

*Hawai'i*

*Justice For All Project*

*Final Report*

December, 2017



Hawai'i State  
**Judiciary**

## Table of Contents

I. Introduction.....	2
A. Justice For All Project and Vision .....	2
B. Hawai'i Justice For All Project Final Report .....	3
C. Inventory.....	3
D. Assessment of Underserved Populations and Network Partners .....	3
E. Strategic Action Plan .....	4
II. Inventory.....	5
A. Overview .....	5
B. Foundational Capacities .....	7
C. Foundational Services .....	10
D. Enhancement Services .....	10
E. System Completion Innovations.....	12
III. Assessment.....	14
A. Justice For All Committee .....	14
B. Justice For All Grid Assessment.....	14
C. First Statewide Meeting.....	14
D. Focused Community Meetings.....	15
E. Network Partner Meetings .....	26
F. Second Statewide Meeting .....	30
G. Analysis of Challenges and Barriers .....	31
1. Safety and Security Barriers .....	32
2. Barriers to Getting Information .....	33
3. Barriers to Getting Help .....	33
IV. Strategic Action Plan .....	34
A. Core Principles of a Civil Legal Justice System that Provides 100% Access to Effective Assistance for Essential Civil Legal Needs .....	34
B. JFA Recommendations for Achieving Meaningful Access to Justice .....	36
1. Recommendation One: Community Navigators.....	36
2. Recommendation Two: Promotion of Use of Preventative Legal Assessments in Various Settings as an Access to Justice Tool .....	37
3. Recommendation Three: Strengthening Connections Between Institutions and Alignment of Social Service Resources and Programs .....	38



4.	Recommendation Four: Interagency Roundtable Focused on Achieving Greater Access to Civil Legal Justice .....	39
C.	Evaluation Strategy for Hawaii’s JFA Recommendations .....	39
D.	Concurrent Access to Justice Projects .....	41
1.	Hawai‘i State Budget and Policy Center .....	41
2.	Legal Services Portal Project .....	41
3.	Unbundled Legal Assistance.....	42
4.	Ongoing Efforts to Build Legal Service Capacity .....	42
	APPENDIX 1: Rule 21 of the Rules of the Supreme Court of Hawai‘i.....	43
	APPENDIX 3: Description of Access to Justice Initiatives and Activities of Key Governmental Partners and Legal Service Providers .....	64
	Key Governmental Partners .....	64
	Hawai‘i State Judiciary .....	64
	Hawai‘i Access to Justice Commission .....	70
	Hawai‘i State Public Library System.....	74
	State Department of Human Services .....	74
	State Department of Health.....	75
	University of Hawai‘i William S. Richardson School of Law .....	76
	WorkHawaii, Department of Community Services, City and County of Honolulu .....	77
	Legal Service Providers.....	78
	American Civil Liberties Union of Hawaii .....	78
	Domestic Violence Action Center .....	78
	Hawai‘i Appleseed Center for Law and Economic Justice .....	79
	Hawai‘i Disability Rights Center .....	79
	Hawai‘i Paralegal Association.....	80
	Legal Aid Society of Hawai‘i.....	80
	Mediation Center of the Pacific.....	82
	Native Hawaiian Legal Corporation.....	82
	Volunteer Legal Services Hawai‘i .....	83
	APPENDIX 4: Strategic Action Planning Materials .....	84
	APPENDIX 5: JFA Committee PowerPoint Shared on October 16, 2017 (Revised) ..	89
	Approvals .....	112

Justice For All Committee .....	112
Acknowledgements.....	113

## I. INTRODUCTION

### A. JUSTICE FOR ALL PROJECT AND VISION

In 2016, Hawai'i was ranked among the top three states in the country for practices aimed at making access to justice a reality for all people. This movement arose largely through the efforts of a broad network including the Hawai'i Access to Justice Commission, the Hawai'i Justice Foundation, the Hawai'i State Bar Association and local bar associations, the Judiciary, including Chief Justice Mark E. Recktenwald, leaders in government, legal services providers, and hundreds of volunteers.

To build on that foundation, in November 2016,<sup>1</sup> Hawai'i was one of seven states awarded a grant of nearly \$100,000 to support efforts to enhance access to justice for all people of Hawai'i by embarking on the Justice For All (JFA) Project.<sup>2</sup> The JFA Project is a twelve-month<sup>3</sup> effort involving an inventory of resources, assessment of needs, and strategic action planning to move towards the goal of one hundred percent access to effective assistance for essential civil legal needs.

The vision for one hundred percent access to justice in Hawai'i is a civil justice system resembling the craft of *ulana lauhala*. Hala trees are native to the Hawaiian and Pacific Islands. Traditional weavers refine the raw and thorny hala leaves, *lauhala*, into strong, tightly-woven, functional mats, baskets, hats, wall thatch, and canoe sails. The JFA Project, like the *lauhala*, has refined Hawaii's access to justice foundation by bringing together stakeholders and renewing commitments.

An effective civil justice system depends in large part upon strong legal service providers that are interwoven with other community organizations and government agencies to provide functional access to justice for those of low- to moderate-income. Just as hala leaves are refined, community and government organizations are primed and positioned to engage with each other.

Indeed, a growing number of partners in Hawai'i are committed to providing access to information or assistance as needed, in a manner that is timely and usable by all. This promises to be the foundation upon which to develop a more robust and

---

<sup>1</sup> Nearly two dozen local access to justice leaders were personally involved in the grant application, including Chief Justice Mark Recktenwald, other judges, the Administrative Director of the Courts, legislators, executive directors of civil legal service providers, the State Law Librarian and Access to Justice Coordinator of the Hawai'i State Judiciary, the Chair and nine total commissioners of the Hawai'i Access to Justice Commission, and directors of the Hawai'i Justice Foundation.

<sup>2</sup> The JFA Project is supported by the Public Welfare Foundation and housed at the National Center for State Courts (NCSC). The Hawai'i Justice Foundation has also committed to supplement the grant with additional funds.

<sup>3</sup> The Project's official period is December 15, 2016 to December 15, 2017.

tightly-woven support system—a *lauhala* mat—to meet the full continuum of needs of underserved persons.

## B. HAWAII JUSTICE FOR ALL PROJECT FINAL REPORT

Through the JFA Project, the Hawai'i Justice Foundation, Hawai'i Access to Justice Commission, and Hawai'i State Judiciary, along with dozens of leaders in government, and private and non-profit sectors, have renewed local partnerships and strengthened relationships while identifying resources, assessing the local landscape, and crafting a strategic action plan to reduce barriers to access to justice and to move towards the goal of one hundred percent access to effective assistance for essential civil legal needs.

Hawai'i's civil justice system and broader network of community organizations provide invaluable assistance to tens of thousands of people every year to overcome a variety of barriers, including income. Yet for many, barriers remain and prevent effective assistance for essential civil legal needs.

The Hawai'i JFA Project Final Report is organized in three Parts: (1) an inventory of existing access to justice resources, programs, and projects being undertaken by Hawaii's access to justice stakeholders including Hawaii's Judiciary, Access to Justice Commission, the Legislature, and Hawaii's vast array of legal service providers; (2) an assessment of Hawaii's access to justice needs based upon the JFA Committee's community and network partner meetings undertaken in the course of this JFA Project; and (3) a strategic action plan comprised of four key recommendations for Hawaii's access to justice partners to focus on. Appendices to the Report provide supplementary and reference materials.

### C. Inventory

The inventory of existing resources provides a wide panorama snapshot in time, and endeavors to portray the lush landscape of the current system that provides critical services to tens of thousands of people in Hawai'i every year. While this rendering may not capture the fine-grain detail of all that the current system offers, this snapshot generally provides a collective understanding of current resources and collaborative efforts.

The inventory attempts to capture the historic and current work by many partners across our State in communities and online, at the Capitol and in courthouses, in state statutes and state contracts, and among informal agreements and customary ways of carrying out business. This inventory describes the design, governance, and management of efforts to increase access to justice and captures practices and programs that continue to be reviewed, expanded, and improved upon.

### D. Assessment of Underserved Populations and Network Partners

The underserved populations' assessment, through the assistance of local consultants, reviewed select underserved communities and segments of the



population across the state. In particular, the assessment focused on those people expected to face the greatest variety and most intractable barriers to access to justice, and explored those barriers in depth. Issues discussed with individuals in these communities were aggregated into themes, resources, opportunities, and gaps in the system.

Meetings with network partners included discussions with leaders of state and county agencies, healthcare industry leaders, organized labor leaders, homelessness and other social services providers, domestic violence service providers and survivors, librarians, immigration attorneys, and others.

The assessment of underserved populations revealed challenges, opportunities, and an understanding of social issues that often predate, correlate with, potentially cause, or underlie essential civil legal needs or barriers to assistance. Among these are fear and intimidation of the “system” or others; hopelessness that leads to resignation; and competing priorities of shelter, food, work, or others that appear to many in the moment to be a higher priority than resolving an essential civil legal need. The assessment also revealed varying degrees of the following: lack of awareness, lack of information, lack of comprehension, economic barriers, geographic barriers, and the unavailability of assistance.

The assessment of the community and network partners revealed many strengths of the current system, among them a host of resources, such as government agencies and Judiciary services, legal services providers, libraries, places of worship, social workers, and the Internet. All of these are places where people naturally seek information and assistance. Other strengths identified include the existence of sanctuaries, or places where people feel safe to share their challenges and seek assistance without fear, including domestic violence assistance organizations, homelessness services organizations, mediation centers, immigration services organizations, community health centers, houses of worship, and others.

#### E. Strategic Action Plan

The strategic action plan identifies four recommendations for implementation by Hawaii’s access to justice community. The JFA Project is an extraordinary opportunity for all and is running parallel to an already fast-moving system that is continually innovating, improving, self-assessing, self-correcting, and planning for the future. These four recommendations together, particularly when combined with the ongoing services captured in the inventory, paint a picture of what the landscape of access to justice might look like in Hawai‘i in the near future.

The Hawai‘i Justice Foundation, Hawai‘i Access to Justice Commission, and Hawai‘i State Judiciary are deeply grateful to the hundreds of individuals and organizations that have participated in this JFA Project. Together, we re-commit to relentless efforts to achieve one hundred percent access to essential civil legal needs—for *that* is justice for all.



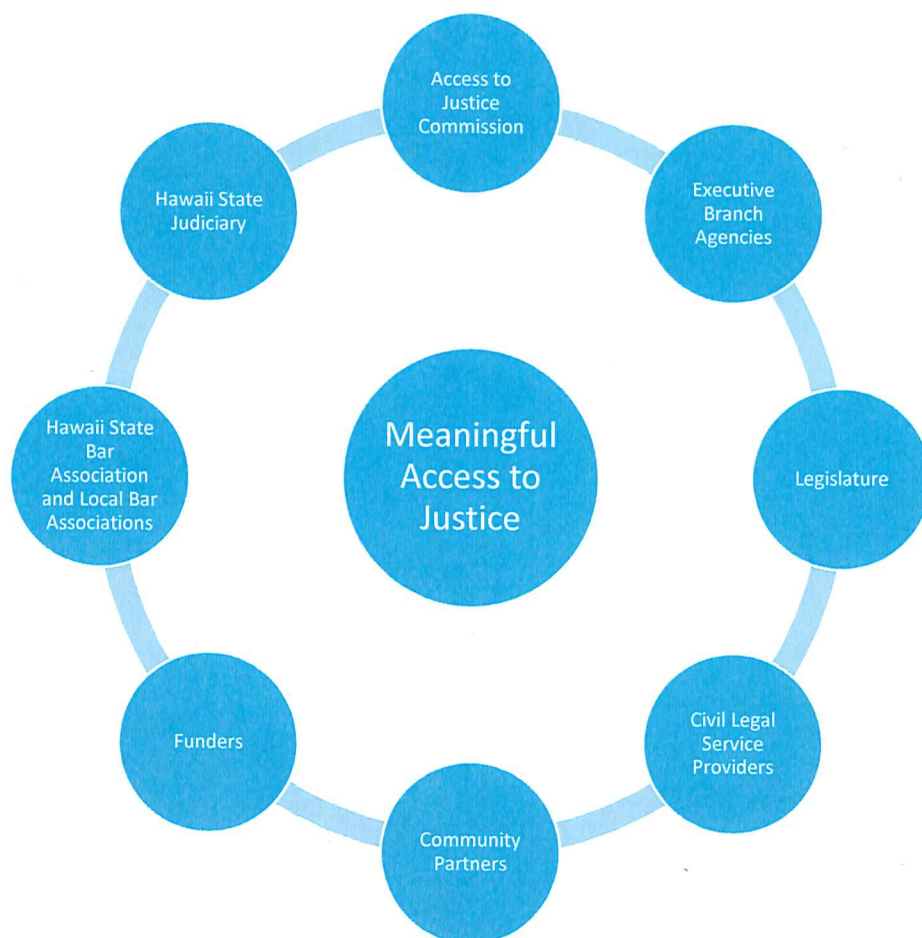
## II. INVENTORY

The robust nature of Hawaii's civil justice system does not lend itself easily to a narrative description. Many organizations, individuals, and government agencies across Hawai'i are engaged at multiple levels in leading, running, and planning projects and programs to assist Hawaii's people with their essential civil legal needs. To establish a collective understanding of the current resources and programs available to those with essential civil legal needs, and the projects being undertaken by many of Hawaii's access to justice partners, including Hawaii's vast array of legal service providers, this part of the Report attempts to paint in broad brushstrokes a picture of that current system.

---

### A. Overview

Critical to the delivery of meaningful access to justice is a robust network of partners committed to these goals. In Hawai'i, this partnership network is broad and expansive. Some of the key partners in Hawai'i include:



1. Hawai'i Access to Justice Commission

Established in 2008 by the Hawai'i Supreme Court,<sup>4</sup> the Access to Justice Commission consists of 22 members and provides a forum and a platform for entities with diverse interests and constituencies to find shared opportunities to advance the goal of achieving equal justice.

2. Hawai'i State Judiciary

The Hawai'i State Judiciary is a unified system led by Chief Justice Mark Recktenwald. With four circuits and eighty-two full-time judges, the Judiciary has committed to Access to Justice and fully supports the Conference of Chief Justices and Conference of State Court Administrators Resolution 5 (2015) Reaffirming the Commitment to Meaningful Access to Justice for All.

3. Hawai'i State Legislature

Over the years, the Hawai'i State Legislature has been supportive of funding for civil legal services in the state, including the raising of fees for the Indigent Legal Assistance Fund in 2013 and by providing funding for civil legal services through contracts issued by the Judiciary and executive agencies, including the Department of Human Services, the Department of the Attorney General, and the Department of Health.

4. Executive Branch Agencies

Executive Branch agencies, including the Department of Human Services, have assisted in overseeing contracts and programs that partner with civil legal service agencies to deliver critical services that can assist individuals, children, and families facing simple as well as complex legal issues.

5. Hawai'i State Bar Association and Local Bar Associations

The Hawai'i State Bar Association is a mandatory bar association while the local bar associations are voluntary. The Hawai'i State Bar Association has been a critical partner around access to justice efforts in Hawai'i from funding, providing meeting space and supporting the Self Help Centers and the Pro Bono Appellate Program. Local bar associations have been key partners in supporting Self Help Centers and other initiatives.

6. Funders

The funding of the justice system comes from federal, state and local resources as well as through the commitment of local foundations like the Hawai'i Justice Foundation, Hawai'i State Bar Foundation, Hawai'i Women's Legal Foundation, and the Hawai'i Community Foundation, and partners like the local Aloha United Way that have invested in these efforts.

---

<sup>4</sup> Hawai'i's Access to Justice Commission was created pursuant to Rule 21 of the Rules of the Supreme Court of Hawai'i. See Appendix 1.



## 7. Civil Legal Service Providers

There are ten main legal service providers and five mediation centers who work across the State to provide civil legal services and mediation services. The civil legal service providers include, American Civil Liberties Union of Hawai'i, Business Law Corps, Domestic Violence Action Center, Hawai'i Appleseed Center for Law and Economic Justice, Hawai'i Disability Rights Center, Legal Aid Society of Hawai'i, Native Hawaiian Legal Corporation, the University of Hawai'i Elder Law Project and Medical Legal Partnership for Children, and Volunteer Legal Services Hawai'i. The mediation centers include the Kauai Economic Opportunity Mediation Program, Kuikahi Mediation Center, Maui Mediation Services, Mediation Center of the Pacific, and West Hawai'i Mediation Center.

## 8. Community Partners

Prior to and throughout the Justice for All process, community partners ranging from domestic violence shelters to homeless service providers to unions to private attorneys to community health centers to religious institutions to community centers to hospitals to community members were engaged to discuss access to justice in their communities. Many of these partners have worked closely with civil legal service providers over the years to develop programs aimed at assisting populations across the state. New partners were also engaged as part of this process with an on-going interest in being part of the discussion around access to justice.

---

The national Justice For All Expert Advisory Group developed a four-tiered, multifaceted inventory aimed at guiding states to look at some of the key resources that they have available to them in creating meaningful access to justice for all. The four tiers include: (1) Foundational Capacities; (2) Foundational Services; (3) Enhancement Services; and (4) System Completion Innovations.

Hawai'i reviewed each of these tiers to identify the programs and work that had been done in each of these areas.

### B. Foundational Capacities

Foundational capacities are institutional capacities that need to be developed early for the system as a whole to work well and efficiently. The six Foundational Capacities identified include: (1) Design, Governance, and Management; (2) Resource Planning; (3) Technology Capacity; (4) Triage, Referral and Channel Integration; (5) Community Integration and Prevention; and (6) Judiciary and Court Staff Education.

#### 1. Design, Governance and Management

Established in 2008, the Hawai'i Access to Justice Commission provides leadership for the Access to Justice movement in the state of Hawai'i and is a focal point for justice activities. The Commission includes twenty-two volunteer members

from the community including representatives from the Judiciary at all levels of the court and circuits, private attorneys, legal service organization representatives, state legislative representatives, a governor's representative, foundation, law school, paralegal, and community representatives.

The Commission provides leadership and oversight, develops initiatives, and works to educate leaders and the public about access to justice. Over the years and despite not being funded or staffed, the Commission has facilitated many positive improvements to the access to justice system in Hawai'i, including, but not limited to rule changes, self-help centers, pro bono engagement, *cy pres*, and increases to funding. The Commission has also played an important role in being supportive of partner activities.

## 2. Resource Planning

Since the creation of the Hawai'i Access to Justice Commission, more efforts have been made to increase the resources available to legal service providers. One of the most significant accomplishments was an increase in the indigent legal assistance fund which increased resources three-fold to eligible legal service providers. The Access to Justice Commission also created a *cy pres* tool and made changes to Rule 6.1 which encouraged donations in lieu of *pro bono* service when there are special circumstances impacting one's ability to provide *pro bono* service. In 2015, the community came together again to work together on a legislative task force to identify the appropriate agency to house general civil legal services funding and identify existing general revenue sources of funding. The Commission also has a standing committee which focuses on increasing and stabilizing funding for legal services.

## 3. Technology Capacity

Over the last several years, Hawai'i has been increasing its technology coordination and capacity to coordinate, integrate, and simplify the resources available to the community. Hawai'i is utilizing an on-line screening tool which aims to point users in the appropriate direction to gain access to legal information and referrals for assistance, on-line interactive interviews for the creation of court forms, *pro bono* services via ABA's Legal Answers, an active LawHelp website with over 200 brochures, and on-line informational videos. Two legal service providers also use the same case management systems which allow for electronic referrals between organizations so users do not have to reapply between agencies.

With current work at the Judiciary to develop on-line filing tools for district and family court cases coming on line in the next several years as well as Hawaii's selection as one of two states to work with Microsoft on the creation of a statewide legal portal, Hawai'i technology capacity to support legal services is only growing.

## 4. Triage, Referral & Channel Integration

Triage and referral occurs throughout the access to justice system in Hawai'i. Legal service organizations work together to ensure appropriate referrals. In 2016,



an on-line screening tool was developed to improve integration of triage and referral with all nine members of the Legal Service Provider Consortium, court-based projects like the Self Help Centers and Ho'okele desks, and the Hawai'i State Bar Association referral hotline participating as referral organizations. The Legal Aid Society of Hawai'i, Domestic Violence Action Center, Hawai'i Disability Rights Center, and Volunteer Legal Services Hawai'i all operate hotlines which function as triage and referral centers. Currently, Legal Aid and Volunteer Legal are working together to integrate their hotlines and referral systems so that there are seamless electronic referrals between organizations except in conflict situations.

#### 5. Community Integration and Prevention

In Hawai'i, there are strong existing community relationships between many of the partners who are part of this effort. Various partnerships between the Judiciary, legal service providers, government agencies, the state public libraries, the Hawai'i State Bar Association, local county bar associations, and community organizations have created underlying community integration and prevention programs in the state. Some of these projects include, but are not limited to:

- Legal service organization projects with community partners like community health centers, homeless shelters, homeless outreach providers, and domestic violence agencies to provide on-site legal services;
- Library partnerships which have expanded knowledge of local librarians of access to justice tools;
- The Annual ATJ Conference garners support for access to justice initiatives among the bar and community partners; and
- Legal service organizations also work closely with convening organizations like Aloha United Way and the Hawai'i Community Foundation to expand knowledge around the legal needs of the community.

The Access to Justice Commission also includes an Addressing Barriers to Legal Services Committee which has done extensive work in integrating community resources and community partners in the discussion around access to justice.

#### 6. Judicial and Court Staff Education

Judicial and court staff have been trained over the years on best practices in engaging with self-represented litigants, language access, procedural fairness and implicit bias. The Judicial Education Office was created in 1994 by the Judiciary to meet the training needs of judges and judicial branch employees. In 2017, judges received training that included ensuring that self-represented litigants are fairly heard and video trainings are available to judiciary staff on customer services and assisting the public with legal information versus legal advice.



### C. Foundational Services

Foundational services are services that must be put in place early for other broader services to be deployed later.

#### 1. Broad Self-Help Informational Services

There are significant resources in Hawai'i which provide broad self-help informational services. With Self-Help Centers in every circuit across the state, over 200 brochures on the statewide LawHelp website, on-line informational videos, community based training provided by legal service providers in partnership with state libraries, the Judiciary, and other community partners, Hawai'i has a significant number of tools available to the public.

#### 2. Plain Language Forms

Plain language is critical to ensuring that forms are accessible to self-represented litigants and others in the community. Taking this idea seriously, the Judiciary has been working to increase the plain language used in its forms, including an effort to examine its district court forms. Legal service providers also look to develop and reassess their brochures and informational packets on a regular basis for plain language.

#### 3. Language Service Integration

In 2016, Hawai'i was ranked first in the nation in the national Justice Index findings for providing support to those with limited English proficiency. The Judiciary's Office of Equality and Access to the Courts oversees the Judiciary's policy to provide all persons identified as having limited English proficiency with an interpreter in person or via telephone as may be appropriate for court proceedings without cost to the limited English proficient party, witness or person with substantial interest in any case, and to provide language services at points of public contact with the Judiciary, including over-the counter and over-the telephone encounters. The Judiciary also recruits, trains, and qualifies interpreters in 81 languages. In FY15, the Judiciary provided interpreter services free of charge in 10,592 proceedings which was a 40.44% growth over the preceding five years. The Judiciary is also working on the translation of family court temporary restraining order packets in three of the most requested languages for interpreter services by victims of domestic violence with limited English proficiency who are filing for temporary restraining orders.

Legal service providers also provide language access services to those with limited English proficiency and many also employ staff who are bilingual to provide services in the native languages of clients.

### D. Enhancement Services

Enhancement services are services, often using foundational capacities and enhancing foundation services, which enable many more people to be served throughout the system.

### 1. Alternative Dispute Resolution Integration

Alternative dispute resolution is used extensively throughout the access to justice system. Used both before and during court processes in Hawai'i, mediation is used for resolving landlord-tenant, collection, family, and civil litigation cases. Community based mediation organizations like the Mediation Center of the Pacific, Kuikahi Mediation Center, West Hawai'i Mediation Center, Maui Mediation Center, and the Kauai Economic Opportunity's Mediation Project provide significant and critical services across the state. These innovative programs are also utilizing mediation as a tool to avoid any court interaction, including new projects to help family members talk together about plans for elderly loved ones, assisting landlords and tenants to resolve issues before filing in court, and integrating technology tools like Skype to ensure participation.

The Judiciary's Center for Alternative Dispute Resolution (CADR) also spearheads numerous court-based efforts to encourage alternative dispute resolution, including educational outreach and training, facilitation, and ADR program development. In addition to administering the Appellate Mediation Program, CADR manages the Judiciary's purchase of service contract with the Mediation Centers of Hawaii, resulting in hundreds of court referrals every year in family and civil matters as well as providing mediation on-site at the District Courts for small claims and residential summary possession cases statewide. CADR also conducts forums and speaking engagements that nurture and build community ADR partnerships and also participates on committees which advance ADR practices, including the Office of Hawaiian Affairs Ho'oponopono Task Force, and Judiciary internal committees to improve practices and address access to justice issues.

### 2. Compliance Assistance

The court-based Self Help Centers and Ho'okele Desks, and in-court explanations by judges work toward assisting litigants to increase compliance with court orders. Written orders and compliance information are readily available to litigants in critical family court hearings.

### 3. Courtroom Assistance Services

The court-based Self Help Centers and Ho'okele Desks currently provide in-person assistance at the courts for understanding what will happen in the courtroom. On-line videos are also available to assist litigants to become more familiar with the process.

Created in collaboration with the Department of Human Services, the Family Court's Youth in Court Facilitation Program, involves a former foster youth serving as a youth-in-court facilitator to current foster youth to ensure that youth understand how they can participate in their hearing and what may happen during a hearing, learn about resources available to them, and discuss the importance and value of their attendance and participation in the hearing.



Recently, the Hawai'i Supreme Court established a pilot volunteer program for court navigators to provide limited personal assistance to self-represented litigants in certain district court proceedings.

4. Expansion and Efficiency Improvements of Full Service Representation

There are currently eight members of the Legal Service Provider Consortium who provide full service representation to those who are in need of full representation. Some of these organizations like the ACLU-Hawai'i and the Hawai'i Appleseed Center for Law and Economic Justice focus on larger actions aimed at impacting more people while other organizations like the Legal Aid Society of Hawai'i, the Hawai'i Disability Rights Center, the Native Hawaiian Legal Corporation, and the Domestic Violence Action Center, focus on both individual full service representation and impact cases. Both Volunteer Legal Services Hawai'i and the University of Hawaii's Elder Law Project focus on individual full service representation. Even with these providers as well as other organizations like the University of Hawaii's Medical Legal Partnership for Children, the ability to provide full service representation is limited by limited resources.

Legal service organizations work together to coordinate their limited resources and aim to triage their services to be as effective as possible in their full service representation.

