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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

February 27, 2023

TO: The Honorable Senator Donovan Dela Cruz, Chair
Senate Committee on Ways & Means

FROM: Cathy Betts, Director

SUBJECT: [SB 35 SD1](#) – RELATING TO CIVIL LEGAL SERVICES.

Hearing: March 1, 2023, 10:10 a.m.
Conference Room 211 & 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. (SD1)

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

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-1

Submitted on: 2/27/2023 6:01:55 PM

Testimony for WAM on 3/1/2023 10:10:00 AM

Submitted By	Organization	Testifier Position	Testify
amy agbayani	Testifying for Hawaii Friends of Civil Rights	Support	Written Testimony Only

Comments:

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



The Legal Clinic - Testimony **in Support of SB35_SD1** - Relating to Civil Legal Services
Senate Committee on Judiciary
Senator Karl Rhoads, Chair; Senator Mike Gabbard, Vice Chair
Hearing Date: March 1, 2023; 10:10 a.m.
Conference Room 211 & via Videoconference

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Chair Rhoads, Vice-Chairs Gabbard, and Members of the Judiciary Committee:

The Legal Clinic (TLC) submits this testimony in strong support of SB35_SD1, 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.

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"), including those who are seeking asylum, who have overstayed their visas, and who were brought to the U.S. as children (Deferred Action for Childhood Arrivals/DACA). 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. According to the American Immigration Council, immigrants with legal representation, like that provided by TLC, who petition for legal status are five times more likely to obtain relief from deportation than those without counsel.

At a time like this, 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



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hicoalitionforimmigrantrights@gmail.com

**Testimony in SUPPORT of SB35 SD1
RELATING TO DEMOGRAPHIC DATA
COMMITTEE ON WAYS AND MEANS**

Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

Hearing Date: March 1, 2023

Dear Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Committee,

The Hawai'i Coalition for Immigrant Rights (HCIR) is in **STRONG SUPPORT** of SB35 SD1, 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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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,

A handwritten signature in black ink, appearing to read 'Catherine Chen', is written over a light blue horizontal line.

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.

Trever Asam
Board President

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**TESTIMONY IN SUPPORT OF S.B. 35, S.D. 1
RELATING TO CIVIL LEGAL SERVICES
Committee on Ways and Means – March 1, 2023 10:10 a.m.**

CHAIR DONOVAN M. DELA CRUZ, VICE CHAIR GILBERT S.C. KEITH-AGARAN
AND MEMBERS OF THE COMMITTEE ON WAYS AND MEANS:

Volunteer Legal Services Hawaii supports the passage of S.B. 35, S.D. 1.

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, S.D. 1. Thank you for this opportunity to provide testimony.

Sincerely,
Rachel Figueroa, Executive Director



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

TESTIMONY ON SB35

Committee on Ways and Means

Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice-Chair

March 1, 2023 at 10:10 a.m.

The Legal Aid Society of Hawaii submits testimony in strong support of SB35 – Relating to Civil Legal Services. This funding would ensure that \$1.2 million in 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

LATE

SB-35-SD-1

Submitted on: 3/1/2023 8:58:53 AM

Testimony for WAM on 3/1/2023 10:10:00 AM

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

Comments:

Chair: Hon. Donovan M. Dela Cruz, Chair

Vice Chair: Hon. Gilbert S.C. Keith-Agaran, Vice Chair

Committee: Senate Committee on Ways and Means

Testimony of: Joseph E. Cardoza, Chair

Organization: Hawai`i Access To Justice Commission

Hearing Date: Wednesday, March 1, 2023

Hearing Time: 10:10 a.m.

Place: Conference Room 211 and

Via Videoconference

Hawai`i State Capitol

415 South Beretania Street

Honolulu, Hawai`i

Senate Bill: SB No. 35, SD1

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

Dear Chair Dela Cruz and Members of the Senate Committee on Ways and Means:

The Hawai'i Access to Justice Commission supports Senate Bill No. 35, Senate Draft 1, 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, SD1, 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 Senate Committee on Ways and Means 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.

SB-35-SD-1

Submitted on: 2/28/2023 9:42:50 AM

Testimony for WAM on 3/1/2023 10:10:00 AM

Submitted By	Organization	Testifier Position	Testify
Liza Ryan Gill	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Dela Cruz,

As a board member of The Legal Clinic, one of the only non-profit legal organizations serving low-income immigrants in the state, I am in strong support on the continued inclusion of funding for such organizations and their services. Immigration law is exceptionally complex and Hawai'i is considered a "service desert" with the worst ratio of pro-bono immigration attorneys to immigrants in the country. This leaves families, kupuna, and workers without the ability to change their status and apply for whatever relief might be available to them. Additionally, we now have several law students that are graduating from UH Richardson who have a passion to serve their community through providing free immigration legal services and without continued funding from the state, we may not be able to support these new lawyers in giving back to their community. When we support legal services we are doing ourselves a favor because a successful adjustment of status allows families to take better jobs and better provide for themselves. Those that are able to gain full citizenship typically see a 50-70% increase in their earnings. This is one way we can address the affordability issue in Hawai'i.

We appreciate your support on this issue.

Mahalo,

Liza Ryan Gill



LATE

TESTIMONY IN STRONG SUPPORT OF SENATE BILL 35, SD1

Wednesday, March 1, 2023, at 10:10 AM
Conference Room 211 & Videoconference

To: Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

From: Pat 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 at the Office of Consumer Protection and the Hawai'i Civil Rights Commission.

I deeply appreciate the Legislature's long-standing commitment to funding civil legal services for low-income persons. For over forty years you have made justice more accessible to the poor, protected victims of domestic violence, 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.