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SHAN S. TSUTSUI
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ELAINE N. YOUNG
ACTING DIRECTOR

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ACTING EXECUTIVE DIRECTOR

**STATE OF HAWAII
OFFICE OF COMMUNITY SERVICES
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**

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March 13, 2015

To: The Honorable Dee Morikawa, Chair
The Honorable Bertrand Kobayashi, Vice Chair, and
Members of the House Committee on Human Services

Date: Tuesday, March 17, 2015
Time: 11:00 a.m.
Place: Conference Room 329, State Capitol

From: Office of Community Services (OCS)
Department of Labor and Industrial Relations (DLIR)
Elaine N. Young, Acting Director

Re: House Concurrent Resolution 30 and House Resolution 12:

**REQUESTING THE HAWAII ACCESS TO JUSTICE COMMISSION TO
ASSEMBLE VARIOUS STATE AND COMMUNITY ENTITIES TO
DETERMINE WHICH AGENCY OR ORGANIZATION SHOULD
ADMINISTER FUNDING FOR CIVIL LEGAL SERVICES TO THE LOW-
AND MODERATE-INCOME.**

I. OVERVIEW OF PROPOSED LEGISLATION

HCR30 and HR12 request the Hawaii Access to Justice Commission to convene various government and community groups to develop a plan to determine which agency or organization should administer funding for civil legal services to low-income and moderate-income persons, and report back to the 2016 Legislature.

The resolutions both note that State funding for such services in previous years has variously been in the form of Grants-in-Aid to identified non-profit organizations, and in the form of appropriations to State agencies for which purchase of services (POS) contracts were issued.

The measures also note that the Office of Community Services (OCS), which is administratively attached to the DLIR, administered appropriations for civil legal services for some thirty years and that grants-in-aid have been appropriated by the Legislature for some twenty years to various legal services organizations.

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The measures note the great importance that access to civil legal services can have for people and observe with concern that available funding for such services derived from court fees has dropped precipitously in recent years.

COMMENTS ON THE RESOLUTIONS

OCS agrees with the concerns expressed in the measures and is willing to serve on the proposed working group.



**LEGAL AID
SOCIETY OF HAWAII**

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Susan Ichinose, Esq.
President, Board of Directors

M. Nalani Fujimori Kaina, Esq.
Executive Director

**TESTIMONY IN SUPPORT OF AND REQUESTING AMENDMENTS TO
HCR30/HR12 - REQUESTING THE HAWAII ACCESS TO JUSTICE COMMISSION TO
ASSEMBLE VARIOUS STATE AND COMMUNITY ENTITIES TO DETERMINE WHICH
AGENCY OR ORGANIZATION SHOULD ADMINISTER FUNDING FOR CIVIL LEGAL
SERVICES TO THE LOW- AND MODERATE-INCOME.**

Committee on Human Services - Room 308

Representative Dee Morikawa, Chair
Representative Bertrand Kobayashi, Vice-Chair

March 17, 2015 at 11:00 a.m.

The Legal Aid Society of Hawaii submits strong testimony in support of HCR30/HR12 – Requesting the Hawaii Access to Justice Commission to Assemble Various State and Community Entities to Determine which Agency or Organization should Administer Funding for Civil Legal Services to the Low- and Moderate-Income. We are in strong support of these resolutions, but ask for a few technical amendments for clarity as attached to this testimony.

These resolutions are aimed at ensuring on-going general revenue funding for civil legal services which have been supported by the state for almost 40 years. Civil legal services are critical in that they can provide real world solutions to help families in crisis find stability and hope. The civil legal services provided by the two key entities featured in this current resolution, Legal Aid and Volunteer Legal Services Hawaii are critical to ensuring that the underlying principles of justice and due process are maintained in Hawaii.

By adopting these resolutions, you will help to bring together a variety of stakeholders to discuss how best to restore some of the purchase of service contract was provided for civil legal services as part of the state's base budget from 1975 to 2004. Purchase of service contracts were provided for both general civil legal services and immigration and immigrant-related civil legal services. During this entire period, the Legal Aid Society of Hawaii was the recipient of the purchase of service contract for civil legal services. Na Loio No Na Kanaka which became the Hawai'i Immigrant Justice Center received the funding for immigration and immigrant-related civil legal services beginning in or around 1985. In 2004, this funding was converted into grant-in-aids directly to the Legal Aid Society of Hawaii and to the Hawaii Immigrant Justice Center. In 2010, because of the recession and the lack of funding, the Hawaii Immigrant Justice Center merged with the Legal Aid Society of Hawaii.