5. Unbundled (Discrete Task) Legal Assistance

Unbundled (discrete task) legal assistance can provide critical access to legal assistance by those who have extremely limited resources. Currently, limited unbundled (discrete task) legal assistance is being provided in Hawai'i for many litigants who are unable to afford the cost of an attorney through projects like the ABA Pro Bono On-Line project, Self Help Centers, and through limited services like document preparation and legal advice by legal service organizations. There are also clarifying rules pending before the Supreme Court to expand the use of unbundled legal assistance with the goal of expanding this practice among private attorneys.

E. System Completion Innovations

System completion innovations are innovations identified by the national Justice for All Committee as those that allow the system to get to meaningful access to justice for all at reasonable cost, primarily building on and depending on the prior components.

1. Simplification

The Judiciary continues its effort to increase the simplification of court forms across circuits and to improve access for self-represented litigants. The court regularly provides self-help packets with forms and instructions for uncontested

divorces, guardianships, change of custody and motions for pre- or post-decree. With pending efforts around district civil cases moving toward on-line filing, the Judiciary is also looking at simplification within this process.

## 2. Role Flexibility for Other Professionals

Currently, non-attorneys are able to assist and represent litigants in state administrative hearings and some federal administrative hearings. Legal service organizations utilize these paraprofessionals to assist with these types of hearings ranging from social security disability hearings to child support to housing eviction hearings.

Early on in its creation, the Hawai'i Access to Justice Commission expressed a commitment towards looking at how to increase participation by non-attorneys in the access to justice process. A task force was created to look at limited legal practitioner licensing and the development of a court navigator program utilizing non-attorneys.

### III. ASSESSMENT

#### A. JUSTICE FOR ALL COMMITTEE

In late 2016, the JFA Committee was created to perform the work of the JFA Project. The JFA Committee is comprised of ten members, representing legal service provider organizations, attorneys in private practice, the business community and Hawai'i Justice Foundation, the Judiciary, and the State Legislature.

Local and national consultants were engaged to assist in carrying out grant activities: local analysts and organizers from Islander Institute and national consultant and expert Dr. Thomas Clarke of the National Center for State Courts (NCSC). Islander Institute assisted with the design and implementation of the community engagement process. Dr. Clarke assisted in developing evaluative measures of the priorities outlined in the strategic action plan.

#### B. JUSTICE FOR ALL GRID ASSESSMENT

The JFA Committee reviewed and strongly considered the JFA Strategic Planning Guidance Materials. The JFA guidance materials included a description of sixteen components<sup>5</sup> of a system that provides meaningful access to justice. While helpful, the JFA grid was not conducive to an accurate and complete assessment of current inventory resources. Most committee members found this assessment tool problematic especially because members lacked the requisite knowledge to independently comment on all areas of the assessment tool, and rankings were deemed too subjective for accurate comparison.

Later in the strategic planning process, the JFA Committee returned to these sixteen components and cross-referenced these components with an inventory of the programs and initiatives occurring in the community that are working towards achieving greater access to civil legal justice.

#### C. FIRST STATEWIDE MEETING

On April 17, 2017, the JFA Committee convened a statewide gathering of persons who were longtime advocates in access to justice efforts and new stakeholders. To broaden the effort and build momentum, Islander Institute also

---

<sup>5</sup> The 16 components of meaningful access to justice are: (1) Design, Governance, and Management; (2) Resource Planning; (3) Technology Capacity; (4) Triage, Referral, and Channel Integration; (5) Community Integration and Prevention; (6) Judicial and Court Staff Education; (7) Broad Self-Help Informational Services; (8) Plain Language Forms; (9) Language Services Integration; (10) Alternative Dispute Resolution Integration; (11) Compliance Assistance; (12) Courtroom Assistance Services; (13) Expansion and Efficiency Improvements of Full Service Representation; (14) Unbundled (Discrete Task) Legal Assistance; (15) Simplification; and (16) Role Flexibility for Other Professionals.



tapped into its own community network in health care, philanthropy, community development, policy development, and grassroots leaders to identify and invite those with a large stake in access to justice and who were willing to engage in the JFA Project.

The objectives of the gathering were to: (1) have all attendees commit or re-commit to access to justice in Hawai'i; (2) include a larger and broader group of interested persons working on access to justice; (3) share information and receive input; and (4) collectively design upcoming community meetings across the state.

Approximately 55 representatives from legal services, health services, community organizations, business, philanthropy, state agencies, and financial institutions attended. Hawai'i Supreme Court Chief Justice Mark Recktenwald gave the keynote speech preceding a facilitated half-day discussion that included breakouts and brainstorming sessions. During these brainstorming sessions, attendees formed six subgroups focusing on Low-Income Communities, People with Disabilities, Women, Rural Communities, Families/Children/Kūpuna (elderly), and Immigrants. The charge for each subgroup was to identify issues, gaps, and barriers affecting these groups, and determine ways to engage these communities in conversations.

Many of the attendees were new to the access to justice community in Hawai'i and expressed gratitude for being able to participate meaningfully. Those who have been working on access to justice for many years expressed excitement at more people joining the efforts. Some attendees committed to hosting a community meeting as a part of the assessment to understand the experience of their community when it comes to the legal system.

Dr. Thomas Clarke participated in this statewide gathering to better understand the local dynamics and the JFA Project process in Hawai'i, to assist in developing the evaluation tools to measure the effectiveness of priorities that would be set later in the year.

#### D. FOCUSED COMMUNITY MEETINGS

Based on the first statewide meeting, focused community meetings based on constituency groups and geography were convened to gather more community feedback and build relationships by listening, engaging, and understanding values.<sup>6</sup>

Organizations and individuals who had established connections within their communities organized and hosted these meetings to ensure that relevant voices were heard in a space conducive to and safe for open sharing. Hosts played critical roles in convening these meetings by: (1) creating safe spaces for open sharing; (2) inviting the right people into the conversation, whether specific clientele, staff or members of the public, so that relevant voices could be heard while maintaining

---

<sup>6</sup> The Justice For All Committee appreciates the valuable contribution by Islander Institute.

safety and maximizing effectiveness of the time together; (3) lending their legitimacy to the JFA Project by vouching for its importance and potential value to the community; and (4) finding sufficient meeting space and a good time to meet.

In addition to the importance of community hosts, the JFA Project included a budget for food which was provided at all meetings and culturally, is a critical ingredient to building trusting and candid relationships in Hawai'i. Meeting participants often ate together before, during, or after the meeting and continued sharing ideas and building relationships during informal conversations. In some instances, the host began the meeting with an appropriate protocol and introduction to make people feel comfortable and welcome to the meeting. As much as possible, the meetings were designed as "talk story" sessions similar to what people in Hawai'i are accustomed to in their everyday lives.

As the community meeting facilitators, Islander Institute representatives began each meeting with an overview of access to justice efforts in Hawai'i and the JFA Project. Islander representatives opened the discussion with a story or anecdote to establish a connection with the group and the conversations were typically launched with a generic question such as, "Is anyone willing to share a story about their experience with a legal issue?" The purpose of this open-ended question was to start wherever people were rather than rigidly driving a set agenda.

By employing a facilitation style that honors people, is non-judgmental, and redirects as necessary, these focused community meetings took deep dives into issues while still covering the JFA Project's basic questions of interest, including:

- What kinds of issues/problems are you facing? Do you know when these issues are legal issues?
- Where do you go when you need help? Who do you talk to? Who do you trust to give you the help you need?
- How do you access information? Where would you go for information? What resources are out there that you know of?
- Have you ever needed a lawyer? Did you get one? What was the experience like?
- Have you ever been to court? What was the experience like?
- What would prevent you from going to court or hiring a lawyer?
- What are your ideas for improving access to justice in this community?

These focused community meetings also created an opportunity to collaborate with community and organizational leaders in a meaningful way where they had greater ownership in this process. These community meetings discussed with heartfelt detail tremendous challenges facing underserved community members across the State with needs related to meaningful access to justice for essential civil legal needs.



The purpose of the community meetings was to understand the attendees' experience when it came to finding or not finding access to justice, regardless of whether they had entered into the legal system. Stories were collected from each of the meetings, which were aggregated into an identification of themes, resources, and gaps in the justice system.

JFA representatives also shared information about the JFA initiative and existing resource materials were made available to community hosts and meeting participants. When it was relevant, JFA representatives invited and partnered with legal service providers to create future opportunities for collaboration and information sharing. Each meeting was designed to be a step forward—a relationship building and organizing outcome of the JFA Project that puts Hawai'i into a stronger position to reach its goal of one hundred percent meaningful access.

From May to September 2017, the JFA Committee and its consultant, Islander Institute, partnered with community hosts and conducted twelve meetings across six islands, engaging approximately 167 people in the communities below. The following are synopses of the twelve focused community meetings that occurred.

#### June 14, 2017 - Survivors of Domestic Violence

Host: Domestic Violence Action Center, Honolulu, Oahu

Attendance: 11

The Domestic Violence Action Center held an intimate gathering for a group of female survivors who are receiving or have received help from DVAC in leaving abusive relationships. While attendees were of different ages, socio-economic and racial backgrounds, they shared similar experiences about their interactions with the judicial system. Attendees shared stories about confronting their abusers in and outside of the courtroom; reports about gender bias and intimidation by opposing attorneys, judges, and the system in general; and overwhelming feelings of fear, lack of power, and general confusion when dealing with court forms and processes.

Attendees expressed gratitude for resources like DVAC that provided a navigator – a person who they trusted to help with temporary restraining orders, divorce papers, custody cases, and general emotional support. But even with a trusted navigator who understood court processes, domestic violence survivors reported that many times they felt they could not achieve justice in a system that does not appear to value their voices and appears biased against women.

JFA Committee member Jenny Silbiger attended this meeting.

## June 17, 2017 – COFA Migrant Church Leaders and Immigrant Attorneys

Host: Faith-Based Action for Community Equity (FACE) Maui;  
Kahului, Maui

Attendance: 22

Following the Statewide Meeting, ACLU Legal Director Mateo Caballero and Islander Institute reached out to a group of attorneys and community organizers on the island of Maui who expressed a desire to use this opportunity to reach out to migrants from the island nations of Palau, Yap, the Marshall Islands, and Kosrae, covered by the Compact of Free Association (COFA). Faith-based organizers from Faith Action for Community Equity (FACE) on the island invited church pastors from the COFA islands, service providers of the Latino immigrant community, and immigration attorneys.

Church pastors shared stories of blatant discrimination COFA migrants face in employment and housing and fear of the court system because of a lack of court translators and cultural differences. Even simple traffic infractions could lead to more serious offenses because COFA residents will typically not appear in court, for lack of understanding of the violation or fearing the court processes. When faced with discrimination, stories recounted that even if COFA migrants know there might be a legal remedy, most chose to quietly leave their job or housing situation rather than engage the legal system.

ACLU Legal Director Caballero offered to host a “Know Your Rights” workshop for the COFA church leaders’ larger congregation. ATJ Commissioner and Second Circuit Administrative Judge Joseph Cardoza listened carefully and, as the meeting closed, thanked the group and shared ways in which he believes the court could help. Attendees were pleased with Judge Cardoza’s sincerity and interest in listening, learning, and helping. This meeting helped to change perceptions of the courts and rebuild trust in the system.

## July 12, 2017 – Lānaʻi Community Members

Host: Legal Aid Lānaʻi, Lānaʻi City, Lānaʻi

Attendance: 15

The small island community of Lānai, where there is a single majority landowner, faces unique access to justice challenges with no practicing attorneys on island, no court clerk to help residents navigate the system, and limited District Court and Family Court days each month. The landowner and employer for many residents is Pūlama Lānaʻi, the company managing operations for majority landowner Larry Ellison. When faced with problems relating to housing or employment, attendees described feelings of overwhelming power inequality favoring the island’s landowner.

When asked about the role of the county and of state courts, meeting participants said there are very limited services and resources, particularly after



the loss of a full-time court clerk due to retirement several years ago. Participants further explained that they turn to their own social networks for help such as the one part-time Legal Aid employee, retired attorneys, or friends or neighbors who went to law school.

Recently retired Circuit Court Judge Dexter Del Rosario, who grew up on Lānaʻi and is a part-time resident, attended the meeting at the request of the JFA Committee and is one such respected advocate for the community. As in other meetings, having the presence of someone from the justice system such as Judge Del Rosario created an immediate bridge of understanding and hope with community members. Through the meeting, the already tight-knit community appeared to form deeper understandings of the issues at hand and how they might fit into the larger system that provides access to justice.

ATJ Commissioner and JFA Committee member Derek Kobayashi attended this meeting.

#### July 14, 2017 – Molokaʻi Community Members

Host: Legal Aid Molokaʻi, Kaunakakai, Molokaʻi

Attendance: 15

A recent suicide—the latest in what has become a crisis on Molokaʻi in 2017—was the backdrop for this focused community meeting on Molokaʻi hosted by the Legal Aid office on Molokaʻi. Participants conveyed stories of what they saw as a biased and intimidating system that is best to avoid.

When engaged in the legal system, whether to get a temporary restraining order or to settle a land issue, Molokaʻi residents reported having no on-island attorneys to turn to, no judges who are from Molokaʻi, contributing to the notion that no one understands the nuances of the island community. Mediation services were cut on the island, and the office that had helped people get important unemployment benefits was closed. Online sources of information—put forward as a solution for helping remote areas like Molokaʻi—were described as ineffective, confusing, and dehumanizing.

The stories shared illustrated how people living in isolated communities and without access to justice have become separated from loved ones, feel threatened with violence, and are in danger of losing their livelihood. ATJ Commissioner and JFA Committee member Derek Kobayashi attended and provided helpful advice where possible. State Representative Lynn DeCoite, who attended at the invitation of the JFA Committee, shared with participants the importance of organizing to use their voice to influence decisions and get more resources for badly needed services. The meeting on Molokaʻi highlighted many of the primary barriers to access to justice that emerged in other meetings.



### July 18, 2017 - Homeless Service Providers

Host: Partners in Care, Kapolei, O'ahu

Attendance: 5

Partners in Care (PIC) is a coalition of representatives from non-profit organizations, government, business, healthcare, and other agencies committed to eliminating homelessness. Following one of its regular meetings in Kapolei, PIC invited its members to share their observations about legal issues facing Oahu's homeless and at-risk homeless populations.

A small group of providers and advocates shared that legal issues are lower priorities for homeless populations who face more urgent needs such as finding shelter and food. For people who are living on the streets, these providers reported it is difficult to take care of legal issues when appearing in court means risking the loss or theft of all belongings. Innovations such as the Community Outreach Court show the willingness of the judicial system to engage in community spaces, but some expressed a reluctance to attend due to their personal lack of trust in Community Outreach Court.

Small legal issues often snowball into much larger problems. Documentation remains a major obstacle in resolving legal issues. Working with homeless populations also requires time and building trust, which is difficult for resource-strapped agencies such as Legal Aid and other service providers.

The PIC group suggested integrating the work of homeless service providers, such as health care agencies, to include screening for legal questions. ATJ Commissioner Rona Fukumoto, of Catholic Charities of Hawai'i, attended this meeting and later hosted a more focused discussion with Catholic Charities beneficiaries in Wai'anae. (See August 17, 2017 – At-Risk of Homelessness synopsis.)

JFA Committee members Brandon Kimura and Jenny Silbiger attended this meeting.

### July 24, 2017 – Mediation Participants and School Leaders

Host: West Hawai'i Mediation Center, Waimea, Hawai'i Island

Attendance: 7

After the statewide meeting, Zaheva Knowles of West Hawai'i Mediation Center hosted a meeting to discuss mediation and other issues that they come across in their work on Hawai'i island. In their conference room in Waimea, attendees, including volunteer mediators, mediation clients, a local judge, and local public school representatives, discussed issues ranging from justice for youth, costs of attorneys, navigating a courtroom, and the experience of "self-help" law. This focused community meeting represented people who are not poor enough to qualify for legal aid, but are not wealthy enough to hire an attorney.

People described intimidating court processes made worse when waiting next to the person from whom they were seeking a temporary restraining order. Participants spoke about the twenty minutes it took to find the right courtroom and the challenges of getting off of work to take care of legal issues.

The Mediation Center was described as the go-to place for all legal questions. Working closely with Family Court Judge Kanani Laubach who attended the meeting, more cases have gone through mediation and the community-based judge was able to implement place-sensitive reforms such as allowing phone representation by attorneys so that clients are not charged for the long travel times typical on Hawai'i Island. Thus, mediation has become a powerful alternative to litigation with the help of all parties.

The Mediation Center also explained that it has mediation programs in all the local schools, helping to develop a generation of people who can improve their own access to justice. One woman shared why she was such a proponent of mediation in this way: "I was respected. I got to have my voice heard in mediation."

#### August 8, 2017 – Kūpuna and Kūpuna Service Providers

Host: Executive Office on Aging, Honolulu, O'ahu

Attendance: 19

In this conversation with kūpuna (elderly) and their advocates, one major obstacle facing Hawaii's elderly population includes estate planning that requires difficult conversations with family members. Others simply avoid the issues until a crisis arises and it becomes too complicated or too late to resolve.

ATJ Commissioner Tracey Wiltgen, of the Mediation Center of the Pacific, attended the meeting and shared that the Mediation Center's Kūpuna Pono Program takes a proactive approach in facilitating these conversations with kūpuna and their family to plan for estate and other needs. Attendees expressed an interest in learning more about this program, especially after their own family experiences that included fighting among adult children and predatory practices by caregivers.

Others explained that the cost of an attorney is also a major barrier for kūpuna who are on fixed income and cannot afford many legal services. Kūpuna also shared that online technology are not an effective way to access help due to a lack of technological competencies. Kūpuna reported that they will typically turn to trusted persons for help, such as their family and peers, or resources such as the Executive Office on Aging and their volunteers.

ATJ Commissioner and JFA Committee Chair, Hon. Simeon Acoba (ret.) and ATJ Commissioner and JFA Committee member Representative Della Au Belatti attended this meeting. JFA Committee member Jenny Silbiger also attended.



### August 11, 2017 – Public Librarians

Host: Hawai'i State Librarians, Aiea, O'ahu

Attendance: 18

With the understanding that public libraries are accessible and safe places to research information, JFA Committee member and State Law Librarian Jenny Silbiger organized a breakfast meeting to better understand the needs of patrons. Librarians shared that they do their best to research answers to questions that arise but are limited and frequently advise patrons to seek legal advice or to call Legal Aid Society of Hawai'i. Some librarians reported helping patrons use online legal needs screening tools.

Librarians also shared helpful feedback with Sergio Alcubilla of Legal Aid, who was in attendance, explaining that some patrons found the screening tool's questions relating to income as intrusive, which led them to cease using the tool and not obtain the information they needed.

One librarian described libraries as one of the last democratic spaces in the community, and librarians provide a unique role in serving the public. Following the conversation, Ms. Silbiger conducted a presentation relating to helping librarians address legal questions. Attendees expressed interest in a more detailed follow-up presentation. This meeting provided an opportunity for further collaboration with librarians by further engaging them directly with other access to justice efforts.

ATJ Commissioner and JFA Committee member Representative Della Au Belatti attended this meeting.

### August 17, 2017 - At-Risk of Homelessness Community Members

Host: Catholic Charities Hawai'i, Wai'anae, O'ahu

Attendance: 18

Over a hearty meal made from local ingredients, residents of Hale Wai Vista, a low-income housing complex in Wai'anae, shared stories about their interactions within the judicial system. Several reported that they were convinced to purchase a prepaid personal legal plan, and found the service to be of no use and felt taken advantage of.

Several also expressed a sense of desperation—that to receive help, they needed to commit a crime to get help from a public defender. One participant in attendance was a court interpreter who shared stories of having clients who were too proud to accept his services because they did not want others to know they did not speak English. This court reporter also noted that many times clients do not understand the legal terms or court processes, even if they did understand English. Others shared stories of blatant housing discrimination, and frustration that they could do nothing about the housing discrimination.



Attendees at this meeting enjoyed the lively conversation and the opportunities to share. They also valued the legal services information that was provided.

#### August 24, 2017 - Miloli'i Community, Native Hawaiian Issues

Host: Miloli'i Community Leaders, Miloli'i, Hawai'i Island

Attendance: 17

In late June 2017, Islander Institute met with Alan Murakami of the Native Hawaiian Legal Corporation to discuss access to justice issues facing Hawaiian families and communities. Based on this discussion that included having a meeting in a Hawaiian community, Islander Institute decided to approach community leaders in the fishing village of Miloli'i south of Kona on the island of Hawai'i. Miloli'i is a remote area with both tremendous strengths and challenges.

The meeting was organized by a young community leader and took place at the park pavilion in the late afternoon. Participants raised many issues that arise in Hawaiian communities including establishing rights to bury family members in a plot, settling land title issues, and protecting cultural rights.

One woman spoke of her problems in establishing guardianship for her young granddaughter in her care. The inability to establish this status was affecting the child's ability to receive health care and educational services. An attorney from Legal Aid was there to provide help, but it became clear how difficult it is for people to get the help they need.

One community member who formerly assisted United States Senator Daniel Inouye was the de facto go-to person when people were in trouble. Another community member shared a success story of having the good fortune and help of a friendly court staff member, through which she sought help at the self-help center in Kona and was subsequently able to navigate a legal issue on her own. In general, the stories shared in this meeting were stories of people finding their way through a scary and confusing process by utilizing every relationship they had. Younger community members try to find information on-line with only moderate success.

ATJ Commissioner, JFA Committee member and retired Third Circuit Administrative Judge Ronald Ibarra attended this meeting and shared words of wisdom with the participants, encouraging them not to ignore legal issues when they pop up, and informing participants of different avenues to get help.

#### September 7, 2017 – YWCA Workers and Clients

Host: YWCA Kaua'i Women's Center, Lihue, Kaua'i

Attendance: 10

Dominant themes in this conversation included the frustrating lack of legal resources on the island, perceived bias against people who cannot afford legal representation, and fear and intimidation in the system. Similar to attendees in

other community meetings, people appeared to frequently ignore their legal problems out of fear, frustration, or hopelessness. People in need do not know about the services that are available such as Self-Help Centers or, if they do, those services are often inadequate for their needs. Legal service providers on the small island are often unable to assist due to a conflict of interest with the opposing party as a current or former client, which leaves many with nowhere to turn. Overall, the civil legal system is described as intimidating and unfair – with attorneys who do not seem to care about clients, confusing court procedures and forms, helpful people constrained in what they can do, no opportunity to tell one's side of the story, blatant housing discrimination, bias against victims, bias against people without attorneys, no accountability or recourse when things are unfair, and no clear understanding of what information can be trusted.

ATJ Commissioner Mathew Sagum, from the Hawai'i Paralegal Association, participated in the meeting and shared helpful information to participants about how to engage the help of a paralegal. Participants offered recommendations and host YWCA of Kaua'i also expressed an interest in helping to improve access to justice.

JFA Committee member Jenny Silbiger attended this meeting.

September 27, 2017 – YWCA O'ahu Fernhurst Staff

Host: YWCA O'ahu Fernhurst Residence, Honolulu, O'ahu

Attendance: 7

YWCA Oahu's Fernhurst Residence provides a safe and healing space for women transitioning from prison into the community. Their program's success lies in the staff's ability to build strong relationships with the women based on trust and respect. Prior to coming to Fernhurst, the women are often traumatized in their home lives and re-traumatized in the prison system, in shelters, in mandated counseling sessions, and in the court system. The women face racial discrimination, gender bias, and cultural ignorance in these systems that reinforce their trauma and they often respond with silence and/or submission.

At Fernhurst, the women have limited knowledge of resources available to them and turn to Fernhurst staff for access to attorneys, court documents, and social services. To help with fulfilling these needs, Fernhurst staff have an intense vetting process with partners, including Volunteer Legal Services of Hawai'i (VLSH) and the Honolulu Police Department. These partnerships, which take time and commitment, have proven to be valuable and transformative for those involved. Fernhurst staff expressed a need for community-based navigators and deeper and trusted collaboration to help with improving access to justice.

ATJ Commissioner, JFA Committee member, and VLSH Executive Director Michelle Acosta attended this meeting.



October 6, 2017 – Maui Residents and Service Providers

Host: Maui Mediation Services, Kahului, Maui

Attendance: 11

A significant barrier to access to justice shared in this conversation is simply finding the right person to help in a process that often feels intimidating and/or frustrating. Several attendees shared experiences of calling information lines or following up from on-line sources only to become frustrated that messages were not returned or being sent to other resources. Some information could be more effectively shared through different mediums, yet attendees said they still want to feel that there is a caring person who will support them.

Attendees also discussed end-of-life issues, including health decisions that are sometimes delayed until they become family crises. One attendee shared that in an unexpected or sudden death, the mortuary may be the first place that family members receive information about next steps for relatives.

Another issue shared by participants is the extreme disadvantage experienced by tenants given the housing shortage on Maui. They shared that if a landlord had even the slightest problem with a tenant, it was very easy to kick tenants out and tenants who expressed knowledge of landlord/tenant laws were labeled as “problematic.”

ATJ Commissioner Judge Joseph Cardoza attended this meeting.



## E. NETWORK PARTNER MEETINGS

Parallel to the focused community meetings, network partner meetings were convened among leaders from different sectors representing broad population groups and different levels of decision-making within those sectors. These network partners included immigration attorneys, leaders of organized labor, healthcare leaders, government directors and program managers, and others.

During these focused network partner meetings, members of the JFA Committee explained the JFA Project and invited participants to identify current challenges in accessing civil legal justice within their sectors and contemplate *potential specific ideas for solutions* to improve meaningful access to justice for their constituencies and the broader population within our communities.

At each network partner meeting, JFA representatives also shared information about the JFA initiative, brief highlights of accomplishments of Hawai'i's access to justice partners from the last ten years, and existing resource materials were made available to network partners and meeting participants. Each meeting was designed to be an invitation for network partners to join in the access to justice conversation and consider ways in which their sectors may benefit from engaging in or thinking about how improving access to justice within their sectors might benefit the populations they worked with.

Stories about the challenges experienced by persons served or clients such as union members, recent immigrants, patients and/or their caregivers and family members within hospital settings echoed some of the stories and themes heard in the focused community meetings. Common challenges included not being able to afford legal services, the inability to find legal service providers who could help with emergent issues, and the lack of awareness or education of civil legal issues until some emergency or crisis prompted the search for legal services.

Potential solutions involved recognition for the need of better collaboration and coordination of services among agencies, opportunities for early education about potential civil legal issues, and the potential utility and benefits of community navigators in connecting individuals to different pathways for addressing civil legal and other social service needs.

From August to September 2017, the JFA Committee hosted six network partner meetings and engaged approximately seventy leaders, many of whom had not yet been directly engaged with efforts specifically targeted at civil legal challenges in their sectors and how these challenges might be addressed. The following are synopses of the six meetings.

