts, Director

SUBJECT: [SB 35 SD2](#) – RELATING TO CIVIL LEGAL SERVICES.

Hearing: March 15, 2023, 2:15 p.m.
Conference Room 32 & Videoconference, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports this measure, defers to the Judiciary, and provides comments.

PURPOSE: This bill appropriates funds for the Judiciary to purchase civil legal services for low- and moderate-income persons. Effective 7/1/2050. (SD2)

The SD1 amended the measure by amending section 1 to delete superfluous language. DHS appreciates the Senate Committee on the Judiciary's note that the measure is not meant to affect any other appropriation for the same purpose.

The SD2 amended the measure by:

- (1) Changing the appropriation from \$1,200,000 to an unspecified amount; and
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

Access to civil legal services helps low to moderate-income individuals access necessities and assistance, ensure safety, and help to support economic stability. Conversely, unresolved civil legal issues can compound individuals' difficulty accessing government services, housing,

employment, and credit. Additionally, individuals impacted by emergency management events, such as hurricanes or mass casualty events, need access to legal services to navigate different recovery systems.

In addition to direct legal representation, outreach, and education programs provided by legal services organizations are essential community resources. For example, during the pandemic, civil legal service organizations continuously updated the community on COVID-19 available programs and partnered with County and nonprofit agencies to provide pro bono attorneys at food distribution and other events for those families experiencing severe economic consequences. Civil legal services organizations also worked with DHS and other nonprofit organizations to address access and other issues as programs and application processes changed.

The Department works closely with the Judiciary and other community stakeholders to increase and improve access to civil legal services. However, more resources are needed to increase the capacity of local nonprofit legal services organizations to continue to serve the civil legal service needs of Hawaii's low-income to moderate-income individuals and families.

Thank you for the opportunity to testify on this bill.

SB-35-SD-2

Submitted on: 3/14/2023 1:28:21 PM

Testimony for JHA on 3/15/2023 2:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Joseph E Cardoza	Hawai`i Access To Justice Commission	Support	Written Testimony Only

Comments:

Chair: Hon. David A. Tarnas, Chair

Vice Chair: Hon. Gregg Takayama, Vice Chair

Committee: House Committee on Judiciary and Hawaiian Affairs

Testimony of: Joseph E. Cardoza, Chair

Organization: Hawai`i Access To Justice Commission

Hearing Date: Wednesday, March 15, 2023

Hearing Time: 2:15 p.m.

Place: Via Videoconference

Conference Room 325

Hawai`i State Capitol

415 South Beretania Street

Honolulu, Hawai`i

Senate Bill: SB No. 35, SD2

Position: Testimony in Support of Bill Relating to Civil Legal Services

Dear Chair Tarnas and Members of the House Committee on Judiciary and Hawaiian Affairs:

The Hawai'i Access to Justice Commission supports Senate Bill No. 35, Senate Draft 2, which would provide an appropriation through the Judiciary for the purchase of civil legal services for low- and moderate-income persons.

Several non-profit organizations provide critical civil legal services to persons who cannot afford a lawyer. The inability to access essential civil legal services can often lead to long-term consequences. Undoing the damage done by the inaccessibility to civil legal services is costly, both for the individual and society in general. The impact on the community is both social and economic. Non-profit organizations have served thousands of our residents for years. Unfortunately, there are many persons who cannot be served because of the financial constraints these organizations face. The Hawai'i Access to Justice Commission appreciates the support the Legislature has provided in the past, and is hopeful that the funding provided through SB No. 35, SD2, will help low- and moderate-income persons have access to essential civil legal services. In turn, this will serve the best interests of society.

The Commission appreciates the House Committee on Judiciary and Hawaiian Affairs hearing this Bill. Thank you for the opportunity to present this written testimony.

I do not plan to testify during the hearing on this Bill.



