
HOUSE 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, "The 2007 Assessment of Civil Legal Needs and
2 Barriers of Low- and Moderate-Income People in Hawaii" found
3 that only one in five people have their civil legal needs
4 addressed and that only one in three people who contact a civil
5 legal service provider is able to get assistance; and
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7 WHEREAS, one of the goals set forth in "The Community Wide
8 Action Plan: Ten Action Steps to Increase Access to Justice in
9 Hawaii by 2010" was that an appropriate home for funding civil
10 legal services should be established to ensure stable state
11 funding; and
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13 WHEREAS, access to civil legal services by the indigent is
14 critical to providing access to justice for those who cannot
15 afford an attorney; and
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17 WHEREAS, access to civil legal services can help residents
18 of Hawaii contribute as taxpayers by establishing citizenship,
19 provide safety and stability for children so that they can learn
20 in school, and reduce the utilization of safety net services
21 such as foster care or public assistance by providing
22 guardianships and child support services; and
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24 WHEREAS, for thirty years, the funding for civil legal
25 services was provided through the Department of Labor and
26 Industrial Relations-Office of Community Services; and
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28 WHEREAS, prior to 2005, general funding for civil legal
29 services was provided by way of a purchase of service contract;
30 since 2005, general funding for civil legal services has been
31 made by a grant-in-aid; and
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33 WHEREAS, since 1995, general funding for pro bono legal
34 services has been made by grants-in-aid; and



H.R. NO. 12

1
2 WHEREAS, in 2011, the legislature increased court fees to
3 include an amount to be paid into the indigent legal assistance
4 fund pursuant to section 607-5.7, Hawaii Revised Statutes. The
5 legislature did so upon a finding that there was a need to fund
6 legal services for low- and moderate-income individuals who
7 would not otherwise have access to legal services; and

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9 WHEREAS, despite the increase in court fees to include an
10 amount to be paid into the indigent legal assistance fund, the
11 balance of the fund decreased from \$2,017,093 in the 2008 fiscal
12 year to \$1,213,135 in the 2015 fiscal year; and

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14 WHEREAS, general funding for civil legal services and pro
15 bono legal services decreased from \$1,832,496 in the 2008 fiscal
16 year to \$400,000 in the 2015 fiscal year; and

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18 WHEREAS, general revenue funding is critical to meet the
19 need for legal services in Hawaii, and the funding of legal
20 services can promote the resolution of critical community
21 issues; and

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23 WHEREAS, there should be an examination of executive
24 agencies, the Judiciary, and community agencies to determine
25 which agency or organization should administer general funding
26 for civil legal services to obtain the best results; and

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28 WHEREAS, the examination should require:

- 29
30 (1) The identification and assessment of the problems and
31 issues relating to the funding of civil legal
32 services, including the best agency or organization to
33 administer these funds; and
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35 (2) The involvement of all interested governmental and
36 community stakeholders to ensure that the
37 administration of these funds is workable and
38 acceptable to the interested stakeholders; now,
39 therefore,

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41 BE IT RESOLVED by the House of Representatives of the
42 Twenty-eighth Legislature of the State of Hawaii, Regular



H.R. NO. 12

1 Session of 2015, that the Hawaii Access to Justice Commission is
2 requested to assemble a working group of interested government
3 agencies and community entities to conduct meetings to develop a
4 plan for determining which agency or organization should
5 administer funding for civil legal services; and
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7 BE IT FURTHER RESOLVED that the following persons or a
8 representative of the following persons, agencies, or
9 organizations be invited to participate in the working group:

- 10 (1) The Governor;
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- 12 (2) The President of the Senate;
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- 14 (3) The Speaker of the House;
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- 16 (4) The Judiciary;
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- 18 (5) The Attorney General;
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- 20 (6) The Department of Human Services;
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- 22 (7) The Department of Labor and Industrial Relations-
23 Office of Community Services;
- 24
- 25 (8) The Department of Budget and Finance;
- 26
- 27 (9) The Department of Accounting and General Services;
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- 29 (10) The Hawaii Justice Foundation;
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- 31 (11) The Hawaii Access to Justice Commission;
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- 33 (12) Legal Aid Society of Hawaii; and
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- 35 (13) Volunteer Legal Services Hawaii; and
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38 BE IT FURTHER RESOLVED that the plan include a history of
39 state funding of civil legal services and the issues
40 historically faced by civil legal service providers in providing
41 service to low- and moderate-income individuals; and
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H.R. NO. 12

1 BE IT FURTHER RESOLVED that the plan include an analysis of
 2 the benefits and barriers to assigning the administration of
 3 funding for civil legal services to the Judiciary, Department of
 4 the Attorney General, Department of Human Services, Department
 5 of Labor and Industrial Relations-Office of Community Services,
 6 Department of Budget and Finance, Department of Accounting and
 7 General Services, and the Hawaii Justice Foundation; and

8
 9 BE IT FURTHER RESOLVED that the plan include
 10 recommendations on which agency or organization should
 11 administer funding for civil legal services, levels of funding
 12 for civil legal services, and if enabling legislation is
 13 necessary, a proposal for such enabling legislation; and

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 15 BE IT FURTHER RESOLVED that the Hawaii Access to Justice
 16 Commission is requested to submit the working group's plan to
 17 the legislature no later than twenty days prior to the convening
 18 of the Regular Session of 2016; and

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 20 BE IT FURTHER RESOLVED that the working group be dissolved
 21 on June 30, 2017; and

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 23 BE IT FURTHER RESOLVED that certified copies of this
 24 Resolution be transmitted to the Governor, President of the
 25 Senate, Speaker of the House of Representatives, Chief Justice
 26 of the Hawaii Supreme Court, Attorney General, Director of Human
 27 Services, Executive Director of the Department of Labor and
 28 Industrial Relations-Office of Community Services, Director of
 29 Finance, Comptroller, Executive Director of the Hawaii Justice
 30 Foundation, Chair of the Hawaii Access to Justice Commission,
 31 Executive Director of the Legal Aid Society of Hawaii, and
 32 Executive Director of Volunteer Legal Services of Hawaii.

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OFFERED BY:

Kal Abrah

John M. ...
DCNA ...

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