



The Judiciary, State of Hawai‘i

Testimony to the House Committee on Finance

Representative Sylvia Luke, Chair
Representative Ty J. K. Cullen, Vice Chair

Thursday, March 28, 2019, 3:00 p.m. Agenda #2
State Capitol, Conference Room 308

by
Rodney A. Maile
Administrative Director of the Courts

WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Bill No. 130, S.D. 1, Relating to Civil Legal Services.

Purpose: Senate Bill No. 130, S.D.1 appropriates funds for the judiciary to purchase civil legal services for low- and moderate-income persons. Effective 7/1/2050.

Judiciary's Position:

The Judiciary strongly supports Senate Bill No. 130, S.D. 1, to appropriate funds for civil legal services providers to deliver civil legal services to low- and moderate-income persons. Civil legal services providers extend a lifeline to the most vulnerable persons in our community.

For Fiscal Year 2018 – 2019, the Judiciary received an appropriation of \$450,000.00 pursuant to Act 26, 2018 Haw. Sess. Laws, to purchase civil legal services for indigent residents of the State of Hawai‘i. As a result of this appropriation, the Judiciary awarded civil legal services contracts to the Legal Aid Society of Hawai‘i (LASH) and Volunteer Legal Services Hawai‘i (VLSH).

In the first three months of its contract, LASH reported that it closed 1,113 cases, which affected the lives of 2,229 low-income persons in priority areas, such as support for families, keeping children safe and secure, preserving the home, foreclosure prevention, maintaining economic stability, and protecting consumers. Services included providing legal advice, preparing legal documents, and providing representation in court and administrative actions.



Senate Bill No. 130, S.D. 1, Relating to Civil Legal Services
House Committee on Finance
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Since the commencement of its contract, VLSH reported that it completed over 495 intakes for residents seeking legal assistance in areas such as family law, collections and bankruptcy, probate matters, and landlord-tenant disputes. VLSH also conducted 44 pro se divorce workshops and 33 re-employment and community service project workshops. Additionally, VLSH held a pop-up legal clinic in Wai‘anae that served 25 individuals.

The Judiciary supports the increased funding for civil legal services in the amount of \$800,000.00 for fiscal years 2020 and 2021. We note, however, that this amount is still well below the funding amount of \$2.1 million that was recommended by the working group assembled pursuant to House Resolution No. 12, H.D.1 and Senate Resolution No. 6, S.D. 1 (2015) in the “Plan for the Administration of Funding for Civil Legal Services,” which was submitted to the legislature on December 30, 2015.

The Judiciary respectfully requests that the effective date be amended to July 1, 2019 to enable legal service providers to offer civil legal services low- and moderate-income persons.

Thank you for the opportunity to testify on Senate Bill No. 130, S.D.1.

DAVID Y. IGE
GOVERNOR



PANKAJ BHANOT
DIRECTOR

CATHY BETTS
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96809-0339

March 25, 2019

TO: The Honorable Representative Sylvia Luke, Chair
House Committee on Finance

FROM: Pankaj Bhanot, Director

SUBJECT: **SB 130 SD 1 – RELATING TO CIVIL LEGAL SERVICES**

Hearing: March 28, 2019, 3:00 p.m.
Conference Room 308, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports this measure.

PURPOSE: The purpose of the bill is to appropriate funds to the Judiciary to purchase civil legal services for low and moderate income persons. The Senate Committee on Ways and Means defected the effective date (SD1).

In addition to financial assistance, food assistance, medical insurance coverage, and other services and benefits, recipients and applicants of DHS services often require civil legal services to meet or obtain fundamental needs. Assisting families in addressing their complex legal issues will remove barriers that hamper residents' ability to gain employment, permanent housing, a violence free family home, as well as to uphold consumer protection and fair housing laws. Attending to the civil legal needs of low income families, will allow families to concentrate on the day to day care and needs of their children, disabled or elderly family members to improve overall health and well-being.

DHS was a participating member of the HCR 12 HD1 (2015) and SR 6 SD1 (2015) working groups that recommended increased funding for civil legal services for Hawaii's low-income residents.

Thank you for the opportunity to provide comments on this measure.

AN EQUAL OPPORTUNITY AGENCY



Hon. Simeon R. Acoba
Associate Justice (Ret.)
Hawai'i Supreme Court
Chair

Derek R. Kobayashi
Vice Chair

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March 26, 2019

The Honorable Sylvia Luke, Chair
The Honorable Ty J. K. Cullen, Vice Chair
House Committee on Finance
Hawaii State Capitol
415 South Beretania Street
Honolulu, HI 96813

Re: SB 130, SD 1

Hearing: Thursday, March 28, 2019 at 3:00 p.m.