August 10 & 25, 2017 – Organized Labor

Hosts: JFA Committee Member Della Au Belatti, HGEA Conference Room, Honolulu, O'ahu

JFA Committee Chair Simeon R. Acoaba, King Nakamura & Chun-Hoon Law Offices, Honolulu, O'ahu

Attendance: 16

ATJ Commissioner, JFA Committee Member and Representative Della Au Belatti and ATJ Commissioner Justice Simeon R. Acoba convened two separate network partner meetings with representatives of three of Hawai'i's largest public and private sector unions. The Hawai'i Government Employees Association (HGEA) was represented by Randy Perreira and is Hawai'i's largest union with nearly 43,000 members statewide. International Longshore and Warehouse Union Local 142 (ILWU Local 142) was represented by Dwight Takamine and is a statewide union of nearly 18,000 members employed in major industries throughout Hawai'i including longshore, general trades, tourism, and agriculture. The Hawai'i Carpenters Union was represented by Jason Shimizu and has historically had a membership ranging from 4,500 to 9,000 members across the State.

An important concern raised in these meetings was about the availability of legal service providers in certain specialized areas of law such as workers' compensation claims and access to affordable legal service to union members. To address the shortage of workers' compensation attorneys, one participant recommended developing trained non-attorneys for workers' compensation cases. For example, a class at Kapiolani Community College could be developed and taught to train paralegals to provide limited services in the area of workers' compensation.

Another important concern that emerged from these meetings was the access to affordable legal service to union members, especially when many of the available free legal service providers had income restrictions as to who could apply for their services. All three unions explained informal referral processes that are utilized when and if members come to union representatives with specific civil legal issues. To address the challenge of access to affordable legal service, the Hawai'i Carpenters' Union also shared their model of providing limited legal services through in-house counsel in the areas of basic estate planning, tenant representation, uncontested family court matters such as divorces and guardianships, and collection cases. The challenge with this model was the ability of smaller unions to be able to sustain this model.

All three unions expressed support of educational programs for their members and a willingness to continue the conversation about meaningful access to effective assistance for essential civil legal needs.



State Representative and Chairperson of the House Labor Committee Aaron Ling Johanson, ATJ Commissioner, JFA Committee member, and VLSH Executive Director Michelle Acosta, and ATJ Commissioners Carol K. Muranaka and Jean Johnson attended one of the these meetings. JFA Committee member Jenny Silbiger attended both of these meetings.

August 22, 2017 – Healthcare Sector Representatives

Host: JFA Committee Member Della Au Belatti, State Capitol,  
Honolulu, O‘ahu

Attendance: 25

ATJ Commissioner, JFA Committee Member and Representative Belatti convened healthcare sector representatives from two of Hawaii’s major hospital systems, a federally qualified community health center, social service providers, the John A. Burns School of Medicine, two of the largest health insurance plans serving Hawaii’s private and Medicaid insurance markets, and legal service providers involved in medical legal partnership projects.

Significant challenges were raised in this meeting with healthcare workers who typically do not view their work through the lens of access to civil legal justice. One challenge, similar to those raised in the focused community meetings, was that people with serious civil legal issues often do not know they need help until they are in crisis and in a hospital or other healthcare setting. Another challenge is that hospitals, health insurers, and healthcare networks are increasingly being leaned upon to help and address some of society’s more persistent and larger challenges such as homelessness, the growing aging population, behavioral and mental health issues, and the general lack of facilities designed to address these special populations (e.g., skilled nursing facilities or secured mental health treatment facilities).

Simple solutions were not readily discernible from this initial meeting, but all participants expressed an interest in continuing the conversation about how civil legal needs could be addressed within healthcare settings. Participants also generally committed to greater engagement with other access to justice community partners in identifying potential solutions to lead to both better health outcomes and having patients’ civil legal needs addressed. One common theme in this conversation was that collaboration and coordination of resources is critical among community partners to address the larger issues related to homelessness, aging, and behavioral and mental health issues. Possible solutions discussed included medical legal partnerships and the early use of legal screenings or legal assessments that recognize the importance of identifying and addressing patients’ legal needs as part of effective healthcare.

State Senator and Chairperson of the Senate Committee on Commerce, Consumer Protection, and Health Roz Baker attended this meeting. ATJ



Commissioner and JFA Committee Chair, Hon. Simeon Acoba (ret.), ATJ Commissioner and JFA Committee member Nalani Fujimori Kaina, and JFA Committee members Brandon Kimura and Jenny Silbiger also attended this meeting.

August 25, 2017 – Government Department Directors and Representatives

Host: JFA Committee Member Della Au Belatti, State Capitol,  
Honolulu, O'ahu

Attendance: 16

ATJ Commissioner, JFA Committee Member and Representative Della Au Belatti convened government representatives from state and county health and human service agencies that oversee numerous government programs that provide critical health and human service benefits such as Medicaid health insurance, housing supports, disability benefits, other welfare and food benefits, domestic violence victim support services, and substance abuse and prevention programs.

In this meeting, discussion of challenges faced by community members in accessing civil legal justice led directly to conversations about the challenges of tackling large societal problems such as homelessness or lack of mental health services throughout the community. Participants in this meeting were very earnest and sincere in their commitment to serving the vulnerable populations within their program areas. Participants generally expressed needing to create governmental systems that are person-centered, that disseminate information to better help direct people to available resources, and that can be navigated easily by individuals or with the help of outreach workers who can assist with navigating through systems.

Participants also discussed the need for better coordination and collaboration between agencies, especially for those agencies who serve the same populations. Through greater coordination and collaboration, participants envisioned being able to streamline intake processes, resolving privacy concerns between agencies to enable better sharing of data and therefore better delivery of services, or assisting individuals as they move through various governmental systems to ensure uninterrupted access to health insurance and health care. By the end of this meeting, participants expressed the desire to continue these kinds of roundtable conversations among agencies, to examine ways in which to embed collaboration and coordination within and between programs to ensure a process that is consistent and reliable from the point of view of consumer or beneficiaries of government services, and to engage the Legislature in these conversations to gauge the willingness of the Legislature to support collaboration and coordination of services.

ATJ Commissioner and JFA Committee Chair, Hon. Simeon Acoba (ret.), ATJ Commissioner Diane Ono, and JFA Committee members Jenny Silbiger and Brandon Kimura also attended this meeting.

June 27 & August 30, 2017 – Service Providers, Advocates and Attorneys Working with Immigrant Communities

Host: JFA Committee Member Patricia McManaman, Honolulu, O‘ahu

Attendance: 17

JFA Committee member Patricia McManaman convened two meetings of service providers, advocates, and attorneys working with Hawaii’s immigrant communities. In these meetings, participants shared that immigrants are more likely to engage in a “system of avoidance” when dealing with legal matters. Other common themes included fear of the system, lack of cultural competency of those involved in the legal justice system, and lack of safe spaces for immigrants. During this time of uncertainty in federal immigration laws and policies, participants also shared a heightened sense of fear among immigrants and uncertainty among service providers. Attorneys and service providers described the challenges of restricted funding for programs serving immigrants and their families, the increasing specialization required by practitioners in immigration law at a time when insufficient numbers of attorneys are entering the practice of immigration law, and the cultural barriers and language access issues faced by immigrants in having their civil legal needs addressed.

Several solutions were discussed in these meetings including continued work on improving language access and the use of interpreters within the courts and more broadly throughout the community, developing programs like an immigration law center at the William S. Richardson School of Law to provide free and/or affordable services and provide students with immigration law learning opportunities, and creation of an on-line handbook addressing common civil legal questions for immigrants within the community.

ATJ Commissioner and JFA Committee Chair, Hon. Simeon Acoba (ret.) attended these meetings.

F. SECOND STATEWIDE MEETING

On October 16, 2017, the JFA Committee hosted a second statewide meeting to report on the initial findings and analysis to the greater access to justice community, as well as to government and community network partners. This report included a summary of the JFA project approach, community and network partner listening sessions, as well as a description of the core principles and process in developing the JFA Strategic Action Plan.<sup>7</sup>

---

<sup>7</sup> See Appendix 5 for the JFA Committee powerpoint presentation shared at the October 16, 2017 Second Statewide meeting.



G. ANALYSIS OF CHALLENGES AND BARRIERS

The national JFA Expert Working Group has declared:

“Placing most of the burden on the public to figure out how to consume and evaluate the quality and appropriateness of the existing resources is not an effective strategy for achieving access to justice for all. To the extent possible, planning efforts should center on the perspective of the person with a potential legal problem instead of the viewpoints of the provider organizations like courts, legal aid, the bar, and others.”<sup>8</sup>

In Hawai‘i, focused community meetings were designed by Islander Institute to encourage people to go beyond superficial opinions and share real experiences. Stories from individuals and service providers shared the difficulties and obstacles that individuals face in their search for civil legal justice. Across diverse communities and needs, themes were sought to help describe how access to justice feels for people who need it most. The purpose of this process was not merely to “gather input” but to form the lens through which a strategic plan could be crafted.

This effort learns from current leaders such as Dean Kellye Testy who advocate for a human-centered approach as the pathway toward the substantial change required by the goal of 100% meaningful access to justice.

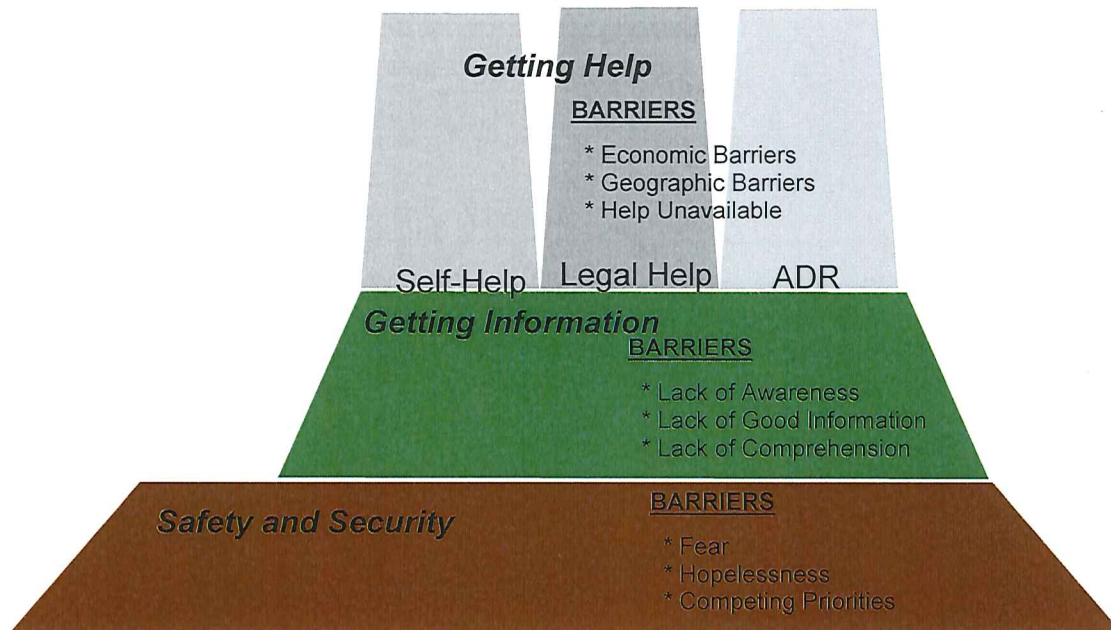
“Just innovation . . . should be human centered. What that means is that we learn from the people we are trying to innovate, for as we are immersed in their lives and needs; we generate ideas based on those needs, and we implement and evaluate to serve those needs. In other words we don’t just dream up stuff in a lab; we understand lived experience as our lab and get into it, up to our elbows, seeking solutions that respond to those lived experiences.”

Kellye Testy

Dean and Professor of Law, University of Washington 2017

Access to Justice Conference Keynote Address

Based on the focused community meetings and network partner meetings about the challenges faced by Hawaii’s people, social, psychological, and practical barriers exist, any one of which can obstruct meaningful access to civil legal justice and thwart the resolution of civil legal problems. This section groups these barriers into three categories, each representing a level that must be addressed.



## 1. Safety and Security Barriers

The most basic level of access to justice concerns the most basic human needs. Based on the focused community meetings, the most common barriers are fear, hopelessness, or having to deal with more urgent competing priorities such as having food or shelter for one's family. Unaddressed, these basic barriers prevent people from resolving problems, potentially leading to even larger legal issues. A lack of safety and security hinders a person's ability to effectively represent oneself, or even to fully cooperate with someone providing help.

These barriers may be the reasons why people are invisible to the system. These barriers may belie the true size and scope of overall legal needs because they prevent people from trying to solve their problem in the first place, or they make people give up along the way.

When facing a potential civil legal problem, a foundation of safety and security must be fostered throughout the process. To achieve this, what people want and need most is a person or organization that is safe, trustworthy, knowledgeable, committed, reliable, understandable, and friendly. Over and over in community discussions, the need for and value of a trusted human being to provide support, advocacy, connection to information, and care was repeated. At a very basic level, access to justice is about access to help that one believes in—whether from a volunteer, a friend, a family member, a social worker, an attorney, a judge, a pastor, a service organization, or anyone else.



## 2. Barriers to Getting Information

The next level of need is access to accurate information that can be acted upon. Deeper involvement and successful navigation through the legal process can sometimes be prevented at this stage, just by people being unable to identify their problems and possible courses of action. Barriers to getting good information include lack of awareness, lack of good information, and lack of comprehension.

First, one must have information to either know they have a problem or to become aware of the nature of their problem or civil legal need. The challenges only seem to grow from there. Many potential sources of information are difficult for the untrained to navigate. If good information is found, only a relatively few people hold the keys to understand the terminology and process rules that must be followed. Core concepts that seem obvious to attorneys—such as the distinction between criminal and civil legal issues—are meaningless to a vast majority of people.

## 3. Barriers to Getting Help

The third and final level in accessing justice is getting help. Community conversations suggested that large numbers of people with legal issues do not make it to this level. There were many stories of people simply giving up before actually embarking on a legal or alternative dispute resolution pathway, potentially putting them at risk of facing more serious problems at some later date. Because it seems that many people never get to the point of choosing a pathway, it is difficult to estimate the true number of people who cannot get the legal help they need.

For those who are able to choose a pathway for resolving their issues—whether through self-help, professional legal help, or alternative dispute resolution—economic barriers, geographic barriers, and unavailability of help impact their ability to receive assistance. Some people have more options than others, often due to their personal resources. The most straightforward path, if it is available, is to hire an attorney to provide the needed assistance. For those unable to hire an attorney, insufficient resources or simply the unavailability of help become barriers to justice.

## IV. STRATEGIC ACTION PLAN

Hawai'i's JFA Strategic Action Plan includes three components.<sup>9</sup> The first component identifies core principles that emerged out of the focused community and network partner meetings conducted throughout the State. JFA Committee members reached consensus on these common principles that are characteristic of a civil legal justice system that provides one hundred percent access to effective assistance for essential civil legal needs.

These common principles, along with the JFA Expert Working Group's sixteen components of a system of meaningful access to justice, the JFA Project's thorough inventory, and the JFA Project's intimate assessment of community and network partners, were used by the JFA Committee to refine recommendations. Thus, the second component of the JFA Strategic Action Plan includes four strategic recommendations proposed by the JFA Committee. These four recommendations provide more focused areas of work as access to justice continues to evolve and improve in Hawai'i.

The third component of the JFA Strategic Action Plan includes projects and programs, some conceptual in nature and some in their early stages of development, that are anticipated to improve access to effective assistance for essential civil legal needs. While not adopted as specific recommendations by the JFA Committee, this component—and the list of other ongoing projects being undertaken by others within the community—underscores that the recommendations adopted and pursued by Hawai'i's JFA Project partners will run parallel to an already fast-moving system that is continually improving, self-assessing, self-correcting, and planning for the future.

### A. CORE PRINCIPLES OF A CIVIL LEGAL JUSTICE SYSTEM THAT PROVIDES 100% ACCESS TO EFFECTIVE ASSISTANCE FOR ESSENTIAL CIVIL LEGAL NEEDS

Building upon the focused community and network partner meetings, the JFA Committee identified five common principles characteristic of a system that provides meaningful access to civil legal justice. These common principles were then used by the JFA Committee to refine recommendations that could be pursued by the larger ATJ community to achieve meaningful access to justice.

The first of these principles is a system that **listens to voices of all community stakeholders** within the justice system, including community members, service providers, government agencies and those working in government agencies, businesses, and funders.

---

<sup>9</sup> See Appendix 4 for photos depicting the strategic planning process whereby the JFA Committee identified core principles and common themes, inventoried the programs, services and initiatives occurring within the access to justice community, and refined the recommendations that contained in this Final Report.



The second principle is an **approach that is people-centered and sustainable**. This is an explicit commitment to a user-focused or people-centered view of barriers to access to justice that leads to identifying solutions that address three major hurdles facing those who attempt to access the civil legal system: concerns regarding safety and security, getting good information, and getting help. This people-centered approach leads to both: (1) identifying solutions for the most vulnerable in our community; and (2) recognizing that solutions may be developed for different groups of people with a multitude of access points. Thus, a people-centered approach recognizes that ATJ Rooms and self-help centers may work for those who find themselves at the steps of the courthouse in need of help and who may be able to help themselves with the help of a self-help center navigator, while others may need the help of direct services by legal service providers. People-centered sustainable design also recognizes the developing of solutions and projects that are sustainable and realistic given the larger resource and human capital constraints of the larger legal justice system and the community-at-large.

The third principle recognizes that a system that enables meaningful access to justice is one that creates and **fosters gateways or access pathways** to legal, government, and community services.

A fourth principle indicative of a system that provides meaningful access to justice is one that encourages **collaboration and coordination of services**. This principle includes encouragement of projects that build upon collaboration among community organizations, something currently seen among many of the legal service and other social service providers within Hawaii's broader community. Better collaboration can also occur within sectors such as between government agencies that serve similar groups within the larger community (e.g., intergovernmental and interagency collaboration between Medicaid and housing support agencies working with individuals who may qualify for medical and housing supports).

A fifth principle characteristic of a system that provides meaningful access to justice is the **integration and use of effective technology**. The smart deployment of technology will be critical to augmenting the building of more robust resources. Technology can be assistive to providing greater access to information, more effective self-help assistance, and interactive assistance to community members, but it must also be receptive and responsive to the needs of the community as they arise.

A sixth principle is to continue to **build legal service capacity**. Even with a number of legal service providers, pro bono legal services, mediation centers, and clinical programs, there continues to be a need to build legal service capacity in the State of Hawai'i. Community conversations and network partner meetings pointed to the inability of many to qualify for legal services, limited attorneys, insufficient self-help assistance and not enough alternative dispute resolution opportunities as

additional barriers to receiving help and meaningful access to the civil legal justice system.

B. JFA RECOMMENDATIONS FOR ACHIEVING MEANINGFUL ACCESS TO JUSTICE

Creating a system to achieve meaningful access to justice in Hawai'i will require careful and strategic investment in actions that can effectively lay the groundwork from which the system can continue to develop. From the conversations and lessons learned in this planning process, the common themes that arose as critical intervention points were around how information could be accessed and how resources are coordinated.

With this as a backdrop, the core principles and the inventory of current resources, the JFA Committee honed in on four recommendations—to supplement existing programs—to form the basis of a strategic plan to better achieve meaningful access to justice for essential civil legal needs for all in our community. Working with Dr. Thomas Clarke, the JFA Committee further identified goals and evaluation measures for each recommendation.

1. Recommendation One: Community Navigators

One of the biggest takeaways from the community meetings was an interest among participants in wanting to help. Participants saw civil legal needs as important in their communities and that there were many needs that continue to be unanswered.

Over the years, legal service organizations have used paraprofessionals to help bridge gaps in many communities by providing legal information and advice, legal education, and on-going community based services. These paraprofessionals provide a critical link with specific expertise generally related to the critical legal needs in the communities that they serve. These paraprofessionals work directly under the supervision of attorneys and work closely to ensure that the right legal advice is provided.

The Community Navigator project contemplated by this recommendation would supplement the work of these paraprofessionals, by aiming to train identified community leaders who are trusted in rural and other communities of high need (e.g., religious leaders, librarians, social and outreach workers from organizations and agencies, informal community leaders, health clinic workers, public-facing employees of various city and state agencies, school leaders, etc.) provide accurate and relevant information to community members in need, set community members on a path toward self-help to resolve legal needs and other needs, and to refer more complex situations to legal service providers.

The Community Navigator project would be developed in partnership with the legal service providers and other key community partners who will bring their experience and expertise to developing appropriate training for identified



community leaders and to assist in creating a network of connections to assist those in need.

Navigators could be trained with curriculum and materials developed by legal service providers and agencies. Identification and training of current and new navigators will be ongoing, and the reach of Navigators will continue to expand. Technology tools, including on-line training could also be leveraged as needed. On-going meetings among providers to ensure accurate and new information is consistently provided to community navigators would also be included in the development of the project.

Resources would be needed to create an appropriate curriculum, develop a mechanism for recruitment, conduct initial training, and assess the effectiveness of the project. The JFA Committee anticipates the cost of this initial development to be approximately \$100,000.00. The Committee believes that as the project is developed, other resources could be leveraged to ensure the on-going training of community navigators.

## 2. Recommendation Two: Promotion of Use of Preventative Legal Assessments in Various Settings as an Access to Justice Tool

Early identification of civil legal needs was a significant common challenge and potential solution that emerged throughout the focused community and network partner meetings. This recommendation seeks to encourage the use and integration of legal needs assessments into legal and non-legal settings as a tool to increase awareness of civil legal needs and identify opportunities to solve challenges before these escalate into crises. This recommendation also contemplates expanding opportunities for legal checkups and training people at a variety of institutions to perform such checkups. When performed in the right setting, legal assessments could address safety, security, and competing priorities, assist in getting information, identify self-help pathways to address legal needs, and connect individuals with providers who may be able to provide more extensive, appropriate, and affordable legal services.

Drawing on existing resources like the Medical Legal Partnership I-HELP assessment, and soon to be developed American Bar Association Center for Innovation's Online Legal Check Up tools, Hawai'i can work with these tools and modify them, if necessary, for use with various community partners and legal service providers. Meetings with legal service providers, social service providers, and other community partners, including government agencies that currently fund civil legal and other social services, can be convened to identify and modify tools if needed, create policies that support the utilization of legal assessments, and work on mechanisms to best deploy and use legal assessments by community partners.

Broader use of legal assessments can identify preventative, non-legal, and other resources which can assist in addressing future civil legal needs or identifying interventions that may prevent the development of such legal needs. These

resources may include early referrals and access to mediation, counseling, classes, respite care, and other services.

Resources would be needed to convene a team of community partners, legal service and social service providers, and appropriate government representatives to create a legal assessment tool for Hawai'i and the community network that could identify civil legal needs, create the mechanisms (possible technology) for how to implement the tool, develop training for those who could use the tool, and coordinate on-going review and deployment of appropriate changes to the tool. An evaluation of the usability of the tool and an assessment of the impact of the tool would also be important. The JFA Committee believes the initial cost for the development, deployment, and evaluation of the tool without an on-line component would be approximately \$75,000.00. If an on-line component needed to be developed, the cost may rise, depending on whether the tool currently being developed by the American Bar Association could be modified based on local needs.

### 3. Recommendation Three: Strengthening Connections Between Institutions and Alignment of Social Service Resources and Programs

The need and opportunity for better collaboration and coordination throughout the civil justice system emerged from the network partner meetings. This recommendation focuses on strengthening connections between institutions and organizations working to address civil legal needs, and connecting these institutions/organizations/programs with people in need. This recommendation builds upon and further encourages the robust collaborations that already exist among many of the legal service providers and government entities, especially the Judiciary, that comprise Hawaii's access to justice community.

This recommendation also seeks to encourage network partners to pursue methods of leveraging resources and aligning social service resources and programs that share the common goal of resolving a combination of legal, social, and health service challenges. For example, Medicaid and other existing DHS, DOH, Judiciary, and other governmental programs could continue to improve alignment of resources and programs to better coordinate and better deploy government funding resources to improve services and access to services such as housing supports, substance abuse treatment programs, anger management counselling, family counselling, or domestic violence victim support services.

The JFA Committee believes that funding for one full-time Policy and Program Specialist position in the amount of \$78,000.00 within an appropriate State agency could effectively be used to convene community partners, governmental directors and/or program managers from the Judiciary and appropriate executive agencies to further better collaboration and coordination of services. This position could also be tasked with advancing other JFA recommendations including: (i) assisting efforts to advance, develop, train, and connect community navigators to the larger civil legal justice community; and (ii) convening the interagency roundtable discussed below.



4. Recommendation Four: Interagency Roundtable Focused on Achieving Greater Access to Civil Legal Justice

Based upon the network partner meeting of state and county department directors and other program representatives, there was general consensus about the potential benefits and utility of continuing the conversation among government agencies to focus on achieving greater access to civil legal justice. Inspired by the 2015 White House Legal Aid Interagency Roundtable convened under the leadership of President Barack Obama, this recommendation supports and encourages the creation of an interagency roundtable of state and county government agencies that meets regularly to coordinate ways to improve meaningful access to justice for all, at all points on the continuum of needs.

Resources to advance this recommendation would be best invested in the same full-time Policy and Program Specialist position within the appropriate State agency identified in Recommendation Three above where the individual hired would be empowered to convene key governmental partners and facilitate conversations across government agencies to further interagency and intergovernmental collaboration and coordination. Certain deliverables could be outlined for this Policy and Program Specialist including the convening of quarterly meetings of the interagency roundtable and the drafting of a “Hawai‘i Legal Aid Interagency Roundtable Toolkit” highlighting access to justice services across State and county government agencies. As noted in the above recommendation, this Policy and Program Specialist could be the same Specialist identified above who could also be tasked with: (i) acting as a liaison with the efforts to create and develop the community navigator project outlined in Recommendation One above; and (ii) strengthening connections between institutions and aligning governmental social service resources and programs.

Additional resources in the amount of \$10,000.00 could also be utilized for consultant services to provide guidance in the creation of a state-based interagency roundtable.

C. EVALUATION STRATEGY FOR HAWAII’S JFA RECOMMENDATIONS

All four recommendations implement new capabilities, so initial measures should concentrate on assessing the appropriateness of those capabilities. It is also sensible to begin assessing efficacy with a few measures that are cost effective and easy to collect. The measures should align to the operational goals of each recommendation.

1. Community Navigators

a. Goals

- i. Develop a training curriculum for community leaders.
- ii. Deliver the training curriculum to community leaders.
- iii. Deliver information on self-help resources locally using community leaders.

b. Evaluation Measures

- i. Completion of curriculum, assessment of curriculum as valid by experts.
- ii. Completion of training (how many leaders trained, estimated potential extent of geographical and user type coverage)
- iii. Use (number of users helped by community leaders), appropriateness of referrals to information and providers (measure separately).

2. Preventative Legal Assessments

a. Goals

- i. Develop a legal checkup tool.
- ii. Train target group in use of legal checkup tool.
- iii. Maximize appropriate use of legal checkup tool.

b. Evaluation Measures

- i. Completion of tool (specifics of what problems it will prevent).
- ii. Number of target groups trained to use tool.
- iii. Number of users who exercise the tool.

