

MAR 10 2023

---

---

# SENATE CONCURRENT RESOLUTION

REQUESTING THE JUDICIARY TO CONDUCT A STUDY ON EXISTING LAWS,  
POLICIES, AND PROCEDURES THAT ARE DESIGNED TO ASSIST AND  
PROTECT PRO SE PARTIES WITH PHYSICAL AND INTELLECTUAL  
DISABILITIES.

1           WHEREAS, it is in the State's best interest to address and  
2 minimize challenges that people with disabilities face,  
3 especially in legal proceedings; and  
4

5           WHEREAS, nineteen percent of adults in Hawaii have a  
6 disability; and  
7

8           WHEREAS, people with disabilities live in poverty at more  
9 than twice the rate of people without disabilities and are more  
10 likely to face economic hardship due to a significant wage gap,  
11 limited work opportunities, barriers to education, and  
12 additional expenses; and  
13

14           WHEREAS, these financial constraints can make obtaining  
15 legal counsel unduly burdensome and often result in people with  
16 disabilities having to represent themselves pro se in legal  
17 matters; and  
18

19           WHEREAS, legal proceedings in which there is a discrepancy  
20 of legal representation between opposing parties, including  
21 proceedings in which one party is represented by an attorney and  
22 the other is pro se, can engender predatory or even abusive  
23 behavior; and  
24

25           WHEREAS, persons with disabilities are particularly  
26 vulnerable to abuse and victimization due to physical,  
27 intellectual, and emotional challenges, and some pro se parties  
28 with disabilities have reported bullying or harassment by the  
29 opposing counsel; and  
30



# S.C.R. NO. 76

1       WHEREAS, it is in the best interest of the State to reduce  
 2 the risk for abuse in legal proceedings for people with  
 3 disabilities and protect vulnerable pro se parties from undue  
 4 economic and mental duress; and

5  
 6       WHEREAS, to make informed policy decisions concerning the  
 7 State's efforts to protect vulnerable populations in legal  
 8 proceedings, it is necessary to understand the State's existing  
 9 laws, policies, and procedures that are intended to prevent  
 10 legal mistreatment; now, therefore,

11  
 12       BE IT RESOLVED by the Senate of the Thirty-second  
 13 Legislature of the State of Hawaii, Regular Session of 2023, the  
 14 House of Representatives concurring, that the Judiciary is  
 15 requested to conduct a study on existing laws, policies, and  
 16 procedures that are designed to assist and protect pro se  
 17 parties with physical and intellectual disabilities; and

18  
 19       BE IT FURTHER RESOLVED that the Judiciary is requested to  
 20 submit a report of its findings and recommendations, including  
 21 recommendations for updating or strengthening protections for  
 22 pro se parties with disabilities, and any proposed legislation,  
 23 to the Legislature no later than twenty days prior to the  
 24 convening of the Regular Session of 2024; and

25  
 26       BE IT FURTHER RESOLVED that certified copies of this  
 27 Concurrent Resolution be transmitted to the Chief Justice of the  
 28 Hawaii Supreme Court, Administrative Director of the Courts, and  
 29 Deputy Administrative Director of the Courts.

30  
 31  
 32

OFFERED BY: 

