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**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.

**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 [HUSstimony@capitol.hawaii.gov](mailto:HUSstimony@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**

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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.

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

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**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:

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