3. Strengthening Connections Between Institutions

a. Goals

- i. Improve alignment and coordination of existing services.
- ii. Better leverage of existing services.

b. Evaluation Measures

- i. Number of services newly aligned appropriately, logical sequences of services for frequent use cases.
- ii. Number of services newly combined appropriately.



#### 4. Interagency Roundtable

##### a. Goals

- i. Creation of interagency roundtable.
- ii. Improve coordination of services (collaborate on initiatives, federal grant opportunities, education to break down silos, open up state contracts to role of legal services – education again, coordinate funding with common priorities).

##### b. Evaluation Measures

- i. Formal establishment of roundtable (agreement on charter, regular meetings, etc.).
- ii. Identification of comprehensive service provision strategy (vision plus details), establishment of plan for implementing appropriate bidirectional referrals by participating agencies in conformance with the comprehensive service strategy, education to break down silos, collaboration on initiatives and funding opportunities, open up state contracts to legal services, establishment of access as a standard principle for agencies.

#### D. CONCURRENT ACCESS TO JUSTICE PROJECTS

While not adopted as key strategic recommendations for the JFA Strategic Action Plan, a number of projects and initiatives are concurrently being developed in Hawai'i that will be important to building a system of meaningful access to justice. These projects include:

##### 1. Hawai'i State Budget and Policy Center

Development of the nonpartisan Hawai'i State Budget and Policy Center to engage in systemic public policy advocacy by non-profits and others serving low and moderate income populations. This is a project at the early stages of development being led by Hawai'i Community Foundation and Hawai'i Appleseed Center for Law and Economic Justice.

##### 2. Legal Services Portal Project

The Microsoft Portal Project intends to help individuals get information and guide them through pathways to resolution by providing materials for self-help and directing them to contacts for legal help or other needs. This builds upon and leads towards a "no wrong door" approach.

### 3. Unbundled Legal Assistance

The Judiciary and the Access to Justice Commission's ongoing efforts to formally authorize by court rule unbundled (discrete task) legal assistance, and develop—through collaboration with other states who have similar practices—models to focus attorneys' provision of unbundled services to provide legal help to those of limited means.

### 4. Ongoing Efforts to Build Legal Service Capacity

Building legal service capacity means identifying, establishing, and building sustainable resources. This issue arose, in part, through an identified need to encourage significant increases in legal representation in certain practice areas of high need including full representation. These practice areas include worker's compensation plaintiffs work, employment law plaintiffs work, family law litigation, immigration, and others.

Building legal service capacity may take the form of increasing legal clinics at the law school, further building of mentorship relationships, or otherwise building a pipeline for younger attorneys. This may take the form of creating models for Unbundled (Discrete Task) Legal Assistance in these areas, and might address Role Flexibility for Other Professionals, Expansion and Efficiency of Full Service Representation, or Alternative Dispute Resolution Integration. Ongoing efforts to build legal service capacity also include efforts to obtain additional financial resources to allow legal services providers to expand current initiatives to reach more people, to sustainably design initiatives to reach people earlier and thereby prevent downstream and escalating issues and costs (for individuals and the system as a whole). Similarly ongoing efforts also encourage further innovation and creativity to design, implement, and execute initiatives in ways that leverage resources of different governmental entities, private industry, and, where appropriate, even pool financial and other resources among organizations.



## APPENDIX 1: RULE 21 OF THE RULES OF THE SUPREME COURT OF HAWAI‘I

**(a) Creation.** There shall be a commission to be known as the Hawai‘i Access to Justice Commission (the “Commission”).

**(b) Purpose.** The purpose of the Commission shall be to substantially increase access to justice in civil legal matters for low- and moderate-income (together “low-income”) residents of Hawai‘i. To accomplish this, the Commission shall, along with such other actions as in its discretion it deems appropriate, endeavor to:

(1) Provide ongoing leadership and to oversee efforts to expand and improve delivery of high quality civil legal services to low-income people in Hawai‘i.

(2) Develop and implement initiatives designed to expand access to civil justice in Hawai‘i.

(3) Develop and publish a strategic, integrated plan for statewide delivery of civil legal services to low-income Hawai‘i residents.

(4) Increase and stabilize long-term public and private funding and resources for delivery of civil legal services to low-income Hawai‘i residents.

(5) Maximize the efficient use of available resources by facilitating efforts to improve collaboration and coordination among civil legal services providers.

(6) Increase pro bono contributions by Hawai‘i attorneys through such things as rule changes, recruitment campaigns, increased judicial involvement, and increased recognition for contributors.

(7) Reduce barriers to the civil justice system by developing resources to overcome language, cultural, and other barriers and by giving input on existing and proposed laws, court rules, regulations, procedures, and policies that may affect meaningful access to justice for low-income Hawai‘i residents.

(8) Encourage lawyers, judges, government officials, and other public and private leaders in Hawai‘i to take a leadership role in expanding access to civil justice.

(9) Educate governmental leaders and the public about the importance of equal access to justice and of the problems low-income people in Hawai‘i face in gaining access to the civil justice system through informational briefings, communication campaigns, statewide conferences (including an annual summit to report on and consider the progress of efforts to increase access to justice), testimony at hearings, and other means, and increase awareness of low-income people's legal rights and where they can go when legal assistance is needed.

(10) Increase effective utilization of paralegals and other non-lawyers in the delivery of civil legal services to low-income Hawai‘i residents.

(11) Increase support for self-represented litigants, such as through self-help centers at the courts.

(12) Develop initiatives designed to enhance recruitment and retention of attorneys who work for nonprofit civil legal services providers in Hawai‘i and to encourage law students to consider, when licensed, the practice of poverty law in Hawai‘i.

(13) Encourage the formation of a broad coalition of groups and individuals to address ways to alleviate poverty in Hawai‘i.

(14) Conduct a statewide assessment of unmet civil legal needs among low-income people in Hawai‘i five years after the Commission holds its first meeting to measure the progress being made to increase access to justice.

**(c) Membership.**

(1) NUMBER OF MEMBERS AND TERMS OF OFFICE. The Commission shall consist of 22 members, with staggered terms. The initial members (other than the chair and the four members appointed under subsection (3)(vii) below) shall draw their terms by lot so that five members shall serve a term ending on December 31 of the year of appointment, six shall serve a term ending on December 31 of the year following the year of appointment, and six shall serve a term ending on December 31 of the second year following the year of appointment. All subsequent appointments of such members (other than appointments to fill vacancies as described in subsection (2)) shall be for terms of three years or until his or her successor is appointed. Such members shall not be appointed to serve more than two successive terms, but an initial term of any member that is less than 30 months shall be disregarded for purposes of this limitation. Governmental representatives appointed under subsection (3)(vii) shall rotate by their terms of office or at the will of the appointing authority. Terms shall run on a calendar year basis, except that a member shall continue to serve until his or her successor is duly appointed.

(2) VACANCIES. A vacancy in the office of a member shall occur upon (i) the written resignation, death or permanent incapacity of such member, (ii) the determination by the applicable appointing authority that there has been a termination of a position held by such member that was the basis of such member’s appointment to the Commission and that the appointing authority wishes to replace such member with a new appointee, or (iii) for such other cause as shall be specified in the bylaws, rules or written procedures of the Commission. Upon the occurrence of a vacancy, the appropriate appointing authority shall appoint a successor member to serve the remainder of the term of the vacating member.

(3) APPOINTMENT OF MEMBERS. Members of the Commission shall be appointed as follows:

(i) The Chief Justice of the Supreme Court shall appoint five members to the Commission as follows: (A) the Chief Justice or an Associate Justice of the Supreme Court and (B) four other judges who the Chief Justice shall endeavor to appoint from different judicial circuits and to include at least one circuit court judge, one family court judge, and one district court judge.

(ii) The Hawai‘i State Bar Association (the “HSBA”) shall appoint four members to the Commission as follows: (A) two representatives of the HSBA, who may be officers, directors or the Executive Director of the HSBA; and (B) two active HSBA members who have demonstrated a commitment to and familiarity with access to justice issues in Hawai‘i and who are not currently serving as an HSBA officer or director, one of whom shall be from a law firm of ten or more attorneys. At least one of the attorneys appointed by the HSBA shall be from an Island other than O‘ahu.

(iii) The Hawai‘i Consortium of Legal Services Providers (the “Consortium”) shall appoint six members to the Commission as follows: (A) four representatives of Hawai‘i nonprofit civil legal services providers; and (B) in consultation with the Chief Justice of the Supreme Court, two non-attorney public representatives not directly associated with any such provider who have demonstrated a commitment to and familiarity with access to justice issues in Hawai‘i. The initial members of the Consortium shall be the American Civil Liberties Union Hawai‘i, Domestic Violence Action Center, Hawai‘i Disability Rights Center, Legal Aid Society of Hawai‘i, Mediation Center of the Pacific, Na Loio, Native Hawaiian Legal Corporation,



University of Hawai'i Elder Law Program of the Richardson School of Law, and Volunteer Legal Services Hawai'i. Other civil legal services providers may be added to, and members may resign or be removed from, the Consortium as determined by the vote of a majority of the then members of the Consortium.

(iv) The Hawai'i Justice Foundation (the "Foundation") shall appoint one member to the Commission, who shall be an officer, director or the Executive Director of the Foundation.

(v) The Dean of the University of Hawai'i William S. Richardson School of Law shall appoint one member to the Commission, who may be the Dean.

(vi) The Hawai'i Paralegal Association shall appoint one member to the Commission, who shall be a paralegal with a demonstrated interest in equal access to justice.

(vii) The Governor of Hawai'i, the Attorney General of Hawai'i, the President of the Hawai'i Senate, and the Speaker of the Hawai'i House of Representatives shall each be entitled to serve on the Commission or to appoint one member, provided that any appointee of the Governor shall be drawn from the Executive branch of government, any appointee of the Attorney General shall be a Deputy Attorney General, any appointee of the President of the Senate shall be a state Senator, and any appointee of the Speaker of the House shall be a state Representative.

(4) **COMMUNITY WIDE REPRESENTATION.** In making appointments, the appointing authorities shall take into account the effect of their appointments on achieving a Commission composed of members who are residents of different islands in Hawai'i and who reflect the diverse ethnic, economic, urban, and rural communities that exist in the Hawaiian Islands.

**(d) Officers.** The Chief Justice of the Supreme Court shall designate from among the members of the Commission a chair and a vice chair of the Commission. The chair, who shall be the Chief Justice or the Chief Justice's designee, shall serve an initial term of one year and thereafter shall be designated at such times as the Chief Justice shall determine. The vice chair shall be designated for a term of two years, provided that such term shall expire at any earlier date on which the term of the vice chair as a member of the Commission shall expire or be terminated. The Commission shall select such other officers as it deems necessary and useful. Terms of all officers shall run on a calendar year basis, except that an officer shall continue in office until his or her successor is duly designated or selected. Designations or selections to fill officer-vacancies shall be for the remainder of the term of the vacating officer.

**(e) Bylaws, Rules and Procedures.** The Commission may adopt bylaws, rules or operational procedures as it deems necessary for and consistent with Sections (c), (d) and (f) through (j) of this rule.

**(f) Committees and Task Forces.** The Commission may create such committees and task forces, and appoint such committee and task force members, as it deems necessary or desirable to facilitate the work of the Commission. The Commission shall designate a chair of the committee or task force. The Commission may appoint to the committee or task force persons who are not members of the Commission. The role of committees and task forces shall be advisory, and they shall make such recommendations to the Commission as the members of such committees and task forces deem appropriate. Meetings of committees and task forces shall be at the call of the chair or at the call of at least 20% of the members of the committee or task force. A quorum consisting of not less than one-third of the then-appointed and serving members of a committee or task force shall be necessary at a duly called meeting to adopt a recommendation to the Commission.

**(g) Meetings, Quorum, and Voting.** The Commission shall meet at least quarterly and shall have additional meetings at the call of either the chair or at least seven members upon at least ten days prior notice. A quorum consisting of not less than one-third of the members of the Commission then in office shall be necessary to transact business and make decisions at a meeting of the Commission. On any votes taken at a meeting of the Commission, the chair shall vote only in the event of a tie.

**(h) Staff and Funding Support.** It is anticipated that staff and funding support for the Commission will be provided by a combination of private and public sources of financial and in-kind support.

**(i) Recommendations.** Any recommendations by the Commission shall be made in the name of the Commission only, and not in the name of the individual members or the institutions or entities they represent.

**(j) Reports and Review.**

(1) ANNUAL REPORTS. The Commission shall file with the Supreme Court an annual report describing its activities during the prior 12-month period and deliver a copy of the report to the Executive Director of the HSBA.

(2) THREE-YEAR REVIEW. Three years after the Commission holds its first meeting, the Supreme Court shall evaluate the progress made by the Commission toward the goal of substantially increasing access to justice in civil legal matters for low-income Hawai'i residents. *(Added April 24, 2008, effective May 1, 2008; further amended December 11, 2015, effective December 11, 2015.)*



## APPENDIX 2: Hawai'i Access to Justice Commission Annual Highlights

### **HAWAI'I ACCESS TO JUSTICE COMMISSION HIGHLIGHTS: 2008-2009**

1. In accordance with Rule 21 of the Rules of the Supreme Court of the State of Hawai'i ("Supreme Court Rule 21"), the first Annual Report of the Hawai'i Access to Justice Commission ("Commission") summarizing the initial 18 months of the Commission's work was distributed in December 2009.
2. Over 200 people attended the first annual Hawai'i Access to Justice Conference, which was held on June 24, 2009 at the William S. Richardson School of Law, University of Hawaii. The featured speaker for the conference was Chief Justice John T. Broderick of the New Hampshire Supreme Court.
3. Facilitating the collaborative efforts of the legal service providers, the Commission supported the 2009 National Pro Bono Celebration at Tamarind Park in downtown Honolulu on Wednesday, October 28, 2009. The event was a celebration of and introduction to the Access to Justice legal service providers and pro bono opportunities.
4. Following the adoption of Rule 21 by the Hawai'i Supreme Court on May 1, 2008, the Commission was formed and held its first official meeting on July 23, 2008, chaired by Hawai'i Supreme Court Associate Justice Simeon Acoba.
5. To carry out and facilitate its mission to substantially increase access to justice in civil legal matters for low- and moderate-income Hawai'i residents, the Commission created thirteen advisory committees as follows:
  - Administration Committee
  - Annual Report Committee
  - Staffing Committee
  - Committee on Funding of Civil Legal Services
  - Committee on Increasing Pro Bono Legal Services
  - Committee on Right to Counsel in Certain Civil Proceedings
  - Committee on Self-Representation and Unbundling
  - Committee on Maximizing Use of Available Resources
  - Committee on Overcoming Barriers to Access to Justice
  - Committee on Initiatives to Enhance Civil Justice
  - Committee on Education, Communications, and Conference Planning
  - Committee on Alleviating Poverty in Hawai'i
  - Law School Liaison Committee
6. It was initially contemplated in the budget that a paid, part-time person would provide administrative help to the Commission, but due to the current economic crisis, the Commission decided that it would rely on the support of volunteers for all Commission activities.

7. The Commission, through the Committee on Right to Counsel in Civil Proceedings, studied the civil right of counsel issue by examining the existing right-to-counsel statutes in Hawai‘i and comparing them with statutes in other jurisdictions. The feasibility of a proposed model right-to-civil-counsel statute to address certain high priority basic needs such as shelter, sustenance, safety, health, and child custody was being studied.
8. The Commission, through the Committee on Initiatives to Enhance Civil Justice, developed and approved a proposed foreclosure mediation program, which was subsequently approved by the Hawai‘i Supreme Court. By order filed on September 29, 2009, the Court established a Foreclosure Mediation Pilot Project in the Third Circuit Court, effective November 1, 2009, to October 31, 2010. The pilot project provided that a Foreclosure Mediation Notice would be served along with the complaint and summons in residential foreclosure actions. The Foreclosure Mediation Notice provided that the party is allowed to participate in mediation under the pilot project if: (1) the party is the borrower or co-borrower, and (2) the party occupies the property as his/her primary residence. If a Foreclosure Mediation Request is filed within fifteen days after service of the notice with the complaint and summons, then the deadline to file and serve an answer to the complaint and to seek relief by dispositive motion would be suspended until further order of the court.
9. The Commission, through the Committee on Funding Civil Legal Services, prepared resolutions for submission to the state legislature:
  - supporting the proposal to raise the jurisdiction of the small claims court, a division of the district court, from \$3,500 to \$7,000. This legislation amending Haw. Rev. Stat. § 633-27 would free judicial time and allow the pro se litigants greater and less expensive access to the legal system.
  - supporting funding for the indigent legal service recipients grants.
  - supporting an increase of the filing fee in civil cases, which monies are paid into the Indigent Legal Assistance Fund that, in turn, supports the legal services providers.
10. The Committee on Maximizing the Use of Available Resources sent surveys on July 9, 2009 and on September 21, 2009 to organizations providing legal services regarding their access to justice needs.
11. The Commission, through the Committee on Maximizing the Use of Available Resources, sought to review of the current framework of the delivery of civil legal services and facilitate concrete, workable improvements to the framework. In conducting this review, the Commission sought to ensure that:
  - there is an efficient and effective referral system of clients to the “right” program and among programs;
  - innovative methods of legal services delivery are explored and used;
  - new ways to utilize technology, including a centralized access to justice website, to meet current unmet legal needs are implemented where appropriate;
  - mediation and other alternative dispute resolution methods for resolving legal problems are utilized when appropriate; and



- outreach efforts are coordinated among legal service providers as well as with social service providers, agencies and other organizations.
12. The Commission, through the Committee on Increasing Pro Bono Legal Services, studied the implementation of the following model policies: judicial pro bono policy; a corporate pro bono policy; a private law firm pro bono policy; and a government attorney pro bono policy. A proposal to amend Rule 3.7 of the Hawai‘i Revised Code of Judicial Conduct, to clarify participation in allowable pro bono activities by judges was posted for public comment on July 31, 2009, with a deadline of November 3, 2009 to submit comments. A model law firm pro bono policy was endorsed by the Hawai‘i State Bar Association (“HSBA”) board of directors on August 20, 2009.
  13. The Commission supported a new Supreme Court Rule 22 that requires each active attorney in Hawai‘i to take three credits of approved mandatory continuing professional education, where one of the qualifying education topics was “access to justice.”
  14. The Commission encouraged participation in Law Week and Law Day. Rule 6.1 of the Hawai‘i Rules of Professional Conduct Rule 6.1 of the Hawai‘i Rules of Professional Conduct embodies an aspirational goal that lawyers provide 50 hours of pro bono service annually, which would encompass participation in various pro bono activities as described in the rule. Representatives of the Commission visited with various law firms and government offices to encourage their commitment to meet the goals of Rule 6.1. The following groups committed to striving to meet the requirements of Rule 6.1:
    - Alston Hunt Floyd & Ing
    - Ashford & Wriston
    - Ayabe Chong Nishimoto Sia & Nakamura
    - Cades Schutte
    - Carlsmith Ball, LLP
    - Chee & Markham
    - Damon Key Leong Kupchak Hastert
    - Goodsill Anderson Quinn & Stifel
    - Hawai‘i County Office of the Corporation Counsel
    - Hawai‘i County Office of the Prosecuting Attorney
    - Hawai‘i Disability Rights Center
    - Henderson Gallagher & Kane
    - Intermediate Court of Appeals
    - Labor and Industrial Relations Appeals Board
    - Maui County Department of the Corporation Counsel
    - Office of the Federal Public Defender
    - Office of the Public Defender, State of Hawai‘i
    - Schlack Ito Lockwood Piper & Elkind
    - Law Office of Eric A. Seitz
    - Starn O’Toole Marcus & Fisher
  15. The Commission, through the Committee on Initiatives to Enhance Civil Justice, recommended that Comment [5] to the Rule 2.2 of the Hawai‘i Revised Code of Judicial

Conduct, which would permit a judge to sanction an attorney by ordering the attorney to perform pro bono legal services or to make a monetary contribution to a non-profit organization providing pro bono legal services. This amendment was posted for public comment on August 11, 2009, with a deadline of November 13, 2009 to submit comments.

16. The Commission, through the Committee on Initiatives to Enhance Civil Justice, examined projects that would benefit from an expanded role of paralegals, such as assisting in uncontested divorces where the parties are unrepresented by attorneys and guardian ad litem work.
17. The Commission, through the Committee on Self-Representation and Unbundling considered increasing the number of family law and bankruptcy clinics, conducting workshops on electronic resources and court forms, and approaching the Judiciary about securing physical space to provide pro bono services.
18. To inform the members of the bar, a total of 18 articles were published in the *Hawai'i Bar Journal*, the official magazine of the HSBA, concerning critical issues concerning access to justice for people in Hawai'i.
19. To further inform members of the community, a supplement was published to *Pacific Business News* concerning the purpose and actions of the Commission.
20. Efforts were made to reach the general public through radio and television interviews with Commissioners.
21. The Chair of the Commission attended the Access to Justice Symposium at Stanford Law School on March 27, 2009, and the Chair and other members of the Committee attended the ABA-sponsored annual National Meeting of the State Access to Justice Chairs on May 16, 2009.

#### **HAWAI'I ACCESS TO JUSTICE COMMISSION HIGHLIGHTS: 2010**

1. In accordance with Supreme Court Rule 21, the Commission's Annual Report for 2010 was distributed in May 2011.
2. Over 270 people attended the second Hawai'i Access to Justice Conference, which was held on June 25, 2010 at the William S. Richardson School of Law, University of Hawaii. The theme of the conference was "Access to Justice: Is This A Promise We Can Keep?" The featured speaker for the conference was Family Court Judge Michael Town. The morning panels addressed issues related to meeting the needs of the underserved with attorneys willing to provide pro bono services, challenges in obtaining funding to improve access, and the need for Commission committees to generate additional momentum to address the tasks before them.



3. New Commission members were added, and Intermediate Court of Appeals Associate Judge Daniel R. Foley was designated as the succeeding Chair of the Commission in June 2010.
4. The thirteen committees gained momentum as they tackled the tasks outlined in Rule 21 with the Administration Committee continuing to provide administrative and logistical assistance to the Commission, its committees, and task forces.
5. In January 2010, the Committee on Overcoming Barriers to the Access of Justice convened the first roundtable discussion on linguistic and cultural barriers (“Roundtable”), to bring together three pillars within the legal community: the bar, the bench, and the Commission. The Roundtable participants included the Hawai‘i Supreme Court Committee on Equality and Access to the Courts; the Hawai‘i Supreme Court Committee on Court Interpreters and Language Access; Hawai‘i State Judiciary’s Office on Equality and Access to the Courts; HSBA Committee on Diversity, Equality and the Law; and the Commission’s Committee on Overcoming Barriers to Access to Justice.
6. On February 11, 2010, the Hawai‘i Supreme Court entered an order amending Rule 3.7(a) of the Hawai‘i Revised Code of Judicial Conduct to describe the pro bono activities that a judge may participate in.
7. In March 2010, the Commission approved the proposal for a new rule 1.16 to the Rules of the Supreme Court of Hawai‘i that would allow for limited admission of attorneys employed by non-profit civil legal service providers for a period of two years, with a possible extension of an additional two years.
8. In May 2010, the Commission recommended to the Hawai‘i Supreme Court that Rule 23 of the Hawai‘i Rules of Civil Procedure be amended to create a presumption that unclaimed funds in class action suits be distributed to non-profit organizations eligible to receive funding from the state Indigent Legal Assistance Fund. Public comment was sought, with a deadline for comments on September 8, 2010. Previously, Rule 23 was silent as to the distribution of such residual funds, leaving open the potential that those funds could be retained by the defendant. The Commission urged the Hawai‘i Supreme Court to adopt the proposed amendment in order to prevent such a windfall for the defendant, as well as to provide increased funding to organizations that promote access to justice.
9. In July 2010, the Hawai‘i Supreme Court adopted the comment [5] to Rule 2.2 of the Hawai‘i Revised Code of Judicial Conduct allowing judges to impose a pro bono sanction.
10. In September 2010, the Commission recommended to the Hawai‘i Supreme Court that Rule 6.1 of the Hawai‘i Rules of Professional Conduct be amended to allow the substitution of a monetary contribution of \$500 in lieu of the recommended minimum of fifty hours of pro bono service hours per year.

11. Also in September 2010, the Commission recommended to the Hawai'i Supreme Court that Rule 6.5 of the Hawai'i Rules of Professional Conduct be adopted to allow lawyers working with a non-profit organization or the court to provide limited legal services, such as advice over a hotline or through a clinic to a client without the expectation of the creation of an attorney-client relationship, so long as the lawyer does not know of any conflict of interest.
12. The Commission was represented at the 2010 National Meeting of State Access to Justice Chairs. Information about the Commission's activities was provided during the peer state breakout groups.
13. An article was published in the December 2010 issue of the *Hawai'i Bar Journal*, written by a Commissioner, addressing issues parents with a child with disabilities face in access to justice as they seek to obtain appropriate services for their child.
14. During 2010, the Commission's website became operational as a subpage of the Hawai'i Justice Foundation's website at <http://www.hawaiijustice.org>. (Prior to this, information about the Commission was located at the HSBA website.) The Commission approved a website protocol whereby all content shall be approved first by the Commission through its Administration Committee.
15. The Commission approved the following definition of "access to justice" for mandatory continuing legal education ("MCPE") purposes:

To qualify for MCPE credit, access to justice course topics should educate attorneys about equal access to justice, including barriers arising from biases against persons because of race, gender, economic status, creed, color, religion, national origin, disability, age, or sexual orientation, and should cover equal justice issues as they relate to the delivery of legal services to the low-income individuals in need. The annual Access to Justice Conference sponsored by the Hawai'i Access to Justice Commission qualifies for MCPE credit. Additionally substantive courses taught by non-profit entities such as the Legal Aid Society of Hawai'i that require attorneys attending their course to commit to pro bono service also qualify for MCPE credit.

In November 2010, the Commission submitted a request to the HSBA Board of Continuing Legal Education to expand the definition of "access to justice" as described above.

16. On November 18, 2010, the Commission co-sponsored the Self-Help Center Conference with the HSBA Committee on the Delivery of Legal Services to the Public, Legal Aid Society of Hawaii, and Volunteer Legal Services Hawaii.