Testimony IN SUPPORT (written testimony only)

Dear Representative Luke and Members of the House Committee on Finance:

The Hawai'i Access to Justice Commission strongly supports Senate Bill 130, SD 1 which would provide an appropriation to civil legal service providers. These organizations, which include the Legal Aid Society, Volunteer Legal Services Hawaii, and others, provide critical legal services to residents who cannot afford a lawyer.

These organizations have served thousands of our residents over a long period of time, but their financial support varies from year-to-year, and there are many residents that they are not able to serve because of financial constraints. These organizations and the Hawai'i Access to Justice Commission appreciate the support the Legislature has provided over many years, and we hope that support can be continued. We appreciate the committee bringing this legislation forward as a vehicle to provide financial support.

Respectfully submitted,

SIMEON R. ACOBA, JR.
Hawai'i Supreme Court Associate Justice (ret.)
Chair, Hawai'i Access To Justice Commission



LEGAL AID
SOCIETY OF HAWAII

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Joanne Lo Grimes, Esq.
President, Board of Directors

M. Nalani Fujimori Kaina, Esq.
Executive Director

TESTIMONY IN SUPPORT OF SB130 SD1 – RELATING TO CIVIL LEGAL SERVICES

Committee on Finance – Room 308

Representative Sylvia Luke, Chair
Representative Ty J. K. Cullen, Vice-Chair

March 28, 2019 at 3:00 p.m.

The Legal Aid Society of Hawaii submits testimony in strong support of SB130 SD1 – Relating to Civil Legal Services. We thank the Committee for its support of this funding over the years.

This funding would go to ensure that general revenue funding for civil legal services is available. Civil legal services are critical in that they can provide real world solutions to help families in crisis find stability and hope.

Over the years, the Legal Aid Society of Hawaii has received general funds from the state which has enabled us to provide key civil legal services across the state. The Legal Aid Society of Hawaii has provided civil legal services to the community for almost 70 years and we are the only legal services organization in the state to have offices on each of the major Hawaiian islands, including four offices on Oahu (Bethel Street, Chinatown, Waianae and Kaneohe) and two on Hawaii Island (Kona and Hilo). Our staff regularly assist residents of Hawaii to navigate and solve basic issues which require legal interventions. In 2018, our staff closed over 6,500 cases in legal areas ranging from family, housing, consumer, foreclosure, public benefits, elder law, homelessness, immigration, language access, and child welfare.

Thank you for this opportunity to provide testimony.

Sincerely,

M. Nalani Fujimori Kaina
Executive Director

Sergio Alcubilla
Director of External Relations

Trever Asam
Board President

Angela Kuo Min
Executive Director



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**TESTIMONY IN SUPPORT OF S.B. 130 SD1
RELATING TO CIVIL LEGAL SERVICES
Committee on Finance – March 28, 2019 3pm – Conf. Rm. 308**

CHAIR LUKE, VICE CHAIR CULLEN, AND MEMBERS OF THE COMMITTEE ON FINANCE:

Volunteer Legal Services Hawaii strongly supports the passage of S.B. 130 SD1 and the recommendation to appropriate funding in the sum of \$800,000 for civil legal services to low- and moderate- income individuals in Hawaii.

In the last thirty-seven years, Volunteer Legal Services Hawaii has partnered with volunteer attorneys in the provision of civil legal assistance to individuals and families of Hawaii. While Volunteer Legal Services Hawaii's only office is on Oahu, we service residents of Hawaii statewide. In 2018, with only a staff of 7, Volunteer Legal Services Hawaii qualified over 2,000 individuals. Volunteer Legal Services provided over 1,800 services in legal checkups, educational presentations, clinics, brief services and/or full representations. Twenty-Nine percent (29%) of those helped are homeless or at the risk of being homeless, 19% of those helped suffer from domestic violence, 9% of those helped were veterans, 25% of those helped are disabled, and 20% of those helped are seniors. If not for Volunteer Legal Services, these individuals would have otherwise gone without legal help.

Additionally, 61% of Volunteer Legal Services Hawaii's clients fall below the 125% federal poverty line, making just enough money to get by in Hawaii and definitely not enough money to hire a private attorney. Volunteer Legal Services Hawaii is honored that its pool of pro bono attorneys ranges from large law firm partners, associates, solo practitioners, public and private agency attorneys who are leaders in their areas of practice. With the 200+ attorneys we have volunteering their time through Volunteer Legal Services Hawaii, we were able to provide legal assistance to Hawaii residents in family law (divorce, child custody, child visitation, adoption, guardianship), estate planning (will, power of attorney, health care directive), Chapter 7 bankruptcy, collections, landlord-tenant, district court matters and veteran benefits issues.

