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# HOUSE CONCURRENT RESOLUTION

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.

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

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6           WHEREAS, "The 2007 Assessment of Civil Legal Needs and  
7 Barriers of Low- and Moderate-Income People in Hawaii" found  
8 that only one in five people have their civil legal needs  
9 addressed and that only one in three people who contact a civil  
10 legal service provider is able to get assistance; and

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12           WHEREAS, one of the goals set forth in "The Community Wide  
13 Action Plan: Ten Action Steps to Increase Access to Justice in  
14 Hawaii by 2010" was that an appropriate home for funding civil  
15 legal services should be established to ensure stable state  
16 funding; and

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18           WHEREAS, access to civil legal services by the indigent is  
19 critical to providing access to justice for those who cannot  
20 afford an attorney; and

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22           WHEREAS, access to civil legal services results in costs  
23 savings to the State by way of recovery of federal public  
24 benefits (such as SSI and VA benefits), reduction of utilization  
25 of safety net services such as foster care by establishing  
26 guardianships for family caregivers, reduction of dependency on  
27 public assistance by securing child support and alimony, a  
28 decrease of instances of homelessness through housing  
29 representation, and an increase in state tax revenues



1 through employment and re-employment related legal  
2 assistance; and

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

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

14  
15 WHEREAS, for thirty years, the funding for civil legal  
16 services was provided through the Department of Labor and  
17 Industrial Relations-Office of Community Services; and

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19 WHEREAS, prior to 2005, general funding for civil legal  
20 services was provided by way of a purchase of service contract;  
21 since 2005, general funding for civil legal services has been  
22 made by a grant-in-aid; and

23  
24 WHEREAS, since 1995, general funding for pro bono legal  
25 services has been made by grants-in-aid; and

26  
27 WHEREAS, in 2011, the legislature increased court fees to  
28 include an amount to be paid into the indigent legal assistance  
29 fund pursuant to section 607-5.7, Hawaii Revised Statutes. The  
30 legislature did so upon a finding that there was a need to fund  
31 legal services for low- and moderate-income individuals who  
32 would not otherwise have access to legal services; and

33  
34 WHEREAS, despite the increase in court fees to include an  
35 amount to be paid into the indigent legal assistance fund, the  
36 total amount of funding for general civil legal services  
37 decreased from \$2,017,093 in the 2008 fiscal year to \$1,213,135  
38 in the 2015 fiscal year; and

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

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1 WHEREAS, general revenue funding is critical to meet the  
2 need for legal services in Hawaii, and the funding of legal  
3 services can promote the resolution of critical community  
4 issues; and

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6 WHEREAS, there should be an examination of executive  
7 agencies, the Judiciary, and community agencies to determine  
8 which agency or organization should administer general funding  
9 for civil legal services to obtain the best results; and

10  
11 WHEREAS, the examination should require:

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13 (1) The identification and assessment of the problems and  
14 issues relating to the funding of civil legal  
15 services, including the best agency or organization to  
16 administer these funds; and

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18 (2) The involvement of all interested governmental and  
19 community stakeholders to ensure that the  
20 administration of these funds is workable and  
21 acceptable to the interested stakeholders; now,  
22 therefore,

23  
24 BE IT RESOLVED by the House of Representatives of the  
25 Twenty-eighth Legislature of the State of Hawaii, Regular  
26 Session of 2015, the Senate concurring, that the Hawaii Access  
27 to Justice Commission is requested to assemble a working group  
28 of interested government agencies and community entities to  
29 conduct meetings to develop a plan for determining which agency  
30 or organization should administer funding for civil legal  
31 services; and

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33 BE IT FURTHER RESOLVED that the following persons or a  
34 representative of the following persons, agencies, or  
35 organizations be invited to participate in the working group:

- 36  
37 (1) The Governor;  
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39 (2) The President of the Senate;  
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41 (3) The Speaker of the House;  
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43 (4) The Judiciary;

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- 1 (5) The Attorney General;  
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3 (6) The Department of Human Services;  
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5 (7) The Department of Labor and Industrial Relations-  
6 Office of Community Services;  
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8 (8) The Department of Budget and Finance;  
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10 (9) The Department of Accounting and General Services;  
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12 (10) The Hawaii Justice Foundation;  
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14 (11) The Hawaii Access to Justice Commission;  
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16 (12) Legal Aid Society of Hawaii; and  
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18 (13) Volunteer Legal Services Hawaii; and  
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20 BE IT FURTHER RESOLVED, that the Access to Justice  
21 Commission may include any other organizations or stakeholders  
22 to participate in the working group that it deems necessary; and  
23

24 BE IT FURTHER RESOLVED that the plan include a history of  
25 state funding of civil legal services and the issues  
26 historically faced by civil legal service providers in providing  
27 service to low- and moderate-income individuals; and  
28

29 BE IT FURTHER RESOLVED that the plan include an analysis of  
30 the benefits and barriers to assigning the administration of  
31 funding for civil legal services to the Judiciary, Department of  
32 the Attorney General, Department of Human Services, Department  
33 of Labor and Industrial Relations-Office of Community Services,  
34 Department of Budget and Finance, Department of Accounting and  
35 General Services, and the Hawaii Justice Foundation; and  
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37 BE IT FURTHER RESOLVED that the plan include  
38 recommendations on which agency or organization should  
39 administer funding for civil legal services, levels of funding  
40 for civil legal services, and if enabling legislation is  
41 necessary, a proposal for such enabling legislation; and  
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1 BE IT FURTHER RESOLVED that the members of the working  
2 group should not be considered state employees based solely upon  
3 their participation in the working group; and  
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5 BE IT FURTHER RESOLVED that the Hawaii Access to Justice  
6 Commission is requested to submit the working group's plan to  
7 the legislature no later than twenty days prior to the convening  
8 of the Regular Session of 2016; and  
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10 BE IT FURTHER RESOLVED that the working group be dissolved  
11 on June 30, 2017; and  
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13 BE IT FURTHER RESOLVED that certified copies of this  
14 Concurrent Resolution be transmitted to the Governor, President  
15 of the Senate, Speaker of the House of Representatives, Chief  
16 Justice of the Hawaii Supreme Court, Attorney General, Director  
17 of Human Services, Executive Director of the Department of Labor  
18 and Industrial Relations-Office of Community Services, Director  
19 of Finance, Comptroller, Executive Director of the Hawaii  
20 Justice Foundation, Chair of the Hawaii Access to Justice  
21 Commission, Executive Director of the Legal Aid Society of  
22 Hawaii, and Executive Director of Volunteer Legal Services of  
23 Hawaii.  
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