## **HAWAI‘I ACCESS TO JUSTICE COMMISSION HIGHLIGHTS: 2011**

1. In accordance with Supreme Court Rule 21, the Commission’s Annual Report for 2011 was distributed in May 2012.
2. The Commission sponsored the third Hawai‘i Access to Justice Conference built on the theme, “Access to Justice: Pursuing a Noble and Necessary Purpose. Over 230 attendees attended the all-day conference at the William S. Richardson School of Law, University of Hawaii. Judge Lora Livingston, elected to the 261st District Court, Texas in 1999, presented a lively and thought-provoking speech titled, “The Fight for Equal Justice: Promoting Effective Strategies,” filled with humor and specific suggestions about the necessary of leadership by judges and possible collaborative partnerships in the pursuit of equal justice. Judge Livingston was Chair of the ABA Commission on Interest on Lawyers Trust Accounts. The Commission’s request to the HSBA to provide legal education credits for the attendance by Hawai‘i attorneys was approved prior to the conference.
3. National Pro Bono Day was celebrated by the Commission on October 25, 2011 with the “Pro Bono Experiences and Ethical Considerations” workshop at the Hawai‘i Supreme Court courtroom. Over 85 individuals attended the event, listening to a panel moderated by law professor Calvin Pang where attorneys, including Hawai‘i Supreme Court Associate Justice Sabrina McKenna described how they had been personally rewarded by the experience of providing pro bono services. Six nonprofit legal service organizations provided a Legal Services Fair at the conclusion of the workshop: Domestic Violence Action Center, Legal Aid Society of Hawai‘i, Mediation Center of the Pacific, Native Hawaiian Legal Corporation, Volunteer Legal Services Hawai‘i, and the Young Lawyers Division of the HSBA.
4. On January 27, 2011, the Hawai‘i Supreme Court adopted an amendment to Haw.R.Civ.P. 23 to add a new subsection (f) that provides direction to parties and the trial court regarding the redistribution of residual funds in class action cases. The amended rule provides that it is within the discretion of the court to approve the timing and method of distribution of residual funds to entities, as agreed to by the parties, which may include nonprofit tax exempt organizations that provide legal services to indigent persons or to HJF (for distribution to one or more such organizations). The Commission created an ad hoc subcommittee to work on a communications plan to educate the Hawai‘i legal community about the rule amendment. The subcommittee drafted a “cy pres toolkit” and other information to assist Hawai‘i attorneys in state court class action lawsuits or other similar types of suits.
5. On February 24, 2011, the Hawai‘i Supreme Court approved Rule 1.16 of the Rules of the Hawai‘i Supreme Court to allow limited admission of attorneys employed by non-profit civil legal service providers for a period of two years, with a possible extension of another two years. This rule became effective on July 1, 2011.

6. On July 21, 2011, pursuant to Supreme Court Rule 21(j)(2), the Hawai‘i Supreme Court filed its evaluation of the Commission. The Court acknowledged that the Commission made concrete strides in a difficult fiscal environment resulting in “impressive and real progress in providing practical solutions to the ongoing challenge of improving access to the civil justice system for low-income individuals in Hawai‘i.”
7. On October 7, 2011, the Kauai Self Help Center opened in the Kauai courthouse. It was open two days a week with volunteer attorneys covering one day and Americorps volunteers staffing the other day. It was intended that the days and hours would be expanded in 2012.
8. The Commission’s Committee on Overcoming Barriers to the Access to Justice continued to sponsor meetings of the Roundtable to increase collaboration among the various state and judicial groups addressing linguistic and cultural barriers to services and to justice. These meetings were of increased importance in view of the U.S. Department of Justice Investigations into Hawaii’s compliance with Title IV, which requires state agencies in receipt of federal funds to comply with language access mandates.
9. On December 13, 2011, the Hawai‘i Supreme Court amended Rule 6.1 of the Hawai‘i Rules of Professional Conduct (“HRPC”) to allow the substitution of an appropriate monetary contribution in lieu of the recommended minimum of 50 hours of pro bono service hours per year.
10. On December 13, 2011, the Hawai‘i Supreme Court adopted HRPC Rule 6.5, which allowed lawyers working with a non-profit organization or the court to provide limited legal services, such as advice over a hotline or through a clinic to a client without the expectation of the creation of an attorney-client relationship (exempt from HPRC Rules 1.17 and 1.9(a)), so long as the lawyer does not know of any conflict of interest.
11. The Commission sent a letter of general support for federal funding of Hawai‘i organizations that provide legal services to the indigent.
12. Through the Committee on Initiatives to Enhance Civil Justice, the Commission considered recommendations on further changes to the Residential Foreclosure Mediation Initiative; support for the Hawai‘i Street Law Project; and a Foreclosure Dispute Resolution proposal.
13. The Committee on Maximizing Use of Available Resources prepared a descriptive summary of the services provided by various legal services providers and dispute resolution centers.



## HAWAI'I ACCESS TO JUSTICE COMMISSION HIGHLIGHTS: 2012

1. In accordance with Supreme Court Rule 21, the Commission's Annual Report for 2012 was distributed in May 2013.
2. The Commission sponsored the fourth Hawai'i Access to Justice Conference on June 12, 2012, with the theme: "Justice in Jeopardy: Expanding Access to Justice in Challenging Economic Times. Almost 300 persons had the opportunity to hear Dean Martha L. Minow, Harvard Law School and Vice-Chair of the Legal Services Corporation share insights on the challenges for increasing access to justice. Two morning workshops presented at the conference were "Implicit Bias: An Obstacle to Access to Justice and "Strengths and Limitations of Pro Bono."
3. During the Pro Bono Celebration on October 23, 2012, outstanding pro bono attorneys were recognized. The honorees included Sean K. Clark, who was instrumental in the launch and implementation of the Business Law Corps, a new legal nonprofit entity; Blaine Rogers for his work in ensuring that low-income families had timely access to food stamps and for successfully arguing Sound v. Koller; Mariah Holden, for her contributions as a pro bono guardian ad litem; Charles H. Hurd, for his steadfast commitment as a mediator to assist parties in addressing a myriad of issues, particularly in the civil rights and elder arenas; Scott C. Suzuki, for his work with the elderly population; and, Gavin K. Doi, for the countless hours he devoted to Volunteer Legal Services Hawai'i.
4. In 2012, four self-help centers opened: in the Hilo courthouse in June; in the Honolulu District Court in August; in the Maui courthouse in August; and the Kapolei courthouse in December. The self-help centers are a collaboration of the Judiciary, the Commission, HSBA, Legal Aid Society of Hawaii, the AmeriCorps program, and the county bar associations.
5. The Commission sponsored community briefings to discuss the importance of equal access to justice, to describe the past and ongoing work of the Commission, the explain the resources available to the public, and to collect community input regarding the needs for increased access to justice for all. The first was held at the Parish of St. Clement on January 11, 2012. Another was held at the Windward Community College on May 9, 2012. The final one was held at the Wai'anae District Park on December 11, 2012.
6. The Commission approved the formation of a task force to work on an appellate pro bono project that would provide pro bono help in civil cases for indigent parties.
7. The Commission submitted a proposal to the Hawai'i Supreme Court for a statewide foreclosure mediation program.
8. The Commission approved the formation of the Pro Bono Initiative Task Force to plan events to highlight volunteer opportunities not only at the Access to Justice Room (self

help center) at the Honolulu District Court, but other opportunities with the various nonprofit legal service entities.

9. Under consideration by the Commission was a proposal to allow limited scope representation and amendments to HRPC Rule 1.2 that would allow the “objectives of the representation” to be limited if the client consents in writing after consultation. Additionally, there would be a new Rule 11.1 on the limited appearance and withdrawal of an attorney.
10. The Commission was examining a proposed amendment to Rule 1101 of the Hawai‘i Rules of Evidence, which would provide that the rules of evidence would not apply where one or more parties was not represented by counsel in civil proceedings in the state district court or in family court.
11. The Commission applied for a Phase II grant from the ABA Access to Justice Commission Expansion Project for language services, which would include translation of informational brochures to meet the needs of limited English proficient individuals, seminars to educate attorneys about language access, and a conference for court, staff, and attorneys on implicit bias. A grant in the amount of \$20,000 was awarded to the Hawai‘i Justice Foundation on behalf of the Commission for the aforementioned three projects.
12. In April 2012, the Hawai‘i Bar Journal published an article based on Commission hearings entitled, “Access to Justice of Hawai‘i Migrants from Pacific Islands Associated with the United States.”

#### **HAWAI‘I ACCESS TO JUSTICE COMMISSION HIGHLIGHTS: 2013**

1. In accordance with Supreme Court Rule 21, the Commission’s Annual Report for 2013 was distributed in November 2014.
2. “Justice in Jeopardy: Expanding Access to Justice in Challenging Economic Times” was the theme of the fifth annual Hawai‘i Access to Justice Conference attended by over 260 people. Professor Charles R. Lawrence, III, Centennial Professor at the William S. Richardson School of Law gave the keynote address on “Sustaining the Struggle for Justice: Remembering and Renewing Abolitionist Advocacy.”
3. The annual Pro Bono Celebration, which recognized Hawaii’s outstanding pro bono attorneys for 2013 was held on October 24, 2013 at the Hawai‘i Supreme Court courtroom. This year’s Pro Bono Celebration included an essay contest involving high school students. This year’s essay theme was, “Meaningful Volunteering and What It Means to Me.” Over 200 students from public and private schools across the state submitted essays for consideration.



4. On February 21, 2013, the Commission sponsored the Pro Bono Initiative Program designed to identify opportunities for lawyers and law firms to work with existing legal service organizations to expand pro bono services within the community. Over 150 attendees explored potential pro bono opportunities with Business Law Corps, Hawai'i Disability Rights Center, Domestic Violence Action Center, Hawai'i Appleseed Center for Law and Economic Justice, Legal Aid Society of Hawai'i, Volunteer Legal Services of Hawai'i, Mediation Center of the Pacific, University of Hawai'i Elder Law Clinic.
5. In 2013, over 2,250 people received legal assistance through the self-help centers in each of the four judicial circuits in the state.
6. During the year, the Kona Court Self Help desk opened, allowing litigants to receive legal assistance from volunteer attorneys on civil and family court matters. Some litigants travelled from as far as Waikoloa and Kohala (approximately 30 miles away) to receive these services.
7. The Access to Justice Room in Honolulu District Court expanded its hours of operation. As a result, approximately 700 people received short-term legal advice from volunteer attorneys on district court civil matters such as landlord-tenant, debt collection, and temporary restraining order and injunction against harassment (involving non-family members or parties who have not been in a dating relationship) issues. The difference between the Access to Justice Rooms (at the Honolulu District Court and the Kapolei Family Court) and the self-help centers on the neighbor islands is that the volunteer attorneys staffing the Access to Justice Rooms are able to provide legal advice. The neighbor island volunteer attorneys currently are only able to provide legal information.
8. The Access to Justice Room in Kapolei expanded its volunteer staffing by 50%. As a result, several hundred people received short-term legal advice from volunteer attorneys on family court matters.
9. In April 2013, Hawai'i Supreme Court Chief Justice Mark Recktenwald and Associate Justice and former Commission Chair Simeon Acoba attended the White House Forum on Increasing Access to Justice, a national event co-hosted by the Legal Services Corporation and the White House.
10. In November 2013, the Commission sponsored a community briefing at Farrington High. Hawai'i Supreme Court Chief Justice Mark E. Recktenwald and Associate Intermediate Court of Appeals Judge and Commission Chair Daniel R. Foley discussed the Judiciary's efforts toward improving access to the judicial system. Representatives from Volunteer Legal Services Hawai'i, Mediation Center of the Pacific, Hawai'i Disability Rights Center, Hawai'i Appleseed Center for Law and Economic Justice, and Legal Aid Society of Hawai'i gave presentations and met with interested individuals.
11. The Commission proposed that HRPC Rule 6.1, Pro Bono Service, and its commentary be amended to include "organizations in matters which are designed primarily to address the needs of persons of limited means" in the rule and to include in Comment [2] "the

provision of legal advice or information under nonprofit or court-annexed programs such as court self help centers and access to justice rooms which are designed primarily to serve persons of limited means.” The proposed amendments were adopted in the HRPC, effective January 1, 2014.

12. The Commission completed the projects pursuant to the ABA expansion grant with (1) development of an interpreter request court form and a brochure explaining how to request an interpreter for limited English proficient court users in Hawai‘i; (2) additional translated materials were prepared about the Kapolei Access to Justice Room; frequently asked divorce-related questions; and landlord-tenant law; (3) a three-hour seminar entitled “Working Effectively with Limited English Proficient Clients” was presented in Kona, Island of Hawai‘i in the courtroom of Circuit Court Judge Ronald Ibarra, Commissioner, on August 5, 2013; (4) an all-day training session for all state judges on implicit bias occurred on November 1, 2013.
13. The Pro Bono Appellate Pilot Project was being developed by the Commission’s Committee on Increasing Pro Bono Legal Services. Additional planning included further defining the role of the program for cases in the Intermediate Court of Appeals and expansion of the program in the Hawai‘i Supreme Court.

#### **HAWAI‘I ACCESS TO JUSTICE COMMISSION HIGHLIGHTS: 2014**

1. In accordance with Supreme Court Rule 21, the Commission’s Annual Report for 2014 was distributed in March 2015.
2. “Meeting the Challenges to Equal Justice for All” was the theme of the sixth annual Hawai‘i Access to Justice Conference, which drew 265 attendees on June 20, 2014. Legal Services Corporation President James J. Sandman gave the keynote address on “Rethinking Access to Justice.” In redefining access to justice, there are two questions to ask, he said: Is it access? Is it justice?
3. Approximately 150 people attended the 2014 Pro Bono Celebration on October 23, 2014 in the Hawai‘i Supreme Court Courtroom. A high school essay contest was also part of the celebration. Writing on the topic, “How to Inspire Others to Volunteer” approximately 280 students from public and private high schools across the state submitted essays for consideration by the Commission. Cash awards sponsored by local law firms and offices were presented to the essay award recipient from each island. The outstanding volunteers for 2014, all of whom were selected by the legal services providers, were recognized. Additionally, attorneys who volunteered to staff the Access to Justice Rooms at the Honolulu District Court and the Kapolei Family Court were honored.
4. In 2014, approximately 3,650 people received legal assistance through the self-help centers in each of the four judicial circuits in the state.



5. In 2014, the Commission partnered with other community organizations to bring legal services to Ka‘u, a rural community on Hawai‘i Island. The one-day Ka‘u Legal Clinic was designed as a pilot for delivery of legal services to underserved rural communities, where scarce legal resources and limited transportation hinder access to legal services. Using a neighborhood legal clinic model, on-site and telephonic services were provided to over a dozen participants during a three-hour block, with follow-up services provided through Volunteer Legal Services of Hawai‘i and the Native Hawaiian Legal Corporation.
6. The Commission continued its work on a proposal to allow limited scope representation. The proposals were discussed in workshops at the 2013 and 2014 Hawai‘i Access to Justice Conferences. Discussion is ongoing.
7. The Commission continued its work on a pilot project that aims to match pro se appellate litigants with volunteer appellate attorneys. The project is modeled after similar programs in other jurisdictions, but has been tailored to meet the needs of litigants in Hawai‘i. The project would match eligible pro se appellate litigants with volunteer appellate attorneys willing to provide pro bono legal services.
8. During the 2014 legislative session, the Hawai‘i State Senate requested that the Commission convene a working group to develop an educational loan repayment program for William S. Richardson School of Law graduates to expand opportunities to pursue public interest careers in Hawai‘i for the benefit of underserved communities.
9. The National Center for Access to Justice’s (“NCAJ”) created the “Justice Index” to measure what is being done nationally to make access to justice a reality for all. The Justice Index reported on four elements of state-based justice systems: attorney access, self-representation, language assistance, and disability assistance. In 2014, Hawai‘i was ranked first in the nation for providing support to self-represented litigants and fourth overall by the NCAJ.
10. The Commission determined that its subpages at the Hawai‘i Justice Foundation website needed to be updated. The Commission also examined whether the Commission should have its own independent website and decided that at the present time, the Commission would remain a subpage at the Hawai‘i Justice Foundation website because of lack of funding and administrative staff.

## **HAWAI‘I ACCESS TO JUSTICE COMMISSION HIGHLIGHTS: 2015**

1. In accordance with Supreme Court Rule 21, the Commission’s Annual Report for 2015 was distributed in December 2015.
2. The 2015 Hawai‘i Access to Justice Conference, with the theme, "Narrowing the Justice Gap" was held on June 19, 2015 at the William S. Richardson School of Law, University of Hawai‘i. Jonathan D. Asher, Executive Director, Colorado Legal Services was the

keynote speaker. Approximately 260 people attended including 140 attorneys seeking continuing legal education credits for their attendance.

3. The Commission's Pro Bono Celebration on October 29, 2015 attracted more than 150 attendees. The program was held to recognize attorneys doing pro bono services and volunteer attorneys at the Access to Justice Rooms. A special feature of the celebration were the awards presented to high school student essay award recipients from each of the judicial circuits.
4. On January 20, 2015, Commissioner, Retired Associate Justice Simeon R. Acoba, Jr., appeared before the Senate Committee on Judiciary and Labor and the House Committee on Judiciary to provide information about the accomplishments of the Commission.
5. On August 7, 2015, the Hawai'i Supreme Court established a Hawai'i Appellate Pro Bono Pilot Project, effective on the filing of its order and expiring on July 1, 2017, unless extended or made permanent by order of the Court. This was the result of two years of work by the Commission's Committee on Increasing Pro Bono Legal Services.
6. The self-help centers continued to provide services in each judicial circuit, with collaborative support from the Commission, the various bar associations, the Judiciary, and practicing attorneys.
7. The Commission, pursuant to the Senate Concurrent Resolution No. 116, convened a working group to develop an educational loan repayment program for William S. Richardson School of Law graduates to encourage expanded opportunities to pursue public interest careers in Hawai'i for the benefit of underserved communities. The working group submitted a report to the Hawai'i legislature dated January 20, 2015, wherein it reached a consensus on several factors that would need to be included in a loan repayment assistance program and supported the adoption of legislation to establish such a program at an estimated initial cost of \$600,000. In addition, an incubator program was also considered that would assist recent law school graduates to develop group or solo practices aimed at clients of modest means in key legal need areas in Hawai'i.
8. The Commission's Pro Bono Initiatives Task Force sought assistance from Central Pacific Bank ("CPB") to obtain volunteers for the Honolulu Access to Justice Room. The CPB embraced the idea, recruited counterparts at other major banks, and organized a training day for the attorneys. The group committed to staffing the Honolulu Access to Justice Room for the month of October 2015.
9. The Commission received copies of Senate Resolution No. 6 and House Resolution No. 12 from the Hawai'i legislature requesting that the Commission assemble a working group of interested governmental agencies and community entities to develop a plan for determining which agency or organization should administer funding for civil legal services. The recommendations of the working group identified the Judiciary as appropriate entity for administration of funding for civil legal services. The Commission forwarded the report to the Hawai'i State Legislature.



**HAWAI'I ACCESS TO JUSTICE COMMISSION**  
**HIGHLIGHTS: 2016**

1. In accordance with Supreme Court Rule 21, the Commission's Annual Report for 2016 was distributed in July 2017.
2. The 2016 Hawai'i Access to Justice Conference with the theme "Pursuit of Meaningful Justice for All" was held on June 24, 2016 at the William S. Richardson School of Law, University of Hawai'i. Approximately 250 people attended, including 96 attorneys seeking CLE credits for attendance. There were forty-one speakers or panelists. Former New York Courts Chief Judge Jonathan Lippman (ret.) was the keynote speaker.
3. The 2016 Pro Bono Celebration on October 27, 2016 in the Hawai'i Supreme Court Courtroom attracted 140 attendees. The program was held to honor attorneys who volunteer at the Access to Justice Rooms and the attorneys who volunteer for the legal service providers. High school students who participated in the Commission's essay contest and selected as the essay award recipients were also acknowledged at the event.
4. Hawai'i Supreme Court Associate Justice Simeon Acoba (ret.) was appointed Chair of the Commission in 2016.
5. On February 29, 2016, the Commission members enjoyed an informal luncheon with the Justices of the Hawai'i Supreme Court in the courtroom at Ali'iolani Hale (Supreme Court building). The luncheon was a gracious gesture of appreciation by the Court and an opportunity to briefly discuss the work of the Commission with the Justices and with other Commissioners, outside of the usual official Commission meeting format.
6. The Justice Index's "2016 Findings," released by the National Center for Access to Justice at Fordham Law School, ranked Hawai'i among the top three states in the country for practices aimed at making access to justice a reality for all people. The report measures the accessibility of each state's justice system in four categories: attorney access to low-income litigants; support for self-represented litigants; support for litigants with limited language proficiency; and support for people with disabilities.
7. A summary report titled "Progress Toward Increasing Access to Justice and Summary of Unmet Civil Legal Needs Pursuant to Hawaii's Supreme Court Rule 21(b)(14)," was prepared in early 2016. The report covered the period from May 1, 2008 through the end of 2015. It also identified challenges and forecasts associated with the Commission's efforts on behalf of Hawaii's low- and moderate-income people.
8. On March 28, 2016, the Commission submitted testimony in support of House Bill 2121, HD 3, SD 1, which passed the 2016 legislative session with a \$750,000 appropriation for the Judiciary's efforts on behalf of low- and moderate-income people for fiscal year 2016 - 2017. About \$600,000 of that amount maintained service contracts administered by the Judiciary.

9. In May 2016, the Court ruled in favor of the Appellate Pro Bono Pilot Project client in Gao v. State, the first case orally argued through the pilot project. In July 2016, the Commission's Committee on Increasing Pro Bono Legal Services submitted a one-year report to the Supreme Court, as required by the order that established the project. The Hawai'i Appellate Pro Bono Pilot Project was designed by a subcommittee of the Committee on Increasing Pro Bono Legal Services, to match eligible pro-se appellate litigants with volunteer appellate attorneys willing to provide pro bono legal services.
10. There was a strong Hawai'i contingent in attendance at the 2016 national ABA Equal Justice Conference from May 12 to 14, 2016 in Chicago. There were more than 85 sessions and pre-conference sessions covering a variety of topics from pro bono to language access.
11. Hawai'i was well represented at the 2016 National Meeting of State Access to Justice Chairs on May 13 and 14, 2016.
12. On June 14, 2016, Volunteer Legal Services Hawai'i and Legal Aid Society of Hawai'i received over \$100,000 each in cy pres funds from a local law firm.
13. At its October 2016 Commission meeting, the commissioners were introduced to the new legal service platform called Hawai'i Online Pro Bono ("HOP"). The new website, which is part of the American Bar Association Free Legal Answers project, was officially launched during National Pro Bono Week. Hawai'i joined over forty jurisdictions now participating in this virtual walk-in clinic concept.
14. The Commission continued to support efforts to promote limited representation or 'unbundled' legal services" and "unbundling as a way to meet currently unmet legal needs." Comments were provided to the Hawai'i Supreme Court on behalf of the Commission regarding proposed amendments to the pending rules for adoption.
15. The Commission's Task Force on Paralegals and Other Non-lawyers met regularly during 2016. The Task Force identified areas of greatest unmet need, and recommended the concurrent development of a court-sponsored volunteer Court Navigator program, a dedicated paralegal Tenant Advocate, and a regulated Licensed Paralegal Practitioner to help address substantiated unmet need in housing, family, domestic violence, consumer, health, public benefits, and special education areas. At its October 17, 2016 meeting, the Commission voted to "support the efforts of the Task Force and to send the Task Force report to the Supreme Court for its information and to await response from the Court.
16. The self-help centers were started by and continued to be a collaboration of the Hawai'i State Judiciary, the Commission, the HSBA (in particular, the Committee on the Delivery of Legal Services to the Public), Legal Aid, the AmeriCorps program, the county bar associations (East Hawai'i Bar Association, Kauai County Bar Association, Maui County Bar Association, West Hawai'i Bar Association), and the HSBA Family Law Section. There are now self-help centers in each courthouse in each state judicial circuit.



17. In November 2016, the National Center for State Courts and the Public Welfare Foundation announced that Hawai'i was one of the seven among the 25 applying states to be awarded a grant of nearly \$100,000 to support efforts to enhance access to justice for all of Hawai'i's citizens. The Justice for All grant was distributed in December 2016 and will be used over the course of twelve months to develop an inventory of resources, assessment of needs, and strategic action planning. A Justice for All Committee was formed by the Commission to facilitate the process.

## APPENDIX 3: DESCRIPTION OF ACCESS TO JUSTICE INITIATIVES AND ACTIVITIES OF KEY GOVERNMENTAL PARTNERS AND LEGAL SERVICE PROVIDERS

An exhaustive description of the all the programs, initiatives, activities and partnerships of the numerous partners engaged in civil legal justice in Hawai‘i would fill volumes. This appendix describes in further detail the work being undertaken by partners within Hawai‘i’s access to justice community and provides supplemental information to the Inventory in the Final Report.

### KEY GOVERNMENTAL PARTNERS

#### Hawai‘i State Judiciary

The Hawai‘i State Judiciary is committed to Access to Justice and fully supports the Conference of Chief Justices and Conference of State Court Administrations Resolution 5 Reaffirming the Commitment to Meaningful Access to Justice for All.

#### *Pending/New Projects*

##### Plain Language Forms Project

The District Court Civil Rules and Forms Committee is exploring funding for technical assistance for identifying district court civil forms for potential plain language interpretation in anticipation of District Court civil case processing moving online in 2019.

##### Court Forms Language Translation

The Judiciary’s Office of Equality and Access to the Courts received funding from the Violence Against Women Act (VAWA) to translate Family Court Temporary Restraining Order packets for every Circuit in fiscal year 2018. Top languages will be selected for translation based on the most requested language for interpreter services by victims of domestic violence with limited English proficiency who are filing for temporary restraining orders. In this way, each Circuit can be as responsive to needs of the people whom they are serving, as the languages may differ depending on the respective demographic need.

#### *Existing/Current Programs*

##### Access to Justice Rooms and Self-Help Centers

The Judiciary provides physical space and limited administrative support to Access to Justice (ATJ) Rooms and Self-Help Centers (SHC)<sup>10</sup> at courthouses on O‘ahu, Maui, Kaua‘i, and Hawai‘i Island, where members of the public can consult with volunteer attorneys. ATJ Room volunteers provide limited legal advice, and SHC volunteers provide legal information. Topics

---

<sup>10</sup> For more information on the location, hours, and legal topics handled at the Judiciary’s Access to Justice Rooms and Self-Help Centers, visit:

<http://www.courts.state.hi.us/general-information/access-to-justice-rooms-self-help-centers>



covered include areas of civil law, such as landlord-tenant issues, collection cases, temporary restraining orders, family court matters such as divorce, custody and others.

Since the inception of the ATJ Rooms and Self-Help Centers, the numbers of people served have grown as follows:

	Honolulu O'ahu ATJ	Kapolei O'ahu ATJ	Second Circuit Wailuku SHC	Third Circuit Hilo SHC	Fifth Circuit Lihue SHC	Third Circuit Kona SHC	TOTAL
<b>2017 Total</b>	<b>1057</b>	<b>335</b>	<b>710</b>	<b>896</b>	<b>454</b>	<b>597</b>	<b>4049</b>
<b>Cumulative Total Since Inception</b>	<b>4609</b>	<b>1455</b>	<b>3659</b>	<b>4731</b>	<b>2610</b>	<b>2175</b>	<b>19239</b>

#### Center for Alternative Dispute Resolution

The Judiciary's Center for Alternative Dispute Resolution (CADR) also spearheads numerous court based efforts to encourage alternative dispute resolution (ADR), including educational outreach and training, facilitation, and ADR program development.