The Legal Clinic - **Testimony in Support of SB35_SD2** - Relating to Civil Legal Services
HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS
Rep. David A. Tarnas, Chair and Rep. Gregg Takayama, Vice Chair
Hearing Date: March 15, 2023; 2:15pm.
Conference Room 325 & via Videoconference

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Chair Tarnas, Vice-Chair Takayama, and Members of the Committee:

The Legal Clinic (TLC) submits this testimony in strong support of SB35_SD2, Relating to Civil Legal Services, which would appropriate funds to the Judiciary to contract with non-profit organizations which provide legal counsel and assistance to low-income residents of our state.

TLC, a Honolulu-based non-profit organization, provides legal and related services to Hawai'i's low-income migrant and immigrant communities and was fortunate to receive critical funding from a similar appropriation in 2022, for which we are extremely grateful.

The bill in its current form states that organizations which provide legal services for low- and moderate-income persons “include, without limitation, Volunteer Legal Services Hawai’i, Domestic Violence Action Center, and the Legal Aid Society of Hawai’i.”

We recommend an amendment to that language, to include “The Legal Clinic” in that list, and/or to add “among other providers” to the end of the that sentence.

Soon after opening its doors in 2019, TLC was overwhelmed with client demand for our immigration legal services, provided free to those who meet the household income guidelines ($\leq 200\%$ of the federal poverty level)—some with multiple matters. Since then, TLC has provided expert immigration legal services to over 400 state residents.

Despite the pressing need for immigration legal services, the available services in Hawai'i are significantly limited. According to a recent [study in the Journal on Migration and Human Security](#), Hawai'i is “an immigration legal capacity desert” and ranks at the bottom nationally when it comes to the ratio of “charitable” immigration attorneys to undocumented residents in the state.

Foreign-born residents make up over 19% of Hawai’i’s population (compared to 13.7% of the U.S. population). Of these, over 112,000 state residents are not yet U.S. citizens, and over 40,000 are out of status (“undocumented”). Immigrants and migrants are major contributors to our community’s social, cultural, and economic well-being. Yet, tens of thousands do not enjoy the same rights and securities as their friends and neighbors—no right to vote, limited access to healthcare, and no right to government-appointed counsel if called to appear in federal immigration court.

In light of this critical need, legal service providers need increased support. We urge you to pass this bill to help the most vulnerable in our society gain access to justice and move us to a more equitable state for all.

Sincerely,

Bettina Mok
Executive Director
director@thelegalclinichawaii.org



TO: COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS
Representative Tarnas, Chair
Representative Takayama, Vice Chair
FR: Nanci Kreidman, M.A.
Chief Executive Officer

RE: SB 35 SD2

Aloha!

With enormous gratitude to the Committee on Judiciary we submit this testimony in support of SB 35 SD 2. The funding in this Bill supports essential services provided by Hawaii's legal service providers.

The Domestic Violence Action Center is one of the agency's that received funding support through a similar appropriation for FY 2023 (Bill passed in 2022).

There is a steady demand for the specialized services provided to marginalized communities in rural and metropolitan areas in the state.

We urge the Committee to take favorable action on SB 35 SD 2.
Thank you.

SB-35-SD-2

Submitted on: 3/13/2023 12:07:58 PM

Testimony for JHA on 3/15/2023 2:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Amy Agbayani	Hawaii Friends of Civil Rights	Support	Written Testimony Only

Comments:

Testimony in strong support of SB 35 submitted by Amy Agbayani, co-chair of Hawaii Friends of Civil Rights.

Low and moderate-income persons are vulnerable and are likely not to obtain justice and need access to legal services. Please support this bill.



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

J. Blaine Rogers, Esq.,
President, Board of Directors

TESTIMONY ON SB35, SD2

Committee on Judiciary & Hawaiian Affairs

Rep. David A. Tarnas, Chair
Rep. Greg Takayama, Vice-Chair

March 15, 2023 at 2:15 p.m.

The Legal Aid Society of Hawaii submits testimony in strong support of SB35, SD2 – Relating to Civil Legal Services. This funding would ensure that general revenue funding for civil legal services continues to be available 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.

