



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

830 PUNCHBOWL STREET, ROOM 420  
HONOLULU, HAWAII 96813  
[www.labor.hawaii.gov/ocs](http://www.labor.hawaii.gov/ocs)  
Phone: (808) 586-8675 / Fax: (808) 586-8685

March 17, 2015

To: The Honorable Gil Keith-Agaran, Chair  
The Honorable Maile S.L. Shimabukuro, Vice Chair, and  
Members of the Senate Committee on Judiciary and Labor

Date: Wednesday, March 18, 2015  
Time: 9:00 a.m.  
Place: Conference Room 016, State Capitol

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

**Re: Senate Concurrent Resolution 23/Senate Resolution 6**

**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**

The resolutions 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 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.

The measures state 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**

DATE: March 16, 2015

TO: Senator Keith-Agaran, Chair  
Committee on Judiciary and Labor

*Submitted Via [JDLtestimony@capitol.hawaii.gov](mailto:JDLtestimony@capitol.hawaii.gov)*

RE: **SCR23/SR6 – 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  
LOW- AND MODERATE-INCOME INDIVIDUALS**  
**Hearing: Wednesday, March 18, 2015, 9:00 a.m.**  
**Conference Room: 016**

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Dear Chair Keith-Agaran, and Members of the Committee on Judiciary and Labor,

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 cannot 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

999 Bishop Street, Suite 1400  
Honolulu, HI 96813  
(808) 539-0840



**LEGAL AID  
SOCIETY OF HAWAII**

Telephone: (808) 536-4302 • Fax: (808) 527-8088  
Mailing Address: P.O. Box 37375 • Honolulu, Hawaii 96837-0375  
924 Bethel Street • Honolulu, Hawaii 96813

Susan Ichinose, Esq.  
President, Board of Directors

M. Nalani Fujimori Kaina, Esq.  
Executive Director

**TESTIMONY IN SUPPORT OF SCR23/SR6 - 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 Judiciary and Labor - Room 016

Senator Gilbert Keith-Agaran, Chair  
Senator Maile Shimabukuro, Vice-Chair

March 18, 2015 at 9:00 a.m.

The Legal Aid Society of Hawaii submits strong testimony in support of SCR23/SR6 – 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.

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.

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.*



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**TESTIMONY IN SUPPORT OF SCR23 / SR 6  
REQUESTING THE HAWAII ACCESS TO JUSTICE COMMISSION TO  
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MODERATE-INCOME INDIVIDUALS.**

Committee on Judiciary and Labor  
March 18, 2015 at 9:00 a.m. - Room 308

**CHAIR KEITH-AGARAN, VICE CHAIR SHIMABUKURO, AND  
COMMITTEE MEMBERS:**

Thank you for this opportunity to testify in support of SCR 23 and SR 6. For over 30 years, Volunteer Legal Services Hawaii (VLSH) has been a vital vehicle for the low- and moderate-income community in the State of Hawaii to access civil legal services. VLSH has proudly partnered with Hawaii attorneys who donate their time, talents, and money to ensure that the people who live in poverty or near poverty have equal access to justice in our state.

VLSH services those who are poor, and also those who are one financial crisis away from falling into poverty. Many of the people VLSH assist are those most impacted by the Great Recession and who have yet to benefit from the State's economic recovery. The legal issues faced by the indigent population affect basic life essentials: secured housing; effectively caring for their elderly family members and children; recovering from debt; and securing federal maintenance benefits.

For over a decade the State has funded pro bono civil legal services for the poor through the Grant-in-Aid process. Such funding has sustained the availability of these critical services on a state-wide basis. This investment is a reflection of the State of Hawaii's recognition that civil legal services are a necessary tool to alleviate the long-term effects of the recession. Further, such historical funding evidences the state's continued commitment to ensure civil justice for the poor and vulnerable in our state. However, since the Great Recession, state funding has dwindled and continues to remain at limited levels.

545 Queen Street, Suite 100  
Honolulu, Hawaii 96813  
Phone: (808) 528-7050  
Fax: (808) 524-2147

[www.vlsh.org](http://www.vlsh.org)



Aloha United Way  
70170

In 2008, VLSH received \$800,000 in Grant-in-Aid funds, \$40,000 from Interest on Lawyer's Trust Accounts (IOLTA), and approximately \$14,000 from the Indigent Legal Assistance Fund (ILAF). In 2010, VLSH experienced a 30% increase in demand for services, but received no Grant-in-Aid funds, a \$20,000 decrease in IOLTA funds, and a \$2,000 increase in ILAF funds. In 2014, VLSH was fortunate to receive \$250,000 in Grant-in-Aid funds, which enabled VLSH to continue offering its core services of legal advice, brief services, and referrals to pro bono attorneys. However, the demand for civil legal services continues to overwhelm VLSH's current capacity due to insufficient levels of funding.

SCR23 and SR6 will pool together a collective body of community stakeholders to assess and develop how state revenues may best be used to support and restore civil legal services for the impoverished residents of our state. I humbly request your support of SCR23 and SR6.

Again, thank you for this opportunity to provide testimony.

Respectfully,

A handwritten signature in cursive script, appearing to read "Michelle D. Acosta", with a long horizontal flourish extending to the right.

Michelle D. Acosta  
Executive Director