

MAR 10 2023

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# SENATE 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  
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5           WHEREAS, nineteen percent of adults in Hawaii have a  
6 disability; and  
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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  
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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  
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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  
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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  
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31           WHEREAS, it is in the best interest of the State to reduce  
32 the risk for abuse in legal proceedings for people with  
33 disabilities and protect vulnerable pro se parties from undue  
34 economic and mental duress; and



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

BE IT RESOLVED by the Senate of the Thirty-second Legislature of the State of Hawaii, Regular Session of 2023, that the Judiciary is requested 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; and

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

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

OFFERED BY: 