In 2022, we received over 15,000 requests for assistance and were able to provide legal help in a little over 7,200 cases in legal areas ranging from family, housing, consumer, foreclosure, public benefits, elder law, homelessness, immigration, language access, and child welfare. Of those served last year, over 2,000 of our clients were homeless or at risk for homelessness, over 1,800 are Native Hawaiian, over 1,200 experienced domestic violence and about 550 spoke a language other than English.

These general funds from the state have enabled us to provide key civil legal services and allowed us to respond to changing and emerging needs. In partnering with the community for over 70 years, 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.

We are grateful for the support of the legislature over the years.

Thank you for this opportunity to provide testimony.

Sincerely,
Angela J. Lovitt
Interim Executive Director

Trever Asam
Board President

Rachel Figueroa
Executive Director



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

**TESTIMONY IN SUPPORT OF S.B. 35, SD 2
RELATING TO CIVIL LEGAL SERVICES**

Committee on Judiciary and Hawaiian Affairs – March 15, 2023 2:15 p.m.

CHAIR TARNAS, VICE CHAIR TAKAYAMA AND MEMBERS OF THE COMMITTEE
ON JUDICIARY AND HAWAIIAN AFFAIRS:

Volunteer Legal Services Hawaii supports the passage of S.B. 35, SD 2

This critical funding would go to funding civil legal services, including but not limited to the delivery of civil legal services to low- and moderate- income individuals in Hawaii. In the last forty-two 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 2022, with only a staff of 8, Volunteer Legal Services Hawaii qualified over 900 individuals. Volunteer Legal Services provides legal checkups, educational presentations, clinics, brief services and/or full representations. Nineteen percent (19%) of those helped are homeless or at the risk of being homeless, 21% of those helped suffer from domestic violence, 1% of those helped were veterans, 26% of those helped are disabled, and 15% of those helped were aged 60 and over. If not for Volunteer Legal Services Hawaii, these individuals would have otherwise gone without legal help.

We support this funding mechanism which would allow Volunteer Legal Services Hawaii, and other organizations, to deliver critical safety net services to Hawaii's most vulnerable residents.

We respectfully request your passage of S.B. 35, SD2. Thank you for this opportunity to provide testimony.

Sincerely,
Rachel Figueroa, Executive Director



www.hicir.org | Instagram @hicir
hicoalitionforimmigrantrights@gmail.com

**Testimony in SUPPORT of SB35 SD2
RELATING TO CIVIL LEGAL SERVICES
COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS**

Rep. David A. Tarnas, Chair
Rep. Gregg Takayama, Vice Chair

Hearing Date: March 15, 2023

Dear Chair Tarnas, Vice Chair Takayama, and Members of the Committee,

The Hawai'i Coalition for Immigrant Rights (HCIR) is in **STRONG SUPPORT** of SB35 SD2, which appropriates funds for the Judiciary to purchase civil legal services for low- and moderate-income persons.

This bill would help more low-income immigrants access legal services for their immigration cases.

There is an access to justice gap for low-income immigrants in immigration proceedings.

There is a severe shortage of legal service providers for low-income immigrants in immigration proceedings. A 2007 Hawai'i Justice Foundation report documented the scarcity of legal services for low-income people in Hawai'i in general.¹ This is particularly pronounced in the field of immigration law. When individuals appear in Immigration Court, the Immigration Judge is required to read out the list of free and low-cost immigration service providers that have made themselves available for individuals appearing in court to contact. That list is blank in Hawai'i,² a state of 1.4 million residents.

In San Francisco, by comparison, there no less than 11 groups providing free immigration services for San Francisco Immigration Court alone.³ Similarly, 87% of non-detained individuals were represented in New York.⁴

Legal assistance and counsel makes a huge difference in immigration proceedings.