**Training:** CADR trains judiciary, county and state employees on ADR skills. CADR's courses include mediation skills, facilitation and meeting management.

**Forums:** CADR hosts forums on ADR trends and hot topics of interest to mediators, attorneys, judges and other ADR practitioners, for example: (1) mediation tips for complex cases, (2) the impact of new case law vacating arbitration awards, (3) mediating civil rights cases, (4) family law arbitration, and (5) Ho'oponopono. OLELO, Hawai'i's public television station, broadcasted the Ho'oponopono seminar statewide in October 2017.

**Facilitation:** During the 2017 Legislative Session, CADR facilitated several community conversations at the Legislature on public policy issues relating to end-of-life and violent crime. In October and November 2017, CADR facilitated strategic planning sessions for the Campaign Spending Commission.

**Speaking:** CADR also speaks to different groups about ADR. CADR recently spoke to students at The Matsunaga Institute for Peace at UH-Mānoa about the Appellate Mediation Program, online dispute resolution processes, the role of CADR, and collaborative problem-solving in the justice system.

**Building ADR Partnerships:** CADR partners with the ADR community to promote conflict resolution practices. Partners include The Mediation Center of the Pacific, ACR-Hawai'i, the HSBA ADR Section, and the Native Hawaiian Bar Association. Recently, CADR co-presented with The Mediation Center of the Pacific on MCP's homeless prevention program called Early Access Mediation (EAM). EAM offers early, convenient and free mediation of residential landlord/tenant issues.

**Committees:** CADR works on various committees that advance ADR practices, including the OHA Ho'oponopono taskforce and the Judiciary's committees on Online Dispute Resolution, Workplace Disputes, Implicit Bias, and Equality and Access to the Courts.

Appellate Mediation Program: CADR administers the Appellate Mediation Program. Select civil appellate cases are mediated by volunteer mediators, normally retired judges and retired or semi-retired attorneys.

Purchase of Services Contract: CADR administers the Judiciary's contract with the Mediation Centers of Hawai'i to provide mediation services, training and outreach. Under the contract, mediation is available through court referrals. The judges in all Circuit, District and Family Courts, as well as the volunteers at the Judiciary Self-Help Centers, refer hundreds of cases to the community mediation centers every year. Referrals include auto accidents, business, civil rights, condominium, consumer-merchant, domestic, education, family, foreclosure, homeowner association, employer-employee, landlord-tenant, real estate, and TRO matters.

Mediation is even available at the courthouses for small claims and residential summary possession cases. The Judiciary and the Mediation Centers of Hawai'i (MCH) provide on-site mediation services at court for all small claims and residential landlord-tenant cases statewide. Mediations are held at the District Courts or, in some instances, at the mediation centers, at no cost to the parties for the mediator's services.

#### Hawai'i State Judiciary Website and Mobile App

The Judiciary's Communications and Community Relations Office manages the Judiciary's website, a gateway to many court services. The website contains access to Circuit and Family Court case records and District Court traffic case records, appellate opinions, self-help legal information, Hawai'i Rules of Court, news releases, and information about judges. The website also maintains links to self-help resources in the community that include interactive civil court forms, an online email advice service, a legal services screening tool, and more. The Judiciary website address is [www.courts.state.hi.us](http://www.courts.state.hi.us).

The mobile application for the Judiciary website was launched on January 25, 2017, with current total downloads as of September 2017 including 4,344 for Apple and 1,226 for Google Play.

#### Ho'okele

The Ho'okele Program was implemented to streamline services and provide up-front personalized assistance and education through Court Concierge Desks and Customer Service Centers. The Customer Service Center provides opportunities for self-learning, self-help, and individualized assistance. Court users can obtain informational brochures, forms, and self-help packets; browse through reference material; or view videos on court procedures. In addition to providing directional information, the Concierge staff performs "triage" by determining the type of assistance that is required and directing the user to the proper court or, if appropriate, to an outside agency.

#### Language Access and Office of Equality and Access to the Courts

Judiciary policy is to provide all persons identified as having Limited English Proficiency (LEP) with an interpreter<sup>11</sup> in person or via telephone as may be appropriate for court

---

<sup>11</sup> For information on court interpreting, visit [http://www.courts.state.hi.us/services/court\\_interpretin/court\\_interpreting.html](http://www.courts.state.hi.us/services/court_interpretin/court_interpreting.html)



proceedings without cost to the LEP party, witness or person with substantial interest in any case, and to provide language services<sup>12</sup> at points of public contact with the Judiciary, including over-the-counter and over-the-telephone encounters. The Office of Equality and Access to the Courts (OEAC) recruits, trains and qualifies interpreters in 81 languages; most in demand are Chuukese, Ilokano, and Korean. In FY 2015, the Judiciary provided interpreter services free of charge to LEP individuals in **10,592 proceedings**, at a total cost of \$687,057. This represents a 40.44% increase in the number of interpreted proceedings in the past 5 years (FYs 2011-2015).

#### Disability Accommodations

The Judiciary provides accommodations<sup>13</sup> for persons with disabilities in accordance with state laws and the Americans with Disabilities Act (ADA) as amended. A disability coordinator is designated at each facility. The Judiciary's central coordinator addresses requests and complaints via website access, email and telephone. Statewide policies and procedures are in place to accommodate service dogs at the courthouses. The Judiciary continues its efforts to ensure website accessibility. In calendar year 2016, there were **747** requests for disability accommodations.

#### Hawai'i State Law Library System (HSLLS)

Law libraries in major courthouses statewide are open to the public for legal research, including "ask a librarian" services in-person and via email. HSLLS serves the Judiciary, legal community, and the public. In FY2016, 39% of library interactions were with the public. When adjusted for neighbor island library interactions, that number rises to 69%.<sup>14</sup> HSLLS's website provides access to legal resources and information, self-help resources, and more. In FY 2016, the HSLLS website<sup>15</sup> had more than 20,500 visitors.

The Supreme Court Law Library in Honolulu installed a Self-Help Station, where members of the public can conduct legal research, prepare court forms, and access other self-help online resources. Positive comments include: Staff here is friendly and very helpful; I really love the self-help option that helps people like myself complete forms; this new feature is such a blessing; and I am really grateful that this system allows you to actually write on documents and print them out.

The State Law Librarian has also worked with the Hawai'i State Public Library System (HSPLS) to provide training on interacting and supporting public library patrons seeking legal information, facilitating donations of legal materials to HSPLS branch libraries, and being available as a resource to answer legal information/support questions from librarian colleagues. HSPLS has invited the State Law Librarian to conduct further trainings for HSPLS staff.

---

<sup>12</sup> For more information on language assistance in the courts, visit [http://www.courts.state.hi.us/services/language\\_assistance\\_services.html](http://www.courts.state.hi.us/services/language_assistance_services.html)

<sup>13</sup> For more information on the Judiciary's accommodations policy, visit [http://www.courts.state.hi.us/services/ada/ada\\_accommodations.html](http://www.courts.state.hi.us/services/ada/ada_accommodations.html)

<sup>14</sup> Unable to collect data from Maui.

<sup>15</sup> <https://hilawlibrary.wordpress.com/>

### Family Court Self-Help Packets

The Hawai'i Family Court developed educational, self-help packets with forms and instructions<sup>16</sup> for the following types of cases: Uncontested divorce with children; Uncontested divorce without children; Guardianship for an incapacitated person; Guardianship of a minor; Change of custody and/ or visitation in paternity actions; and Motions for pre- or post-decree relief in divorce cases.

### Divorce Law in Hawai'i

The Divorce Law in Hawai'i informational program assists the public in understanding the state's divorce laws to assist separating families through the difficult period of marital action cases including divorce, annulment, separation, and separate maintenance. The free sessions include an overview of custody, visitation, child support, property division, alimony and other issues related to divorce, including mediation. Attendees learn where to get more information on divorce law, how the legal process works, how to file for divorce and where to get the required forms.

### Hale Hilina'i

Housed in what was the former Detention Home, Hale Hilina'i is a step towards the creation of a juvenile justice system that relies less on secured detention and more on alternatives that empower youth to make positive changes in their lives. Youth on probation can check into Hale Hilina'i for alternatives and services provided by community organizations including Community Assistance Center, CARE Hawaii, Hale Kipa, Alu Like, Surfrider Spirit Sessions, the Service Learning Partnership (comprised of Kapi'olani Community College, Honolulu, Community College, Chaminade College, Hawai'i Pacific University and University of Hawai'i at Mānoa), Hawaii's Families and Allies, and the UH Mānoa School of Agriculture.

### Hale Ho'omalū Juvenile Detention Facility

Hale Ho'omalū Juvenile Detention Facility (HHJDF) offers a variety of services while youth are detained, such as mental health counseling, medical care, school, computer class, and writing for the DH Planet newsletter.

### Youth in Court Facilitation Program

Created in collaboration with the Department of Human Services, a former foster youth serves as a youth-in-court facilitator to current foster youth to ensure that youth understand how they can participate in their hearing and what may happen during a hearing, learn about resources available to them, and discuss the importance and value of their attendance and participation in the hearing. This facilitator works with foster youth before, during, and after court hearings. Youth are encouraged to "speak up" to the Judge about any questions or concern they have being in foster care.

---

<sup>16</sup> These forms and instructions can be found on the Family Court forms' website at [http://www.courts.state.hi.us/self-help/courts/forms/oahu/family\\_court\\_forms](http://www.courts.state.hi.us/self-help/courts/forms/oahu/family_court_forms)



### Teen Day

Twice a year, events are held for foster youth who will be exiting the foster care system within two years to discuss future options such as continuing education, employment, housing, and more.

### WRAP Hawai'i

The Judiciary partners with the Department of Health, Department of Human Services, and Department of Education to provide case management that integrates all mental health, child welfare, juvenile justice, educational, social and supportive services and funding into a single system of care. It is an approach to implementing individualized, comprehensive services for youth with complicated multi-dimensional problems that centers on the family and is built on the child and family's unique strengths.

### Judicial Education Office (JEO)

The Judiciary created the Judicial Education Office (JEO) in 1994 to meet the training needs of Hawai'i state judges (including per diem judges) and judicial branch employees. Training sessions and staff development programs coordinated are based on the philosophy of providing employees with opportunities to maintain the knowledge, skills, and education necessary to ensure the highest standards of professional conduct and performance. The JEO is responsible for organizing and providing training/staff development programs for eighty-one (81) judges and approximately nineteen hundred (1,900) Judiciary employees. In April 2017, JEO's training to the judges included ensuring that self-represented litigants are fairly heard. JEO also offers video recordings available to Judiciary staff on customer service and assisting the public with legal information versus legal advice.

## Hawai'i Access to Justice Commission

### About the Commission

On April 24, 2008, the Hawai'i Supreme Court formally adopted Rule 21 of the *Rules of the Supreme Court of the State of Hawai'i*, which established the Access to Justice Commission.<sup>17</sup> The Commission consists of 22 members who are independently appointed by different entities (the Hawai'i State Judiciary; Governor of Hawai'i; President of the Hawai'i Senate; Speaker of the House of Representatives; Attorney General of Hawai'i; Hawai'i Consortium of Legal Services Providers, Hawai'i State Bar Association ("HSBA"); Hawai'i Justice Foundation; University of Hawai'i William S. Richardson School of Law; and the Hawai'i Paralegal Association). Provisions are made for representation from all island judicial circuits through judicial and bar representatives.

Membership on the board is invited and voluntary, but over the Commission's existence, all appointments have been made by the designated appointing authorities. The work of the Commission is accomplished through committees and task forces composed of volunteers. There is no paid staff of the Commission. The Commission does not distribute funds. The Commission does not provide legal services. The unique position of the Commission is that it provides a forum and a platform for entities with diverse interests and constituencies to find shared opportunities to advance the goal of achieving equal justice. The Chairperson of the Commission is the Chief Justice of the Hawai'i Supreme Court or an active or retired Associate Justice appointed by the Chief Justice. Associate Justice Simeon Acoba (ret.) is the current Chairperson.

"What is unique about the Commission from other prior attempts in Hawai'i to advance civil legal assistance to those who are underserved is that it formally institutionalized an ideal—that justice must be extended to everyone notwithstanding economic, social, cultural, language, and other barriers to equal access to our justice system," said Justice Acoba. "The impact of the Commission has been to bring access to justice issues to the forefront." He pointed out that "access to justice is now an integral part of judicial and bar initiatives and the commission serves as a focal point for such efforts."

The Commission's work is accomplished through the following committees each of which is chaired by a Commissioner: Administration; Annual Report; Education, Communications, and Conference Planning; Funding of Civil Legal Services; Increasing Pro Bono Legal Services; Initiatives to Enhance Civil Justice; Overcoming Barriers to Access to Justice; Right to Counsel in Certain Civil Proceedings; and Self-Representation and Unbundling. These committees total approximately 60 to 70 members and are comprised of members from all of the circuits. Initiatives and programs of the Commission also apply statewide as part of its outreach.

Task forces are entities of the Commission and recommendations from task forces are considered and acted on by the Commission. Where recommendations concern rules or changes in the court system, these recommendations are transmitted to the Supreme Court for review and consideration.

---

<sup>17</sup> Rule 21 is contained in Appendix 1.



Generally, the Commission initiates projects, adopts policies, suggests court changes, provides support for legal service providers, serves as a forum for different perspectives on access to justice issues, and maintains a statewide focus on efforts to improve access to justice. The Commission's strategic objectives are listed in Rule 21 and the Commission has responded to long-term needs and to immediate crises such as the lack of overall funding for general access work in the early part of its existence and the burdens caused by the last recession. These crises dictated priorities for the Commission. The Commission addressed these issues for example, by increasing efforts to obtain *pro bono* commitments and adoption of *pro bono* policies, paving the way for judicial confirmation of *cy pres* distributions to legal service providers, initiating the efforts to increase funding for legal service providers under the indigent legal assistance fund (ILAF) statute, and proposing and developing new mortgage foreclosure procedures to alleviate hardships of individuals and families.

Programmatic efforts are primarily initiated by legal service providers who represent their constituencies and by the bar with respect to each entity's scope of responsibility as set forth under governing charters, rules, or statutes. The Commission does not interfere with the providers' independent funding sources and campaigns. Legal service providers also select two community members to the Commission in consultation with the Chief Justice. As noted above, the Commission is not a legal service provider and does not fundraise but supports funding of legal service providers and endeavors to support access to justice efforts as a whole.

The Commission submits a report of its activities each year to the Hawai'i Supreme Court and to the Hawai'i Bar Association.<sup>18</sup> The Commission implements the objectives set forth in Supreme Court Rule 21 in several ways. Examples follow.<sup>19</sup>

#### By Committees

The Commission's Committee on Education, Communications and Conference Planning has coordinated the annual Access to Justice Conferences from 2009 through 2016. Generally a keynote speaker is arranged, and morning and afternoon concurrent workshops are held. The conferences average about 260 attendees, and receive high marks from the participants. Keynote speakers have included Chief Justice John Broderick of the New Hampshire Supreme Court, Martha L. Minow, Dean of Harvard Law School and Vice-Chair of the Legal Services Corporation, Johnathan Lippman, the Chief Judge (ret.) of the New York Court of Appeals, James Sandman, President of the Legal Services Corporation, Kellye Testy, Dean of the University of Washington Law School. Continuing legal education credits are made available to lawyer-attendees. The conference provides opportunities for *pro bono* recruitment for the Commission and legal service providers, training in specific legal areas, communicating with the general community, obtaining input for Commission proposals, and establishing relationships on a statewide and national level, among other functions.

#### By Task Force

The Commission's Pro Bono Initiatives Task Force is charged with two principle objectives: (1) help obtain commitments from law firms and lawyers each year to staff the

---

<sup>18</sup> Summary highlights of the Commission's work is contained in Appendix 2.

<sup>19</sup> For further information about the Commission, see <http://www.hawaiijustice.org/hawaii-access-to-justice-commission>.

Access to Justice Room (self-help center) for O‘ahu at the Honolulu District Court where volunteer attorneys provide free legal information and advice; and (2) coordinate an annual *pro bono* celebration in October at the Supreme Court in conjunction with the national *pro bono* celebration. The celebration recognizes lawyers selected by the legal services providers as individuals who have performed outstanding *pro bono* work and volunteers at the Access to Justice Rooms for O‘ahu at the Honolulu district court and also at the family court on O‘ahu. Awards and certificates are presented by the Governor’s Office, the Legislature, and the Chief Justice and Commission.

A statewide high school student essay contest is held as part of the celebration. In 2014, there were 280 entries statewide, and the six student awardees each received a \$500 award donated by law firms. All judicial circuits in the islands are represented in the student awards.

#### By Support of Independent Initiatives

The Commission supports other initiatives by other groups, for example:

- Senior Bar members paid their own way and set up a clinic on Moloka‘i to provide free legal advice;
- Volunteer Legal Services Hawai‘i and the East Hawai‘i County Bar Association set up a clinic in Ka‘u on the Big Island to offer free legal advice; and
- Aside from the ILAF amendment, the Commission has submitted testimony to the legislature primarily in the area of funding, *i.e.*, \$750,000 to the Judiciary for access to justice programs, and has vigilantly monitored legislation through the work of the Funding committee and its chair. The Commission has submitted written support on federal funding of legal aid programs.

#### By Support of Judiciary-Related Programs

The Commission supports Self-Help Centers, which are a partnership among the bar association, the Legal Aid Society of Hawai‘i, and the Judiciary to provide legal information and legal advice on an ongoing regular basis at the courthouses in every circuit.

#### *Major Initiatives*

- Developed model *pro bono* policies for private firms, government lawyers, and judges;
- Promoted the adoption of *pro bono* policies in meetings with government offices and private law firms;
- Obtained commitments from law firms and government offices to do *pro bono* work, many of whom volunteer today at the Access to Justice Room for O‘ahu at the Honolulu district court;
- Visited with offices on Maui and Hawai‘i Island to obtain *pro bono* commitments;
- Initiated a foreclosure mediation program following the 2008 recession that was adopted by the Supreme Court and implemented from 2009 to 2016 in the Third Circuit under the leadership of Judge Ronald Ibarra the administrative judge for Hawai‘i Island that proved successful and beneficial for all parties;
- Established a roundtable of entities from the University, the Judiciary, and the bar to address cultural and language barriers in the legal system;
- Established and maintains a webpage for the Commission;



- Proposed an amendment to the rules of court that allowed residual funds in class action suits to be distributed to legal service providers, resulting in substantial amounts to be distributed;
- Created a *cy pres* kit that instructs lawyers on the distribution of unclaimed class action proceeds to non-profit organizations;
- Initiated substantial and multiple changes in court rules to promote *pro bono* activities, access to the legal system, and legal services such as exempting lawyers from conflict of interest rules in *pro bono* activities, recognizing a \$500 contribution for attorneys not able to perform *pro bono* activities, permitting military attorneys limited admission to practice law and waiving character reports for them, and granting attorneys employed by non-profit entities limited admission to practice for two years;
- Administered with the Hawai‘i Justice Foundation a grant of \$20,000 from the ABA to hold training programs for attorneys on language access of clients and for judges on implicit bias in the courts and developed materials for national distribution;
- Initiated support and efforts that resulted in the amendment of the indigent legal assistance fund statute to enable a four-fold increase from approximately \$300,000 that had been in place for approximately 10 years previously to approximately \$1.3 million in annual proceeds that are distributed to legal service providers to help defray their expenses;
- Initiated in collaboration with the Hawai‘i State Bar Association (HSBA), an appellate *pro bono* program, in which attorneys represent clients on a *pro bono* basis in the appellate courts in designated types of civil cases;
- Initiated with HSBA and the Judiciary, the program of “Access to Justice” rooms that now exist in every circuit to provide legal advice and/or legal information to the public at the courthouses; and
- Helped to initiate an ABA affiliated program for on-line advice by *pro bono* services administered by Volunteer Legal Services Hawai‘i.

#### Current Initiatives

- Adopted an unbundling protocol for court proceedings in which an attorney would perform services for part of the case of an otherwise unrepresented litigant;
- Submitted and implemented with the Hawai‘i Justice Foundation and the Judiciary the current Welfare Foundation grant for ensuring a system of 100% “Access to Justice for All” administered by the National Center for State Courts; and
- Proposed a pilot court navigator and paralegal advocates program in the court system for Maui and O‘ahu, currently pending before the Supreme Court.

#### National Access to Justice Index

The collaborative efforts of the different access to justice partners with the leadership of Chief Justice Recktenwald resulted in Hawai‘i ranking third in the nation on meeting access to justice objectives.

## State and City Agencies

### Hawai'i State Public Library System

The Hawai'i State Public Library System (HSPLS) includes fifty branch libraries on the islands of O'ahu, Maui, Kauai, Moloka'i, Lāna'i, and Hawai'i Island. HSPLS's mission is to nurture a lifelong love of reading and learning through staff, collections, programs, services, and physical and virtual spaces. HSPLS offers users digital learning and research opportunities available from their website which can be accessed by patron library cards.

In fiscal year 2016, HSPLS:

- Had 997,885 registered library cards;
- Circulated 6,343,038 items (books, CDs, DVDs, eBooks, audiobooks, eMagazines);
- Offered 99,597 public service hours;
- Answered 1.5 million questions;
- Conducted 10,772 programs, reaching an audience of 286,319 patrons;
- Recorded the reading of 18,712,986 minutes by 15,775 participants during the six-week Summer Reading Program;
- Registered 845,485 uses by patrons at 762 public access computers; and
- Registered 555,812 uses by patrons of HSPLS's free Wi-fi system available in all fifty branches.

### State Department of Human Services

The mission of the Hawai'i Department of Human Services (DHS) is to encourage self-sufficiency and to support the well-being of individuals, families, and communities in Hawaii. The DHS is composed of four divisions and four attached agencies and commissions:

- Benefit, Employment and Support Services Division provides financial assistance programs including Temporary Assistance to Needy Families (TANF), Temporary Assistance to Other Needy Families (TAONF), and General Assistance (GA). It also provides food through its Supplemental Nutritional Assistance Program (SNAP) and Child Care Subsidies including the A+ after school program;
- Social Services Division provides protective and support services for abused and neglected children and vulnerable adults. In addition, it provides support and educational payments for young adults who have aged-out of the foster care system;
- Med-Quest Division provides medical insurance coverage (Medicaid) and premium assistance payments for qualified lawfully present non-citizens not otherwise eligible for existing Med-Quest Division medical insurance;
- Vocational Rehabilitation Division provides job training for work eligible disabled adults;
- Office of Youth Services provides a continuum of services for at-risk youth that include community programs, residential care services, and oversight of the Hawai'i Youth Correctional Facility;
- Hawai'i Public Housing Authority provides safe, affordable housing for Hawaii's low-income residents;
- Commission on the Status of Women advocates for equality for women and girls; and



- Commission of Fatherhood promotes healthy family relationships between parents and children.

Pursuant to its broad and inclusive mission, 1 out of 4 Hawai'i residents benefit from one or more of DHS' programs, services and activities, and 50% of Hawaii's children receive medical insurance coverage through the Med-QUEST Division's programs.

With a mixture of Federal and State funding, the DHS provides nearly \$14 million to support civil legal services, domestic violence shelters, domestic violence support services, and homeless services including housing. DHS' funding for civil legal services in FY2016 included \$540,000 to the Legal Aid Society of Hawai'i to support services to reduce barriers to self-sufficiency for domestic abuse survivors, legal services for immigrant domestic violence victims, legal services provided at Neighbor Island domestic violence shelters, and legal services to support children and families. An additional \$500,000 is allocated to CYRCA to support legal services representation before the Social Security Administration on behalf of Hawai'i residents receiving public assistance.

In FY2016, the DHS also provided \$2.9 million for domestic violence shelters statewide, \$3.3 million in additional funding for domestic violence support services, and \$6.6 million to support housing and homeless services including: emergency resource services for public assistance beneficiaries, housing placement, rental assistance, housing first initiatives, homeownership programs, homeless shelter stipends, and employment and job enhancement services for this vulnerable population.

The Department of Human Services strongly believes in and supports Access to Justice. It is committed to its collaboration with the Judiciary and the Access to Justice Commission in furtherance of our common goals.

## State Department of Health

The mission of the Hawai'i Department of Health is to protect and improve the health and environment for all people in Hawai'i. In addition to regulatory and direct service programs, the department emphasizes the "social determinants of health," which are the complex, integrated, and overlapping social structures and economic systems that contribute to health inequities. These social structures and economic systems include the social environment, physical environment, health services, and structural and societal factors.

The Department recognizes the intersection of the social determinants of health with the civil justice system as an opportunity to promote health, well-being, and the strength and integrity of families and communities.

### Adult Mental Health

The Department supports the use of innovative strategies to reduce involvement of individuals with mental illness in the criminal justice system which includes forensic services in collaboration with the courts, corrections system, and law enforcement agencies to reduce consumer's justice involvement. This includes the provision of inpatient psychiatric services for court-ordered individuals within a safe and therapeutic environment.

### Child and Adolescent Mental Health

The Department provides screening, assessment, evaluative, diagnostic, treatment, and consultative services to youth with mental health challenges in the state juvenile justice system. In 2013, the Department submitted recommendations as part of a working group on Juvenile Justice Reform with the key finding that significant deficiencies in treatment resources across the state may eventually impact a youth's risk to reoffend.

### Substance Abuse

The Department is the primary and often sole source of public funds for substance abuse treatment. ADAD's treatment efforts are designed to promote a statewide culturally appropriate, comprehensive system of services to meet the treatment and recovery needs of individuals and families. Treatment services have, as a requirement, priority admission for pregnant women and injection drug users. DOH is the lead agency for a task force that includes law enforcement to prevent the misuse and abuse of opioids.

### Family Health

DOH works with agencies and organizations throughout the State to prevent sexual violence and related forms of violence through coordination of sexual violence prevention agencies, public awareness and community education, and supporting the development of initiatives for the prevention of violence against women.

### Injury Prevention and Epidemiological Data

The Department compiles data and reports related to injury and violence prevention programs, such as homicides and assaults, gun violence, maternal and child deaths; and which play an important role in informing and evaluating policy.

The Hawai'i Department of Health is committed to partnering with the Access to Justice Commission through direct participation, sharing of data, coordination of messaging, or linking referrals and services. It looks forward to exploring meaningful ways to increase access to justice through collaboration and through the lens of the social determinants of health.