In 2018, over 2,800 hours were donated by our pro bono attorneys, with services valued at over \$667,000.00 to our seniors, veterans, the homeless, children, and the community. Volunteer Legal Services Hawaii plays a critical role in facilitating the administrative support for volunteers to engage in meaningful pro bono service to meet community needs. Funding would restore and support general revenue funding for civil legal services in Hawaii statewide. Civil legal assistance, when used effectively can help reduce dependency on costly social services. Funding for civil legal aid services is an investment that not only provides our community with an important resource but makes fiscal sense.

We respectfully request your passage of S.B. 130 HD1 in support of the \$800,000 in funding for civil legal assistance for Hawaii residents. Thank you for this opportunity to provide testimony.

Sincerely,
Angela Kuo Min, Executive Director



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COMMITTEE ON FINANCE

Rep. Sylvia Luke, Chair

Rep. Ty J.K. Cullen, Vice Chair

I am submitting testimony as treasurer of Volunteer Legal Services Hawaii. I have been working with VLSH for over 10 years. VLSH provided services to the indigent population that is underserved. I am in support of HB 510 (version HD2 SD1) to fund the civil services need for the State of Hawaii.

Thank you very much for your support.

Joanne Hoe

Treasurer of Volunteer Legal Services Hawaii

SB-130-SD-1

Submitted on: 3/26/2019 9:34:28 AM

Testimony for FIN on 3/28/2019 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Tred Eyerly	Individual	Support	No

Comments:

HOUSE OF REPRESENTATIVES

THE THIRTIETH LEGISLATURE

REGULAR SESSION OF 2019

Please support SB 130 and necessary funding to provide civil legal services for our less fortunate citizens.

SB-130-SD-1

Submitted on: 3/26/2019 9:58:56 AM

Testimony for FIN on 3/28/2019 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Nickolas A Kacprowski	Individual	Support	No

Comments:

I strongly support funding civil legal services. I am an attorney in Honolulu who sees first hand the need for such services for individuals of limited means. I work closely with Volunteer Legal Service Hawaii (and am on their board) and I know that a little money goes a very long way in helping a large number of individuals with legal problems. This is a crucial need in our community, and funding is vital to fulfilling that need.

Nick Kacprowski

HOUSE COMMITTEE ON FINANCE

March 28, 2019, 3:00 P.M.

Room 308

TESTIMONY IN SUPPORT OF SB 130 SD1

Aloha Chair Luke, Vice Chair Cullen, and Committee members:

I'm writing in **support of SB 130 SD1**, which appropriates funds for the judiciary to purchase civil legal services for low and moderate income residents.

As a board member for Volunteer Legal Services Hawaii, efforts to increase access to justice in Hawaii are near and dear to my heart. Not everyone can afford an attorney, but they may be able to find help to resolve legal issues if given the right information, professional support, and assistance.

Funding under SB 130 SD1 is important to help increase access to justice in civil legal matters for Hawaii's low and moderate income residents.

Mahalo for your consideration and the opportunity to testify in support of SB 130 SD1.

Sincerely,

Melissa Miyashiro

LATE

TO: Chair Sylvia Luke
Vice Chair Ty J.K. Cullen
Members of the House Committee on House Finance

FROM: Ryan K. Hew, Managing Partner of Hew & Bordenave LLP,
Board Member of Volunteer Legal Services of Hawaii (VLSH)

Re: SB130, SD1
Hearing: Thursday, March 28, 2019 at 3:00 P.M.
Testimony: IN SUPPORT (WRITTEN TESTIMONY ONLY)

Dear Chair Luke, Vice Chair Cullen and members of the House Committee on Finance:

I am writing to express *support* for SB 130, SD1, which would appropriate funds for the judiciary to purchase legal services for low- and moderate-income persons.

Having served on one of the Access to Justices Commission's committee, been a past president of the Hawaii State Bar Association's Young Lawyers Division, and now as a Board Member of the Volunteer Legal Services of Hawaii (VLSH) I can comfortably say that legal services providers are a cost-effective solution to Hawaii's legal needs. Too many low- and moderate-income people are distrustful of the legal system because it seems inaccessible due to soaring costs. Left to their own devices they try and ignore the law leading to worst consequences than if they engaged with the process. Often times, legal service providers, by providing pop-up legal clinics, educational workshops and seminars, and just being a center where people can get the legal answers can get people to understand and appreciate the law. The laws that you as legislators help pass.

Further, by having access to representation people need not fear lawyers, judges, and the court system. This in turn helps build faith and trust in the judicial system. We already have seen the deleterious effects in other jurisdictions where the populace mistrusts the legal system. By funding the judiciary in this manner the Legislature would be ensuring that we have a strong legal system that ALL people can access.

I submit this testimony in support of SB 130 and respectfully requests that your Committee give this measure its favorable consideration.

Sincerely,



Ryan K. Hew