
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, 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
30 through employment and re-employment related legal
31 assistance; and
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1 WHEREAS, civil legal services provides to the indigent
2 who are immigrants, homeless, at risk of homelessness;
3 families in crisis, consumers who have been taken advantage of,
4 and those who speak English as a second language, better access
5 to the justice system; and
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7 WHEREAS, civil legal services can support efforts to ensure
8 that government is providing effective services by helping those
9 facing the complex legal system without an attorney navigate the
10 system; and
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12 WHEREAS, for thirty years, the funding for civil legal
13 services was provided through the Department of Labor and
14 Industrial Relations-Office of Community Services; and
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16 WHEREAS, prior to 2005, general funding for civil legal
17 services was provided by way of a purchase of service contract;
18 since 2005, general funding for civil legal services has been
19 made by a grant-in-aid; and
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21 WHEREAS, since 1995, general funding for pro bono legal
22 services has been made by grants-in-aid; and
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24 WHEREAS, in 2011, the legislature increased court fees to
25 include an amount to be paid into the indigent legal assistance
26 fund pursuant to section 607-5.7, Hawaii Revised Statutes. The
27 legislature did so upon a finding that there was a need to fund
28 legal services for low- and moderate-income individuals who
29 would not otherwise have access to legal services; and
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31 WHEREAS, despite the increase in court fees to include an
32 amount to be paid into the indigent legal assistance fund, the
33 total amount of funding for general civil legal services
34 decreased from \$2,017,093 in the 2008 fiscal year to \$1,213,135
35 in the 2015 fiscal year; and
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37 WHEREAS, grant-in-aid funding for civil legal services and
38 pro bono legal services decreased from \$1,832,496 in the 2008
39 fiscal year to \$400,000 in the 2015 fiscal year; and
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41 WHEREAS, general revenue funding is critical to meet the
42 need for legal services in Hawaii, and the funding of legal



1 services can promote the resolution of critical community
2 issues; and

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

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9 WHEREAS, the examination should require:

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11 (1) The identification and assessment of the problems and
12 issues relating to the funding of civil legal
13 services, including the best agency or organization to
14 administer these funds; and
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16 (2) The involvement of all interested governmental and
17 community stakeholders to ensure that the
18 administration of these funds is workable and
19 acceptable to the interested stakeholders; now,
20 therefore,

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

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30 BE IT FURTHER RESOLVED that the following persons or a
31 representative of the following persons, agencies, or
32 organizations be invited to participate in the working group:

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34 (1) The Governor;
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36 (2) The President of the Senate;
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38 (3) The Speaker of the House;
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40 (4) The Judiciary;
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42 (5) The Attorney General;



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- 2 (6) The Department of Human Services;
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- 4 (7) The Department of Labor and Industrial Relations-
- 5 Office of Community Services;
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- 7 (8) The Department of Budget and Finance;
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- 9 (9) The Department of Accounting and General Services;
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- 11 (10) The Hawaii Justice Foundation;
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- 13 (11) The Hawaii Access to Justice Commission;
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- 15 (12) Legal Aid Society of Hawaii; and
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- 17 (13) Volunteer Legal Services Hawaii; and
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19 BE IT FURTHER RESOLVED, that the Access to Justice
 20 Commission may include any other organizations or stakeholders
 21 to participate in the working group that it deems necessary; and
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23 BE IT FURTHER RESOLVED that the plan include a history of
 24 state funding of civil legal services and the issues
 25 historically faced by civil legal service providers in providing
 26 service to low- and moderate-income individuals; and
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28 BE IT FURTHER RESOLVED that the plan include an analysis of
 29 the benefits and barriers to assigning the administration of
 30 funding for civil legal services to the Judiciary, Department of
 31 the Attorney General, Department of Human Services, Department
 32 of Labor and Industrial Relations-Office of Community Services,
 33 Department of Budget and Finance, Department of Accounting and
 34 General Services, and the Hawaii Justice Foundation; and
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36 BE IT FURTHER RESOLVED that the plan include
 37 recommendations on which agency or organization should
 38 administer funding for civil legal services, levels of funding
 39 for civil legal services, and if enabling legislation is
 40 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 Resolution be transmitted to the Governor, President of the
15 Senate, Speaker of the House of Representatives, Chief Justice
16 of the Hawaii Supreme Court, Attorney General, Director of Human
17 Services, Executive Director of the Department of Labor and
18 Industrial Relations-Office of Community Services, Director of
19 Finance, Comptroller, Executive Director of the Hawaii Justice
20 Foundation, Chair of the Hawaii Access to Justice Commission,
21 Executive Director of the Legal Aid Society of Hawaii, and
22 Executive Director of Volunteer Legal Services of Hawaii.
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