### University of Hawai'i William S. Richardson School of Law

The William S. Richardson School of Law at the University of Hawaii-Manoa provides extensive service to Hawaii's underserved populations. The Law School provides valuable services through its Family Law, Immigration, Mediation, Native Hawaiian Rights, and Small Business clinics; as its students do substantial *pro bono* work in school-based clinics and work in externships that are placed in courthouses, large and small law firms, and with legal service providers throughout the community; and through significant volunteer work done by faculty and staff members. Direct service providers are also embedded at the School of Law's Elder Law Program, Medical-Legal Partnership for Children, and the Hawai'i Innocence Project as described below.

### University of Hawai'i Elder Law Program

The University of Hawai'i Elder Law Program (UHELP) is an integral program of the William S. Richardson School of Law. UHELP's goal is to enhance, protect and preserve the autonomy and independence of older persons through education, training, and direct legal



services. UHELP provides basic legal assistance, advice, information and referral. Residents may qualify for services if they are a resident of Oahu, are 60 years or older, and are socially or economically needy or are a caregiver of an older person on Oahu and need legal assistance on behalf of the older person.

#### Medical-Legal Partnership for Children

The Medical-Legal Partnership for Children in Hawai'i (MLPC) is a collaboration between the William S. Richardson School of Law (University of Hawai'i at Mānoa) and Kōkua Kalihi Valley Comprehensive Family Services (KKV), a community health center. MLPC addresses and improves the social determinants of health that have a substantial impact on child and family well-being by engaging in "preventive legal care" alongside "preventive health care." MLPC provides direct legal services to over 120 new families each year at the KKV community health center, often meeting with families in the exam rooms, while children wait for their vaccinations and booster shots. MLPC reaches hundreds of additional people through its "Know Your Rights" education and "MLP Advocacy Academy" that promote community self-advocacy through hands-on sharing of legal knowledge.

MLPC Hawai'i engages in systemic advocacy alongside the communities it serves, focusing on advocacy and policy solutions that emerge from the "ground" up. MLPC also hosts numerous professional trainings each year including for health professionals, clinical staff, hospital grand rounds, and medical residents, and provides interdisciplinary engagement opportunities for students of law, medicine, public health, and other graduate disciplines.

#### The Hawai'i Innocence Project

The Hawai'i Innocence Project, part of the William S. Richardson School of Law at the University of Hawai'i, is one of many such non-profits throughout the country that have helped free hundreds of unjustly accused prisoners, often through the use of sophisticated DNA evidence. Working under close supervision by faculty members, law students comb through transcripts and help decide which cases to take and then to work on to exonerate Hawai'i prisoners who can prove to have been innocent.

#### WorkHawaii, Department of Community Services, City and County of Honolulu

WorkHawaii is a division of the City and County of Honolulu's Department of Community Services. WorkHawaii's mission is to develop a quality workforce for Honolulu's businesses and to empower adults and youth to develop the necessary work skills that align with the current and future needs of employers, with a focus on assisting individuals with barriers to employment.

WorkHawaii creates opportunities to improve the quality of life for the people of Oahu through a broad variety of programs and services including: a family self-sufficiency and homeownership program, the rent-to-work program which provides rental assistance, counseling and job search assistance for homeless persons willing to enter into employment, job training

and support programs for disabled persons or persons receiving public benefits, and programs that assist youth in obtaining high school diplomas and pursuing secondary degrees.

In fiscal year 2016, WorkHawaii helped 19,553 job seekers through workforce information and assisted another 6,093 individuals in obtaining employment; helped 188 YouthBuild and Youth Program participants obtain high school diplomas, 71 pursued post-secondary education and advanced training, and 122 obtained employment; provided rental subsidies to 80 families experiencing homelessness, all of whom were working and had completed financial literacy training; served 97 families, graduating five who received over \$48,000 in escrow savings through our programs, while the additional families successfully maintained employment, completed financial literacy and life skills training, and accumulated escrow account savings.

WorkHawaii does not provide direct legal services or fund direct legal services through any of its programs, however, its experience shows that many of its clients require these services as they seek to increase family self-sufficiency, homeownership, or acquisition of job training and/or employment while maintaining public benefits. WorkHawaii is committed to partnering with the Access to Justice Commission, access to justice organizations, distributing information related to access to justice services, and linking its clients to appropriate justice related services through referral.

---

#### LEGAL SERVICE PROVIDERS

##### American Civil Liberties Union of Hawaii

The American Civil Liberties Union of Hawai'i (ACLU Hawai'i) is a private, non-profit, non-partisan organization whose mission is to uphold and defend the civil liberties granted in the Bill of Rights of the United States Constitution and the Hawai'i State Constitution. To maintain complete independence from the government, ACLU Hawai'i does not seek or accept government funding.

ACLU Hawai'i is not a traditional legal service provider in that it focuses on impact litigation civil rights cases, and thus, takes very few, carefully selected cases. When it does represent a client in litigation, ACLU will often attempt to partner with local law firms. ACLU Hawai'i also provides some legal guidance—short of representation or litigation—on most civil rights-related intakes and has prepared know your rights guides on various topics, including the First Amendment, reporting police misconduct, homelessness, and voting rights.

Finally, ACLU Hawai'i conducts numerous public education and outreach activities such as know your rights workshops that emphasize empowerment and positive results, educating people about what they can do in specific situations (e.g., when stopped by the police).

##### Domestic Violence Action Center

Domestic Violence Actions Center (DVAC) is a private, non-profit organization committed to ending domestic violence and other forms of abuse through leadership, prevention, legal services, individual and systemic advocacy and social change work. DVAC is the only agency in the State that accepts large numbers of high-risk divorce, temporary restraining order,



post-decree and paternity cases. DVAC is also the only agency in the community with a full complement of services to assist as a victim navigates the system and moves her/his life to freedom and self-sufficiency. Training and education, technical assistance and community building, direct services and public service are among the commitments the agency makes to the people of Hawai'i.

### Hawai'i Appleseed Center for Law and Economic Justice

Hawai'i Appleseed Center for Law and Economic Justice (Appleseed) is a nonprofit 501(c)(3) law firm created to advocate on behalf of low-income individuals and families in Hawai'i on civil legal issues of statewide importance and to complement the assistance provided by existing legal service providers in the state.

Appleseed provides systemic advocacy services primarily through class action litigation and legislative and administrative advocacy. Appleseed has litigated class action cases involving the conditions of public housing, rights to reasonable accommodations, rights to receive timely decisions on applications for public benefits, rights of children to attend their same home school if they become homeless, healthcare for Micronesians, and others.

Appleseed also maintains contact with social services providers to better understand their clients' challenges in seeking services and opportunities for self-sufficiency. Appleseed periodically provides information and education on the rights they may assert to help their clients. Appleseed also advocates for economic self-sufficiency by seeking to expand affordable housing opportunities for low-income residents, preserving existing state housing, and advocating for equitable tax policies that help low wage earners.

### Hawai'i Disability Rights Center

The Hawai'i Disability Rights Center (HDRC) is the designated Protection and Advocacy System for Hawaii's estimated 180,000 residents with disabilities. Protection and Advocacy Systems are authorized by Congress in each state and territory of the United States to defend and enforce the human, civil, and legal rights of people with disabilities and to protect them from discrimination.

HDRC advocates for as many people with disabilities in the state, on as wide a range of disability right issues, as its resources allow. HDRC's services range from resolving client's problems with the lowest feasible level of intervention to providing full legal representation for its clients, including class action litigation, if necessary. Notable representation/litigation in which HDRC has been engaged include: (1) representation of individuals at hearings before Administrative Law judges to obtain Social Security Disability Benefits or to obtain services from Hawaii's Med-Quest Division; (2) representation of special education students for services until the age of twenty-two; (3) representation of individuals with mental illness who are homeless and who are suffering discrimination as they try to obtain appropriate housing and treatment; and (4) representation of individuals who desire to receive residential or employment services in community settings.

HDRC accomplishes its objectives by conducting research, providing education and training, and through individual and systemic casework. While HDRC's primary focus is on providing advocacy and legal services, HDRC also provides information and referral services to

individuals with disabilities. HDRC often links clients with social service agencies so that clients can obtain necessary services.

### Hawai'i Paralegal Association

Hawai'i Paralegal Association (HPA) is a non-profit Hawaii corporation that was formed in 1978 to meet the need for a professional association for paralegals. HPA continues to be the only such association in Hawaii. HPA is an active participant in the legal community and sponsors regular activities, individually and in conjunction with the Hawai'i State Bar Association and the Hawai'i Institute for Continuing Legal Education. While HPA does not offer direct to consumer legal services, the goals for HPA are to maintain high standards of performance in the paralegal profession, to encourage and provide continuing education for paralegals, to promote awareness and educate the community regarding the effective use of paralegals, and to foster communication, education and understanding among members of the legal profession and the community.

### Legal Aid Society of Hawai'i

Legal Aid Society of Hawai'i (Legal Aid) is Hawai'i's oldest and largest non-profit, public interest law firm with offices statewide that provide a range of legal services in the areas of family, housing, public benefits, immigration, consumer, senior, child welfare, and worker's rights. Legal Aid focuses on providing critical legal services for those in need, either by providing direct services, helping people help themselves, advocating on behalf of others, or educating the community about their rights.

Direct legal services are primarily provided to those with household incomes under 125% of the federal poverty guidelines. Some programs (i.e., housing discrimination, foreclosure for owner-occupants, domestic violence survivors, crime victims, seniors on neighbor islands) have higher income or no income limits which allows Legal Aid staff to assist those who are vulnerable despite their income levels.

Legal Aid's statewide legal hotline is available six hours a day, every weekday for those in need of services. Eligible callers receive immediate legal counsel and advice on their legal issue and are referred for additional services if appropriate. Legal Aid's Senior Hotline is a warm line where messages can be left and calls are returned each afternoon for Seniors over the age of sixty.

Legal Aid is engaged in numerous programs and projects involving vulnerable and underserved communities to address a wide range of civil legal needs. In the early 2000s, Legal Aid created a Homeless Outreach Project on O'ahu. This program works in conjunction with community health center homeless outreach projects, homeless shelters, and other outreach locations to provide legal assistance to homeless populations where they are. Primary legal work includes assisting with replacement identification, public assistance applications and advocacy, and other legal issues. Referrals are made to Volunteer Legal Services Hawai'i for Veteran's Benefits and driver's license reinstatements. Initially funded by HUD Continuum of Care funds, these funds will end in September 2017 due to changes in HUD priorities. State funding replaced federal funding for this program and assisted in some expansion of the program on a statewide level, including working with homeless outreach providers in every county.



In the healthcare arena, Legal Aid has for the last five years been involved in the Health Navigator project that has assisted the uninsured in accessing health insurance through the federal health connector. This program focuses primarily on the Micronesian community, but also conducts statewide outreach around the issue of accessing health insurance. Legal Aid has also been engaged in a medical legal collaboration with Waimanalo Health Center where the Center pays for legal services through a memorandum of understanding. This project utilizes the medical legal partnership model that places attorneys in adult health clinic settings. Attorneys work closely with medical staff, provide consultations and introductions to services to all referred patients, open cases where appropriate, and conduct in-service training and working with Waimanalo Health Center to identify and uncover systemic community issues. This collaboration will expand to include a pediatrics clinic in October 2017.

While the Domestic Violence Action Center is the primary provider of family law services to domestic violence survivors on Oahu, Legal Aid also provides wraparound civil legal services to survivors on all islands, including family, immigration, public assistance, consumer, housing, and incapacity planning. Some services are provided directly in conjunction with shelters on neighbor islands and through direct referrals from service providers who assist domestic violence survivors who receive the domestic violence exemption from TANF.

To address the civil legal needs of those who may not qualify for Legal Aid's income-based services, Legal Aid is involved in several efforts to address this gap group. Legal Aid has worked with the William S. Richardson School of Law, Volunteer Legal Services Hawaii, and retired Judge Leslie Hayashi in the creation of a solo practice incubator aimed at providing support for new attorneys interested in creating gap group legal services in critical areas of need. Legal Aid also has a small fee for service project at flat rates aimed to assist primarily with uncontested matters for individuals between 200-250% of the Federal Poverty Guidelines. Services are offered primarily in family and senior law areas, but some work is done in immigration as well. Finally, Legal Aid has a contract to work directly with the Teamsters to provide legal services to eligible members under a fee for service contract. The Teamsters pay up to a certain amount for legal services with the member paying at a reduced rate for any hours beyond the plan limits. Services are limited to civil legal service areas that Legal Aid provides services in.

In addition to direct legal services, Legal Aid has also been involved in developing a broad array of legal information materials and resources for the community. Legal Aid has developed over 220 brochures and self-help forms aimed at providing basic legal information to the community. Legal Aid has also created 47 interactive interviews or A2J Forms that assist users to create court forms. Legal Aid has also produced 10 legal information videos on some of the more common areas in which assistance is needed. These include Adoption, Landlord-Tenant, Court Resources, Eviction, and Adoption, Guardianship, and Power of Attorney videos that have been translated into Chuukese, Marshallese, and Ilocano.

Legal Aid has worked to develop a first-generation online portal aimed at directing those seeking legal assistance to appropriate resources in the community. This portal, launched in March 2017, is limited to include only members of the Legal Services Provider Consortium. Users must be able to identify the type of legal assistance they are in need of, and the portal is not available in languages other than English. As one of two states selected by the Legal Services Corporation and Microsoft, Hawai'i through Legal Aid and the Judiciary is working

with Microsoft to develop a next generation portal that will use inclusive design principles and artificial intelligence to create the base for a more sophisticated portal which can be the base for other states across the country.

### Mediation Center of the Pacific

The Mediation Center of the Pacific (MCP) is a not-for-profit 501(c)(3) corporation that provides Hawaii's people with peaceful approaches to working through conflict. One of the earliest established community mediation centers in the nation, the MCP is the only provider of low-cost dispute resolution services located on the island of Oahu, and is the largest provider of these services in the state. It offers mediation services to everyone and no-cost mediation services to low-income and underserved populations.

Over the past two years, MCP has increased outreach efforts to educate members of the community about the value of mediation and dispute resolution processes and how to access those services. In addition to making presentations and providing written materials, MCP works with other social service agencies and churches to reach out directly to individuals who would benefit from mediation and dispute resolution services. In some instances, rather than "talk about mediation," a mediation demonstration is conducted to help people "see" how the process works. MCP also conducts more presentations with outlying communities. For example, MCP staff now present the Divorce Law in Hawai'i Program with attorney William Darrah at Family Court in Kapolei as well as at the Supreme Court in Honolulu.

Efforts to partner with professionals and groups already serving people who would benefit from mediation and dispute resolution services have also helped to encourage greater awareness and participation in mediation. For example, over the past three years, MCP has developed relations with members of the healthcare community, such as Kaiser Permanente. Because Kaiser Permanente social workers already have relationships with families who would benefit from MCP services, when these social workers refer the family to MCP, the family members are more likely to use the services.

Another promising program to encourage more landlords and tenants to use mediation before going to court, MCP is currently working on an Early Access Landlord-Tenant Mediation Program (EAM). Through the program, mediation will be provided directly within the community where the tenant resides. This new model requires recruiting, training and mentoring mediators who live in Oahu's outlying communities, particularly West O'ahu. MCP is partnering with other non-profit organizations to use their offices within these communities to provide the mediation services at convenient locations within communities at no cost to the landlord and tenant.

### Native Hawaiian Legal Corporation

Native Hawaiian Legal Corporation is a non-profit 501(c)(3) public interest law firm that strengthens and enhances the lives of Native Hawaiians and Native Hawaiian communities through rigorous and dedicated protection and recovery of ancestral and trust lands, natural resources, and the preservation of customs and practices vital to the perpetuation of Hawaii's indigenous people. Initially founded and operated as a volunteer-run referral service that saw great demand for direct help, NHLC today is a law firm that provides low-cost legal help to approximately 700 clients annually.



## Volunteer Legal Services Hawai'i

Volunteer Legal Services Hawai'i (VLSH) is a non-profit legal services organization that provides legal assistance to the community through education, legal advice clinics, brief services, and referrals to pro bono attorneys for direct representation. VLSH partners with volunteer attorneys to provide services to those who qualify based on income and legal issue. VLSH focuses its work in the following areas: Divorce; Custody issues, including visitation and child support; Guardianship for minors; Adoption; Residential disputes between landlords and tenants; Consumer debt collections; Chapter 7 Bankruptcy; Basic estate planning; Adult guardianships; and Veterans benefits.

VLSH recognizes that individuals who have legal issues also have multiple social challenges such as concerns with shelter, work, food, and childcare that pose a barrier to being self-sufficient and deplete their capacity to problem solve. Over the past four years, VLSH has strengthened its relationships with social service providers to address these challenges. Some of these partnerships have been with homeless service providers like the Institute for Human Services, U.S. Vets, Catholic Charities Hawaii, Hope Services, Queen Liliuokalani Trust, and Epic Ohana. VLSH also works closely with Legal Aid Society of Hawai'i, and has partnered in target areas with the University of Hawai'i Elder Law Project, the Medical Legal Partnership, and the Mediation Center of the Pacific.

VLSH works closely with smaller target groups to address discrete legal issues. Driver's license reinstatement, guardianships, veterans' benefits are examples of these efforts. VLSH has also implemented services to reach broader low-income population groups and those who face geographic barriers through the use of technology and the "Hawai'i Online Pro Bono – ABA Free Legal Answers" project. VLSH has supported integrated services like the Microsoft Portal for a one-stop resources center for the public, and Legal Aid's interactive court forms. VLSH has also coordinated several Pop-Up Legal Clinics which provide advice and counsel sessions within underserved and rural communities to reach individuals who encounter challenges accessing VLSH's services in Honolulu. VLSH's core services—legal advice, pro se workshops, and referrals to pro bono attorneys—are made available to individuals on all islands in-person, via phone, or through pro bono attorneys providing direct services on each island.

## APPENDIX 4: STRATEGIC ACTION PLANNING MATERIALS

As discussed in greater detail in the Final Report, upon completion of the inventory and assessment processes, the JFA Committee engaged in strategic action planning over several meetings. During these meetings, numerous large poster-sized sheets were covered with pure substance—a visual representation of the inventory in sticky note form, a summary of takeaways from community meetings, a list of the JFA Project’s 16 components, the core principles determined by the JFA Committee, a brainstorm list of possible recommendations, a list of so-called initiatives to renew commitment, and others. Appendix 4 contains photographs of this collaborative, dynamic strategic action planning process among the JFA Committee members.





People-Centered Sustainable Redesign

Recommendation (12)  
Pilot program  
un-specific  
Pop. Subgroup

JUDICIARY  
WRAP Hawaii  
(Case Management)

JUDICIARY  
AT/COURT  
Unbundling Rules  
Parenting

JUDICIARY  
Translation of TRO  
Packets

JUDICIARY  
Hockey

JUDICIARY  
Language  
Access/DEAC

JUDICIARY  
Disability  
Accommodations

JUDICIARY  
Judicial Education

JUDICIARY  
Family Court Self-  
Help Packets

JUDICIARY  
Teen Court

JUDICIARY  
Hate Crime  
Juvenile Alternatives

JUDICIARY  
Plain Language for  
D.C. Forms

JUDICIARY  
Hate/Multicultural  
(Juvenile Detention)

JUDICIARY  
Youth in Court-  
Foster Youth

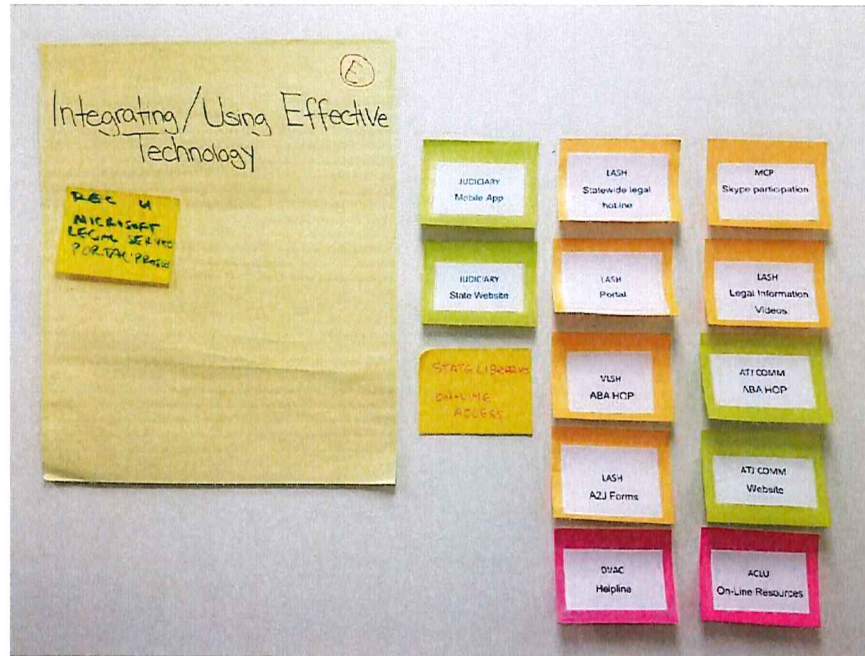
**Collaboration And Coordination of Services**

- OCS Immigrant Employment Service
- WSAS Pro Bone Requirement
- WORK HAWKS Right-to-Work
- WORK HAWKS I.S. Diploma/GED
- MPC Medical Legal Partnership with KKV
- NCP Kaiser Partnership
- LASH State Library Partnership
- VISH Community Partnerships
- JUDICARY Howell State Law-Library Partnership
- APRILSST Social service training
- LASH Affordable Lawyers
- LASH Incubator
- STATE LIBRARIES On-Line Access
- DHS Risk Homeless Coordinator
- DHS Chana Nii
- HEALTH PROVIDER OCCC Discharge Assistance
- DHS CPS/AFS
- HCRC Class actions
- DHS Legal Service Contacts
- DHS Medical Insurance
- DHS DYS
- DHS Public Assistance
- DHS DIV CONSUMER
- APRILSST Partners with social services
- NCJ Focus on impact cases

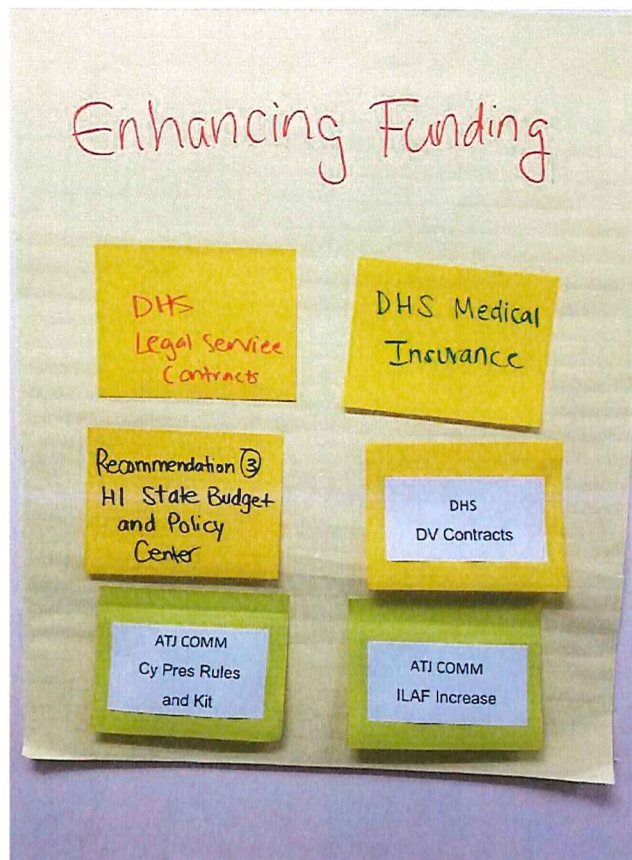
*(Handwritten notes on yellow paper include: "Part A INTERVENTION PARTIAL KE", "BUILDING LOCAL SYSTEM CAPACITY", and "Very Recommendation SETTING CONNECTION WITH REG INSTITUTION")*

[illegible]

## Integrating/Using Effective Technology:



## Enhancing Funding:



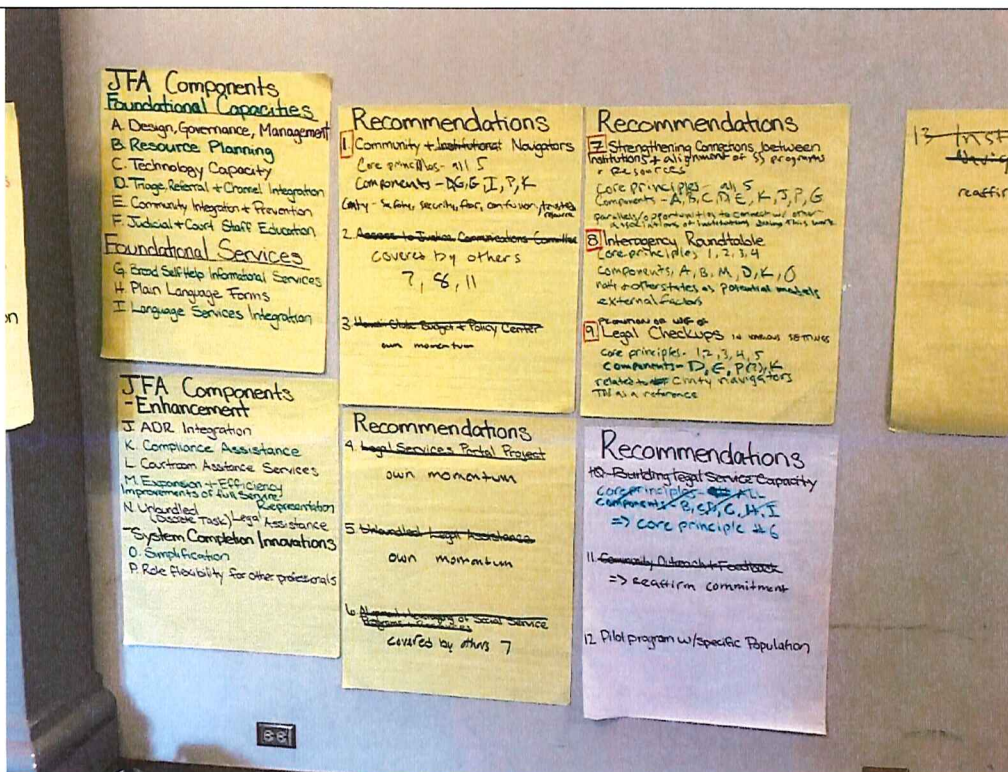


## Inventory:





## Recommendations:





APPENDIX 5: JFA COMMITTEE POWERPOINT SHARED ON  
OCTOBER 16, 2017 (REVISED)

# Justice for All

Second Statewide Meeting  
October 16, 2017



To bring together all relevant stakeholders in partnership

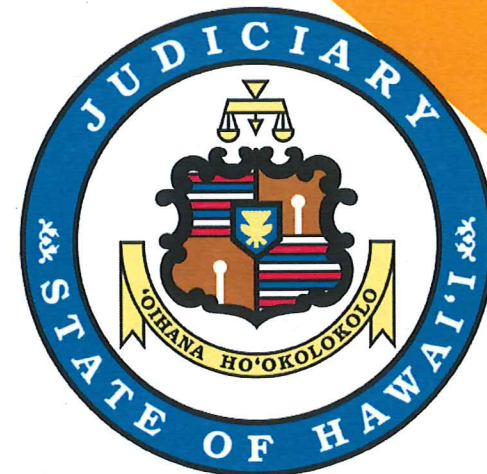
- better understand
- adopt
- move forward to implementation

**Meaningful Access to Justice for All**



**Public Welfare**  
Foundation

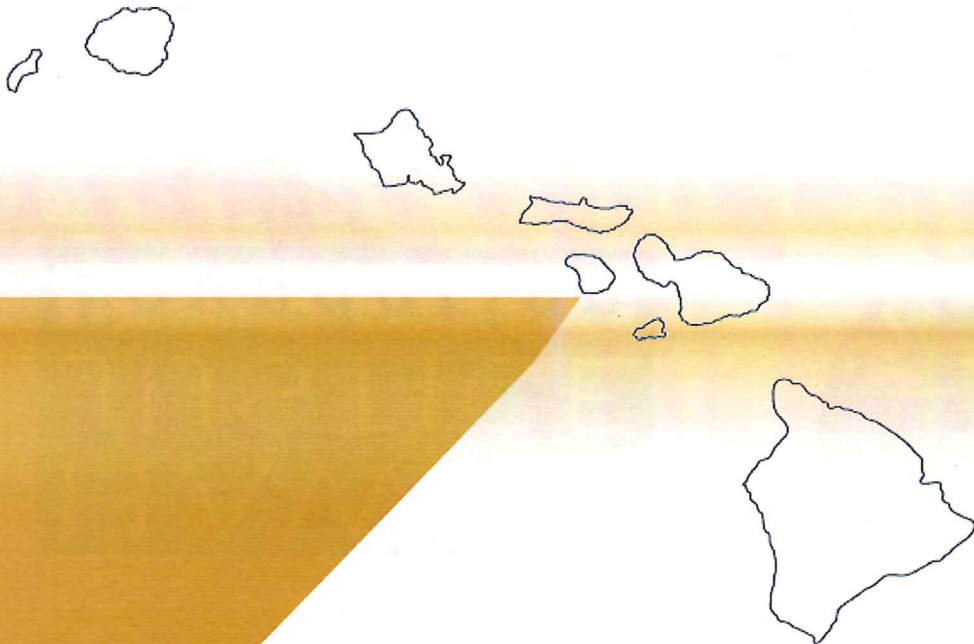






# April 2017: Statewide Meeting

- Re-commit
- Engage new partners
- Social services challenges may have civil legal solutions



- What are the barriers?
- How can we ask?
- Are you willing?
- If so, where?