Except for the two years in which grant-in-aid funding was not provided during the recession, direct civil legal services has been funded. This resolution will enable various stakeholders to join together to discuss how to restore the state's commitment to funding civil legal services and to provide critical funding which is used to leverage over \$5 million in additional funding for civil legal services in the state.

As members of the Committee on Human Services. It is a difficult task, but I'd like to leave you with how legal services can make a critical difference for at least one of the clients that we have helped:



www.legalaidhawaii.org
A UNITED WAY AGENCY

Rosemary's husband divorced her in the 1980s. Rosemary became indigent and lived in a shed while her husband acquired money and three houses on Maui. In the divorce settlement that his lawyer drafted, he agreed to pay Rosemary a portion of his retirement. He never paid her anything. When Rosemary tried to get her portion of his retirement on her own, he hired a well-known law firm to defend him and at the hearing, the parties were asked to submit Memoranda of Law. Not knowing how to do that, Rosemary came to Legal Aid for help. With Legal Aid's assistance and advocacy, the judge decided the case in Rosemary's favor for an amount in excess of \$100,000. Before a final order could be entered on all issues, her ex-husband then filed for bankruptcy. Legal Aid then worked with a pro bono attorney to assist Rosemary in the bankruptcy hearing which helped to get her ex-husband to settle the case for over \$100,000. Rosemary intends to use the settlement money to buy land to live with her sister in the country for the remainder of their years.

This is just an example of the many clients that we are able to help with funding and support from the legislature. We ask that you support our request for these resolutions with the attached changes.

Thank you for this opportunity to provide testimony.

Sincerely,



M. Nalani Fujimori Kaina
Executive Director

The Legal Aid Society of Hawaii (Legal Aid) is the only legal service provider with offices on every island in the state, and in 2014 provided legal assistance to over 7,500 Hawai'i residents in the areas of consumer fraud, public assistance, family law, the prevention of homelessness, employment, protection from domestic violence, and immigration. Our mission is to achieve fairness and justice through legal advocacy, outreach and education for those in need.

Adds a new section at the beginning:

WHEREAS, civil legal services can improve community well-being as a vital part of our social safety net which ensures that our keiki, kupuna, family care givers, and all members of a family are healthy and safe;

Page 1, Line 17 to 22:

WHEREAS, access to civil legal services can help residents of Hawaii contribute as taxpayers by establishing citizenship, provide safety and stability for children so that they can learn in school, and reduce the utilization of safety net services such as foster care or public assistance by providing guardianship and child support services results in costs savings to the State by way of recovery of federal public benefits (such as SSI and VA benefits), reduction of utilization of safety net services such as foster care by establishing guardianships for family caregivers, reduction of dependency on public assistance by securing child support and alimony, a decrease of instances of homelessness through housing representation, and an increase in state tax revenues through employment and re-employment related legal assistance.

WHEREAS, civil legal services provides to the indigent who are immigrants, homeless, at risk of homelessness; families in crisis, consumers who have been taken advantage of, and those who speak English as a second language, better access to the justice system;

WHEREAS, civil legal services can support efforts to ensure that government is providing effective services by helping those facing the complex legal system without an attorney navigate the system;

Page 2, Line 12 to 15:

WHEREAS, despite the increase in court fees to include an amount to be paid into the indigent legal assistance fund, ~~the balance of the fund~~ the total amount of funding for general civil legal services, decreased from \$2,017,093 in the 2008 fiscal year to \$1,213,135 in the 2015 fiscal year;

Page 2, Line 17 to 19:

WHEREAS, ~~grant-in-aid general~~ general funding for general civil legal services and pro bono legal services decreased from \$1,832,496 in the 2008 fiscal year to \$400,000 in the 2015 fiscal year

**Testimony of
Gary Slovin on behalf of
Access to Justice Commission**

DATE: March 15, 2015

TO: Representative Dee Morikawa, Chair
Committee on Human Services

Submitted Via HUS testimony@capitol.hawaii.gov

RE: **HCR30/HR12 – REQUESTING THE HAWAII ACCESS TO JUSTICE
COMMISSION TO ASSEMBLE VARIOUS STATE AND COMMUNITY
ENTITIES TO DETERMINE WHICH AGENCY OR ORGANIZATION
SHOULD ADMINISTER FUNDING FOR CIVIL LEGAL SERVICES TO THE
LOW- AND MODERATE-INCOME
Hearing: Tuesday, March 17, 2015, 11:00a.m.
Conference Room: 329**

Dear Chair Morikawa, and Members of the Committee on Human Services,

I am Gary Slovin, a member of the Access to Justice Commission, testifying on behalf of the Commission in support of the cited resolutions. While the needs of those residents who can not afford legal services increases, the funding for the agencies that serve these residents has not kept pace and has even diminished. The Commission believes this is an urgent need and hopes the working group envisioned by the resolutions will be a means of bringing light to this issue and of developing a plan to address it. While the resolutions discuss the administration of the funds dedicated to serving the legal needs of the indigent, the critical issue is the lack of funding. We are hopeful that by bringing the various stakeholders together, including the state government, solutions can be found.