Studies have shown the difference representation makes in immigration court, where immigrants with attorneys are vastly more successful at every stage of the process.⁵ In an in-depth study on New York Immigration Courts, 74% of represented, non-detained individuals in Immigration

¹ "Achieving Access to Justice for Hawaii's People," A report of the Access to Justice Hui (2007), available at <http://25shu2g61cw30sjn46t4k87by.wpengine.netdna-cdn.com/wp-content/uploads/2014/07/Access-to-Justice-Hui-Report-10-26-07-Final11.pdf>.

² See Department of Justice list of pro bono legal service providers at <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers>. None are listed for Hawai'i.

³ *Id.*

⁴ Ingrid Eagly and Steven Shafer, ACCESS TO COUNSEL IN IMMIGRATION COURT, American Immigration Council (2016), at 8, https://www.americanimmigrationcouncil.org/sites/default/files/research/access_to_counsel_in_immigration_court.pdf.

⁵ *Id.* at 2.



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hicoalitionforimmigrantrights@gmail.com

Court had successful outcomes, compared to only 13% of unrepresented, non-detained individuals.⁶ The importance of attorneys is even more profound for asylum seekers. For persecution-related relief applications (asylum), 21% of unrepresented non-detained individuals had a successful outcome, while 84% of represented non-detained individuals had successful outcomes.⁷ That is a 63% difference in success rate by having legal assistance.

In Hawai'i, we have seen firsthand the difference made by having legal representation in immigration proceedings. There is the story of the single mother to three U.S. citizen children who went through Immigration Court proceedings alone and was ordered deported. She was finally able to find legal assistance in time to fight the deportation order through an appeal, and her lawyer discovered a critical legal error made by the Immigration Court. As a result, her case was eventually dismissed and she no longer faces deportation. Without legal assistance, this single mother would be separated from her three children today.

Thank you for your support and consideration,

Catherine Chen

Co-Coordinator/Refounder, Hawai'i Coalition for Immigrant Rights

⁶ ACCESSING JUSTICE: THE AVAILABILITY AND ADEQUACY OF COUNSEL IN IMMIGRATION PROCEEDINGS, New York Immigrant Representation Study Report (2011), at 19, <http://www.humanrightsfirst.org/sites/default/files/5-NYIRS-Report-Part-1-Katzmann-Group.pdf>.

⁷ *Id.* at 20.

TESTIMONY IN STRONG SUPPORT OF SENATE BILL 35, SD2

Wednesday, March 15, 2023, at 2:15 PM
Conference Room 325 & Videoconference

To: Representative David A. Tarnas, Chair
Representative Gregg Takayama, Vice Chair

From: Patricia McManaman

I practiced law in Hawai'i for over forty years and spent most of those years providing legal services for low-income persons at the Public Defender's Office, Na Loio Immigrant Rights and Public Interest Legal Center, and the Legal Aid Society of Hawai'i. I also worked with the Office of Consumer Protection and the Hawai'i Civil Rights Commission.

Throughout those years, legislative funding for civil legal services was a lifeline that allowed small, unaffiliated legal service offices to continue to provide civil legal services for vulnerable, low-income persons. The legislature's longstanding commitment to funding civil legal services has made justice more accessible to the poor, protected victims of domestic violence, sexual assault, and human trafficking, kept hard-working immigrant families intact in the face of deportation proceedings, and assured fair access to public benefits and housing.

Thank you for your continuing commitment to justice for all.

SB-35-SD-2

Submitted on: 3/13/2023 12:51:19 PM

Testimony for JHA on 3/15/2023 2:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Aimee Chung, MSW, LSW	Individual	Support	Written Testimony Only

Comments:

Aloha

With great anticipation we submit testimony to the Committee on Judiciary in support of SB 35 SD 2. The funding in this Bill supports essential services provided by Hawai'i's legal service providers.

The Domestic Violence Action Center is one of the agencies that received funding support through a similar appropriation for FY 2023 (Bill passed in 2022). There is a steady demand for the specialized services provided to marginalized communities in rural and metropolitan areas in the state. We urge the Committee to take favorable action on SB 35 SD 2.

Mahalo,

Aimee Chung, MSW, LSW

Domestic Violence Action Center, Executive Board Member