# Community Meetings

## Islander:

- 14 Community Listening Sessions
- All islands
- Vulnerable populations and service providers
- 185 Attendees

## JFA:

- 5 Meetings
- Unions , Healthcare, State & County Government, Immigration Attorneys
- 64<sup>9</sup> Attendees



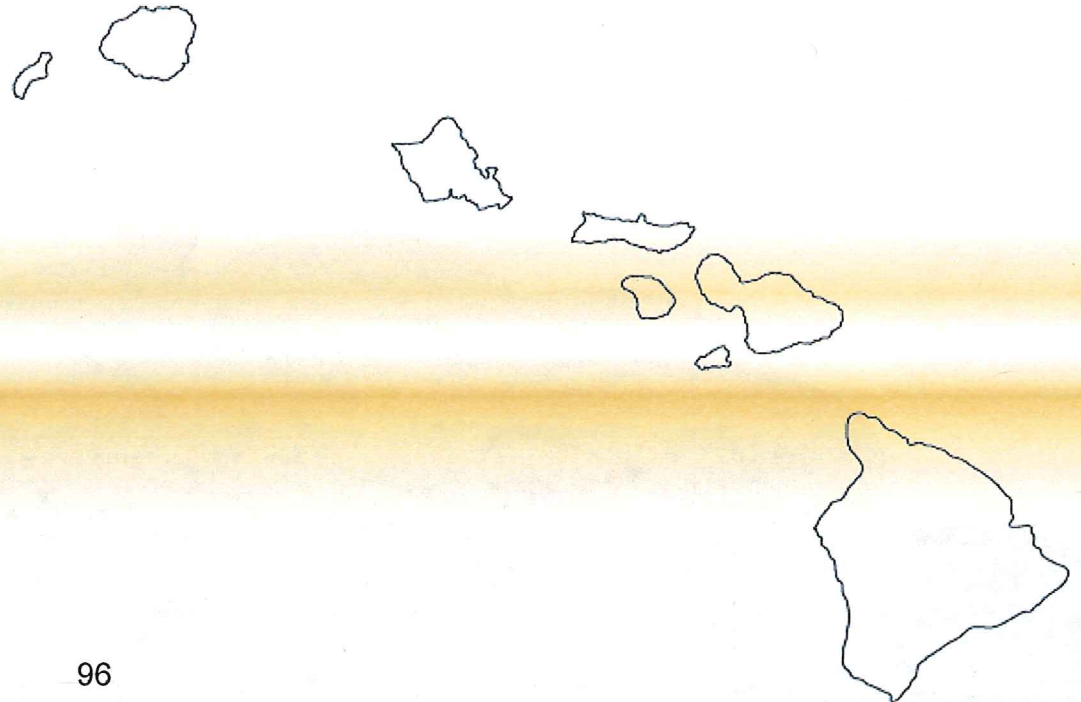
# Community Listening Sessions

- 
- Rural
  - Kupuna
  - Survivors of Domestic Violence
  - Immigrants
  - At-risk homeless
  - Native Hawaiians

- 
- Oahu
  - Maui
  - Kauai
  - Big Island
  - Lanai
  - Molokai

# Organization/Provider Sessions

- Legal Services Providers
- Domestic Violence Service Providers
- Government Directors
- Healthcare Providers
- Homeless Services Providers
- Social Services Providers
- Labor Unions
- University of Hawaii
- Librarians
- Associations/Networks





# What We Heard

## Community Needs

### Safety & Security

- Fear
- Hopelessness
- Competing Priorities

## Finding Information

- Lack of awareness
- Lack of good resources
- Lack of comprehension

When (my then husband) pulled his TRO, he brought with him his attorney. Here I am foreign to the law, I don't know the jargon, I'm afraid."

## Getting Help

- No help available

"We were given one day to move out. Rather than fight it or sue, we just get out."

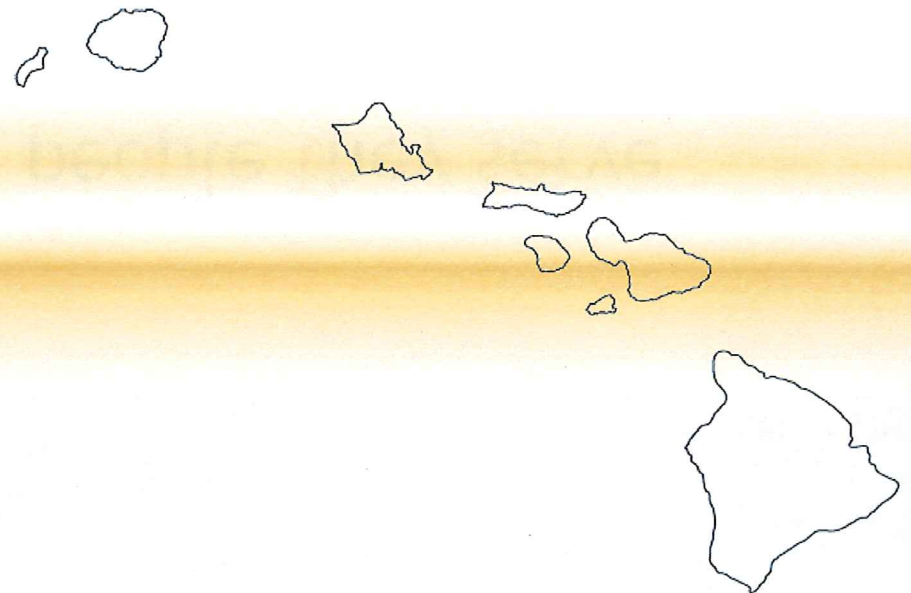
"We have no lawyers, we just go to some neighbor's house who went to law school and hope he's telling you the right thing."



# What We Heard - Community

## Community Needs - Nature of the Problem

- Gap in understanding
- Invisible population
- Much larger gap in resources
- Social determinants aspects





# What we Heard - Providers

## Safety & Security

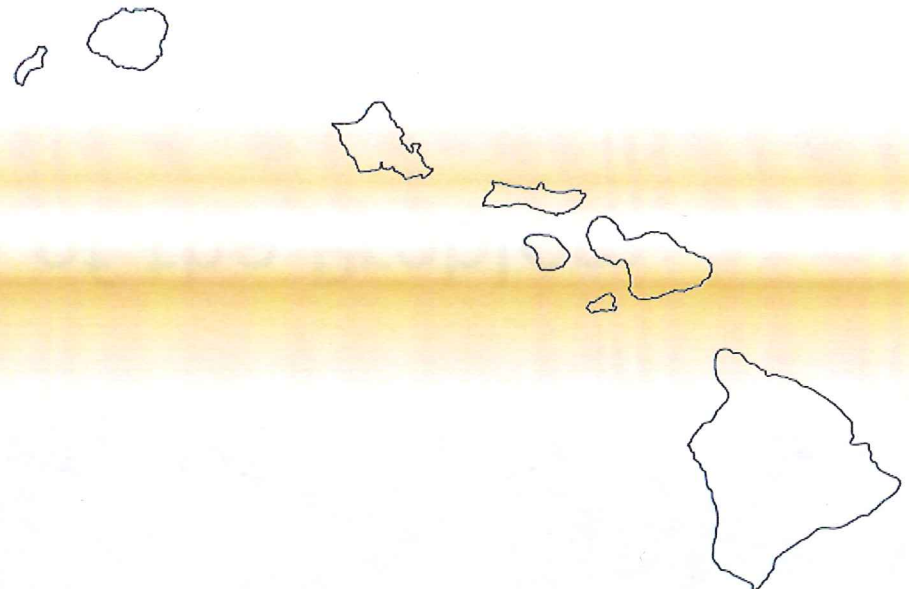
- Confusing, frustrating for people they serve

## Getting Help

- Overcome barriers by connecting information

## Finding Information

- Working in silos
- Training needs
- Shortage of workers with specialty knowledge





# What we Heard - Providers

**Safety & Security**  
**Finding Information**  
**Getting Help**

The law is precise and the procedures unknown to the common person who is there for a problem. What happens in the court is bewildering and how to prepare for it is an unknown process.

Navigating through the system has become increasingly and intentionally more difficult. For example, the prior 8-page naturalization form has become a 24-page document with “gotcha” questions throughout.

State needs to take a look at its business model that is fragmented and silo-ed and should make things more homogeneous and similar from branch to branch so that state resources are better coordinated/utilized.



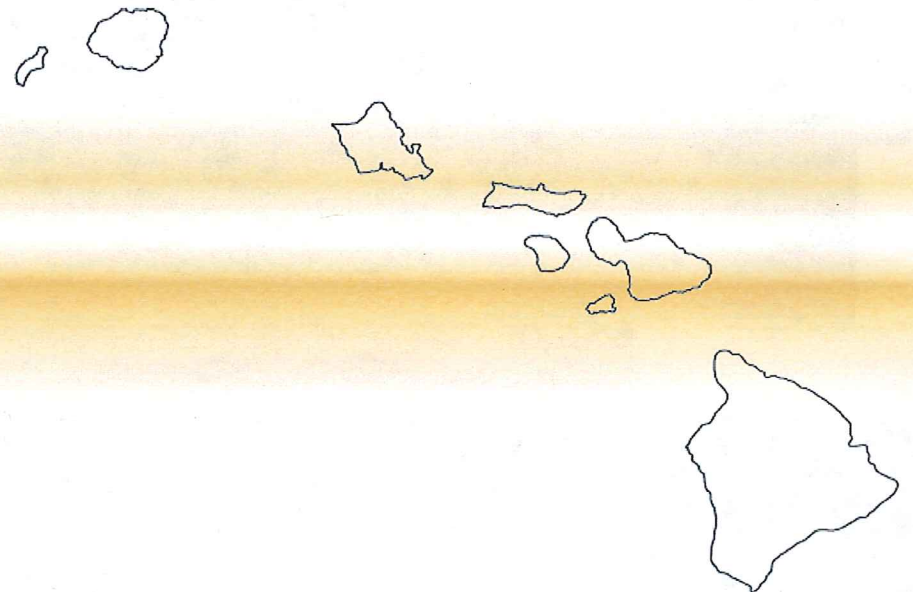
# Justice For All - Core Principles

- **Listening to the Voices of the Community, Service Providers, Government Agencies, Businesses, and Funders.**
- **People-Centered Sustainable Approach.**
- **Fostering Gateways/Pathways of Access to Legal, Government and Community Services.**
- **Collaboration and Coordination of Services.**
- **Integrating/Using Effective Technology.**
- **Building Legal Service Capacity.**

# Justice For All - Inventory

## What is available in Hawaii now?

- Legal Services Inventory
- Judiciary Inventory
- Network Partners Inventory - Government, Legislature, Hawaii State Bar Association, City & County





# Justice For All - Inventory





# Justice For All - Components

## System Completion Innovations

Simplification

Role Flexibility  
for Other  
Professionals

## Enhancement Services

Alternative  
Dispute  
Resolution  
Integration

Compliance  
Assistance

Courtroom  
Assistance  
Services

Expansion &  
Efficiency  
Improvements of  
Full Service  
Representation

Unbundled  
(Discrete Task)  
Legal Assistance

## Foundational Services

Broad Self-Help  
Informational  
Services

Plain Language  
Forms

Language Services  
Integration

## Foundational Capacities

Design,  
Governance &  
Management

Resource  
Planning

Technology  
Capacity

Triage,  
Referral &  
Channel  
Integration

Community  
Integration &  
Prevention

Judicial & Court  
Staff Education



# Justice For All - Recommendations

## JFA Components Foundational Capacities

- A. Design, Governance, Management
- B. Resource Planning
- C. Technology Capacity
- D. Triage, Referral + Case Integration
- E. Community Integration + Prevention
- F. Judicial + Court Staff Education

## Foundational Services

- G. Broad Self-Help Informational Services
- H. Plain Language Forms
- I. Language Services Integration

## JFA Components - Enhancement

- J. ADR Integration
  - K. Compliance Assistance
  - L. Courtroom Assistance Services
  - M. Expansion + Efficiency Improvements of Full Service Representation
  - N. Unbundled (Discrete Task) Legal Assistance
- ## - System Completion Innovations
- O. Simplification
  - P. Role Flexibility for other professionals

## Recommendations

1. Community + Institutional Navigators  
Core principles - all 5  
Components - D, G, I, P, K  
City - Safety, security, fear, confusion, justice  
2. Access to Justice Communications Committee  
covered by others  
7, 8, 11  
3. ~~Human Rights Budget + Policy Center~~  
own momentum

## Recommendations

4. Legal Services ~~Project~~  
own momentum
5. Unbundled Legal Assistance  
own momentum
6. ~~Alignment of Legal or Social Service Programs + Practices~~  
covered by others 7

## Recommendations

7. Strengthening Connections between Institutions + alignment of SS programs + resources  
Core principles - all 5  
Components - A, B, C, D, E, K, J, P, G  
parallel opportunities to connect w/ other associations of institutions doing this work
8. Interagency Roundtable  
Core principles 1, 2, 3, 4  
Components - A, B, M, D, K, O  
natl + other states as potential models external factors
9. ~~Formation of UFG of~~  
Legal Checkups in various settings  
Core principles - 1, 2, 3, 4, 5  
Components - D, E, P(?), K  
related to City navigators TN as a reference

## Recommendations

10. Building Legal Service Capacity  
Core principles - ~~ALL~~  
Components - B, E, P, G, H, I  
=> core principle #6
11. ~~Community Outreach + Feedback~~  
=> reaffirm commitment
12. Pilot program w/ specific Population

13. Inst  
Design  
reaffirm

Recommendations  
7. Strengthening Connections between Institutions  
8. Interagency Roundtable  
9. Legal Checkups  
10. Building Legal Service Capacity



# Justice For All - Recommendations

## Community Navigators

- Connect with & train individuals to provide accurate/relevant information.
- Community leaders who are trusted with rural and other communities of high need.

## Strengthening Connections Between Institutions and Alignment of Social Service Programs and Resources

- Encourage network partners to pursue methods of leveraging resources that can resolve a combination of legal/social/health service challenges.



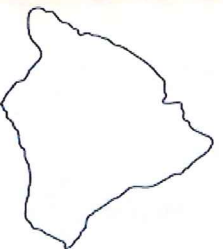
# Justice For All - Recommendations

## Interagency Roundtable

- Create roundtable that meets regularly to coordinate meaningful access to justice at all points on the continuum of needs.

## Promotion of Use of Preventative Legal Assessments in Various Settings

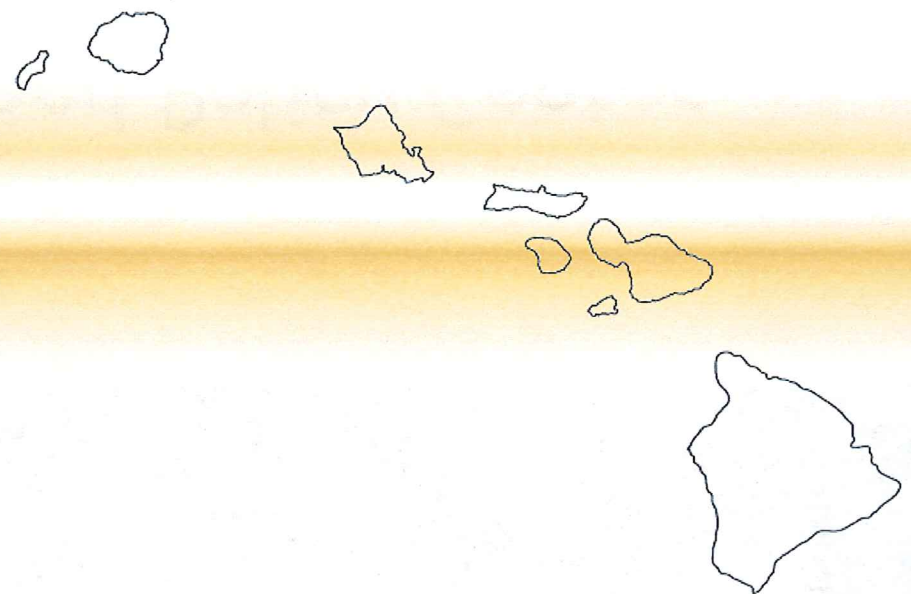
- Integration of legal needs assessments into legal and non-legal settings as a tool to increase awareness and identify opportunities to solve challenges before escalating into a crisis.



# Justice For All - Recommendations

## Discussion and Development:

- Scope
- Precise direction
- Practical logistics
- Sustainable design
- Ownership





# Justice For All - Re-Commit

## Parallel Development:

- Hawaii State Budget and Policy Center
- Microsoft Portal (Legal Services Portal)
- Unbundled Legal Services
- Community Feedback
- Institutional Navigators
- Capital Improvement Projects to Support Civil Legal Services



# Justice For All - Timeline

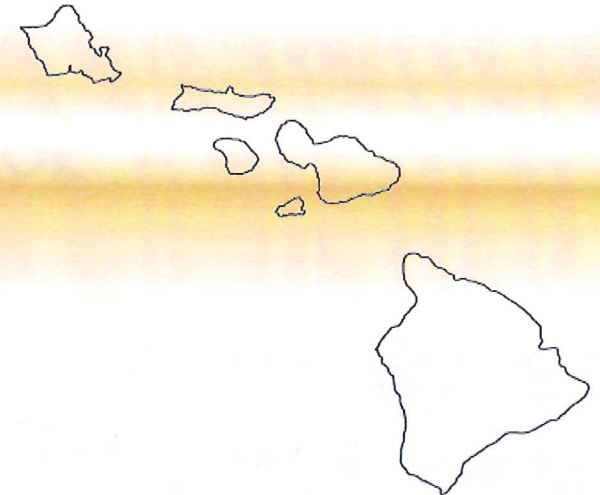
- Seeking input and comments for implementation.
- Discussion with Dr. Clarke, National Center for State Courts.
- Revising Draft Report.
- Final Report Due: December 15, 2017.
- Application for Implementation: January 2018.



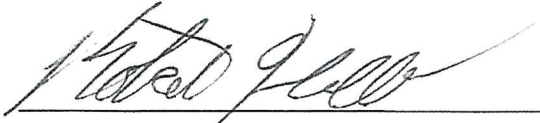


# Justice For All - Thank you

- Hawaii Justice Foundation
- Access to Justice Commission
- Hawaii State Judiciary
- Community Hosts
- Consortium of Legal Services Providers
- Organizational Partners
- Government Director Participants
- Healthcare Participants
- Labor Unions
- Islander Institute
- National Center for State Courts

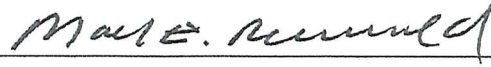


## APPROVALS



Robert J. LeClair

Executive Director, Hawai'i Justice Foundation



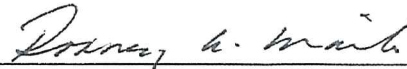
The Honorable Mark E. Recktenwald

Chief Justice, Hawai'i Supreme Court



The Honorable Simeon R. Acoba

Chair, Hawai'i Justice For All Project  
Committee; Chair, Access to Justice  
Commission; Associate Justice of the Hawai'i  
Supreme Court (ret.)



Rodney A. Maile

Administrative Director, Hawai'i State  
Judiciary

### JUSTICE FOR ALL COMMITTEE

The Honorable Simeon R. Acoba

Chair, Hawai'i Justice For All Project  
Committee; Chair, Access to Justice  
Commission; Associate Justice of the Hawai'i  
Supreme Court (ret.)

The Honorable Della Au Belatti

Majority Leader, Hawai'i State House of  
Representatives

The Honorable Ronald J. Ibarra

Administrative Judge, Third Circuit Court,  
State of Hawai'i (ret.)

Patricia McManaman

Former Director, Hawai'i Department of  
Human Services

Michelle Acosta

Executive Director, Volunteer Legal Services  
Hawai'i

Nalani Fujimori Kaina

Executive Director, Legal Aid Society of  
Hawai'i

Christine Daleiden

Senior Vice President & Division Manager,  
Operations and Process Design, Central Pacific  
Bank

Derek Kobayashi

Vice-Chair, Hawai'i Access to Justice  
Commission; Partner, Schlack Ito, LLC

Jenny Silbiger

Access to Justice Coordinator, Hawai'i State  
Judiciary

Brandon M. Kimura

Deputy Administrative Director of the Courts,  
Hawai'i State Judiciary



## ACKNOWLEDGEMENTS

The JFA Committee expresses deep gratitude to the following individuals and groups who have contributed to ensuring this Project and Report are as comprehensive as possible.

### **Community Hosts**

Hawai'i

Willie Kaupiko, Miloli'i, Hawai'i

Zaheva Knowles, West Hawai'i Mediation Center

Kaua'i

Renae Hamilton-Cambeilh, YWCA of Kaua'i

Maui

Tasha Kama, FACE Maui

Lāna'i

Pua Kanno, Legal Aid Society of Hawai'i

Moloka'i

April Kealoha, Legal Aid Society of Hawai'i

O'ahu

Esther Arinaga, First United Methodist Church

Rona Fukumoto, Catholic Charities

Janet Kelly, Legal Aid Society of Hawaii, Partners in Care

Nanci Kriedman, Domestic Violence Action Center

Susan Nakata, Hawai'i State Public Library System

Barbara Yamashita, Executive Office on Aging

### **Organization Participants**

The American Civil Liberties Union of Hawai'i; Domestic Violence Action Center; Hawai'i Appleseed Center for Law and Economic Justice; Hawai'i Disability Rights Council; Hawai'i Paralegal Association; Hawai'i State Bar Association; Legal Aid Society of Hawai'i; Mediation Center of the Pacific; Medical-Legal Partnership for Children in Hawai'i; Native Hawaiian Legal Corporation; University of Hawai'i Elder Law Program; University of Hawai'i William S. Richardson School of Law; and Volunteer Legal Services of Hawai'i

### **Government Participants**

Hon. Roz Baker, Senator, Chairperson, Senate Committee on Commerce, Consumer Protection, and Health

Hon. Della Au Belatti, Majority Leader, State House of Representatives

Hon. Aaron Ling Johanson, Representative, Chairperson, House Committee on Labor

Pankaj Bhanot, Director, Department of Human Services

Bridget Holthus, Deputy Director, Department of Human Services  
Lei Nakamura, Department of Community Services, City & County of Honolulu  
Virginia Pressler, MD, Director, Department of Health  
Danette Tomiyasu, Deputy Director, Department of Health

### **Labor Union Participants**

Randy Perreira, Hawai'i Government Employees Association  
Dwight Takamine, International Longshore and Warehouse Union  
Jason Shimizu, Hawai'i Carpenter's Union

### **Healthcare Participants**

The JFA Committee is also thankful to the National Center for State Courts and Public Welfare Foundation, for technically and financially supporting the Project, and locally, to the Hawai'i Justice Foundation for its leadership and financial support, and to the Hawai'i Access to Justice Commission and Hawai'i State Judiciary, for leadership and guidance.

### **Justice For All**

Expert Working Group: Katherine Alteneder, Martha Bergmark, Thomas Clarke, Bob Graves, John Greacen, Glenn Rawdon, Don Saunders, Richard Zorza, Lisa Dewey

Advisory Committee Leadership: Hon. Ralph Gants, Hon. Laurie Zelon

Administration: Shelley C. Spacek-Miller

**Hawai'i Justice Foundation:** Robert LeClair, Executive Director

**Access to Justice Commission:** Hon. Simeon R. Acoba, Jr. (Ret.)(Chair), Hon. Edmund D. Acoba, Hon. Joseph Cardoza, Hon. Ronald Ibarra (Ret.), Derek Kobayashi (Vice-Chair), Mark Murakamai, Joanna Sokolow, Carol K. Muranaka, Michelle Acosta, Nalani Fujimori Kaina, Nanci Kreidman, Victor Geminiani, Jean Johnson, Rona Fukumoto, Gary Slovin, Dean Aviam Soifer, Mathew Sagum, Diane Ono, Marie Gavigan, Hon. Gilbert Keith-Agaran, Hon. Della Au Belatti

### **Consultants**

Islander Institute  
Andrew Aoki, Laurie Au, Brent Dillabaugh, Josh Levinson

National Center for State Courts  
Thomas Clarke, PhD, Vice President Research & Technology