Thank you very much for the opportunity to submit testimony on this measure.

Gary M. Slovin
Mihoko E. Ito
Tiffany N. Yajima
C. Mike Kido

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Honolulu, HI 96813
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kobayashi2-Lynda

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 15, 2015 10:38 PM
To: HUS testimony
Cc: jamesjtz@aol.com
Subject: Submitted testimony for HCR30 on Mar 17, 2015 11:00AM

HCR30

Submitted on: 3/15/2015

Testimony for HUS on Mar 17, 2015 11:00AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
James Gauer	Individual	Support	No

Comments: more affordable legal services to the low and moderate income community sounds equitable.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Executive Director

TESTIMONY IN SUPPORT OF HCR 30: REQUESTING THE HAWAII ACCESS TO JUSTICE COMMISSION TO ASSEMBLE VARIOUS STATE AND COMMUNITY ENTITIES TO DETERMINE WHICH AGENCY OR ORGANIZATION SHOULD ADMINISTER FUNDING FOR CIVIL LEGAL SERVICES TOT EH LOW- AND MODERATE-INCOME.

Committee on Human Services
Tuesday, March 17, 2015 at 11:00 a.m.
Conference Room 329

CHAIR MORIKAWA, VICE CHAIR KOBAYASHI, AND MEMBERS OF THE HUMAN SERVICES COMMITTEE:

Thank you for the opportunity to submit testimony in support of HCR30. I am Michelle D. Acosta, Executive Director of Volunteer Legal Services Hawaii, and also serve as a Commissioner on the Access to Justice Commission, as well as a member of the Consortium of Hawaii Legal Service Providers and the Hawaii State Bar Association.

For over 30 years, VLSH has provided civil legal services to the indigent community throughout the State of Hawaii through a close partnership with volunteer attorneys who generously donate their time and skills to those who would otherwise not be able to afford it. In 2014, 75% of the over 2,000 individuals served by VLSH had household incomes at or below 125% of the federal poverty level for the State of Hawaii. For a family of four, that amounts to a gross income of \$2,587 per month.

Individuals and families living in or at the brink of poverty continue to struggle to live in our state, and have yet to experience the positive effects of the State's economic recovery. People living in poverty need access to justice to resolve legal issues that act as barriers to becoming employed, housed, and to stabilize family relations.

Volunteer Legal Services Hawaii is an access to justice tool which mobilizes the legal community to provide direct services to those who need legal assistance the most. Funding for Volunteer Legal Services Hawaii's core pro bono program has been supported by private donations, the majority of which comes from the legal community. The State's commitment to funding civil legal services has come in the form of Grant-in-Aid funds to Volunteer Legal Services for over a decade. This investment of state funds have assisted in allowing Volunteer Legal Services Hawaii to continue its services for the poor year after year.

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www.vlsh.org



Aloha United Way

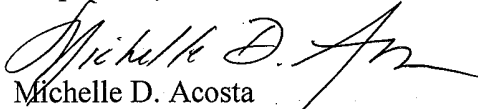
70170

Volunteer Legal Services Hawaii is grateful for GIA funding which has supported and continues to support its core services: legal advice and counsel; direct services through limited scope; and referrals to pro bono attorneys for full representation. However, the GIA amounts have declined since the Great Recession from \$800,000 to \$250,000 in 2014, but the demand for civil legal services for the indigent population has remained high. Consequently, the decrease in funding has impacted this organization's capacity to service those in need.

Funding civil legal services programs aimed at assisting those who have the least amount of financial resources is an investment in access to justice. The goal of the working group created by HCR30 and SCR23 will bring together the stakeholders in our community to fully assess the critical funding needs for civil legal services for the indigent population.

Thank you for this opportunity to be heard.

Respectfully,

A handwritten signature in cursive script that reads "Michelle D. Acosta". The signature is written in black ink and is positioned above the printed name and title.

Michelle D. Acosta
Executive Director