



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

Derek R. Kobayashi
Vice Chair

HAWAI'I ACCESS TO JUSTICE COMMISSION

Commissioners:

Hon. Edmund D. Acoba
Rep. Della Au Belatti
Katherine G.W. Bennett
Hon. Joseph E. Cardoza
Hon. Brian Costa

Rona Y. Fukumoto
Marie M. Gavigan
Victor Geminiani
Hon. Ronald Ibarra
Jean Johnson

M. Nalani Fujimori Kaina
Sen. Gilbert Keith-Agaran
Nanci Kreidman
Angela Kuo Min
Carol K. Muranaka

Diane T. Ono
Matthew Sagum
Gary M. Slovin
Dean Aviam Soifer
Joanna E. Sokolow

JUDICIARY COMM. NO. 7

June 11, 2018

The Honorable Ronald D. Kouchi
President, Hawaii State Senate
415 South Beretania Street, Room 409
Honolulu, HI 96813

Re: **2017 Annual Report of the Hawai'i Access to Justice
Commission**

Dear Senate President Kouchi:

Pursuant to Rule 21(j)(1) of the Rules of the Supreme Court of the State of Hawai'i, enclosed is the 2017 Annual Report of the Hawai'i Access to Justice Commission. The report summarizes the activities of the Commission during the period, January 1, 2017 through December 31, 2017.

Thank you for your attention to this matter and your continued support of access to justice in Hawaii.

Very truly yours,

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



HAWAI'I
ACCESS TO JUSTICE COMMISSION

ANNUAL REPORT FOR 2017

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The Chairs of the Annual Report Committee, Jean Johnson and Rona Fukumoto, acknowledge and express appreciation to the following persons for assistance in obtaining information, editing, printing, and distribution of this annual report: Justice Simeon R. Acoba, Jr. (ret), Tracey Wiltgen, Carol K. Muranaka, Jill Hasegawa, Angela Kuo Min, Sergio Alcubilla, Jennie Silbiger, Hawai'i Justice Foundation, and the Mediation Center of the Pacific.



I. HAWAI'I ACCESS TO JUSTICE COMMISSION

This report describes the 2017 activities of the Hawai'i Access to Justice Commission ("Commission"). It was a pivotal year culminating in several key initiatives and accomplishments. Some highlights include the following, which will be described in greater detail in the pages to follow.

- Following the award of a Justice for All grant to Hawai'i, a year-long effort starting in January 2017, involved an inventory of resources, assessment of needs, and planning strategic action to move towards the goal of one-hundred percent access to effective assistance for essential civil legal needs.
- In 2017, 191 students submitted essays as part of the Pro Bono week activities. Since this activity began five years ago, more than 1,000 students have submitted essays.
- The work of the Task Force on Use of Paralegals and Other Non-Attorneys resulted in two orders issued by the Supreme Court to establish pilot navigator programs in the First and Second Circuits.
- The pilot pro bono appellate program that was launched in 2016 was made permanent by the Hawai'i Supreme Court.
- Approval was received from the Hawai'i Supreme Court to proceed with an unbundling project that would allow attorneys to engage in limited representation of unrepresented litigants.
- The 2017 Access to Justice Conference was attended by over 260 people and featured panel discussions and workshops. Dean Kellye Y. Testy was the keynote speaker.

A. Commissioners

The Commission comprises twenty-two Commissioners. The various Commissioners are appointed as designated in Rule 21 of the *Rules of the Supreme Court of the State of Hawai'i*¹ by the following separate appointing authorities:

- Chief Justice of the Hawai'i Supreme Court
- Hawai'i State Bar Association ("HSBA")
- Hawai'i Consortium of Legal Service Providers
- Hawai'i Justice Foundation ("HJF")
- Hawai'i Paralegal Association

¹ Rule 21 of the *Rules of the Supreme Court of the State of Hawai'i* is attached as Appendix A.



- Governor of the State of Hawai'i
- Attorney General of the State of Hawai'i
- State of Hawai'i Senate President
- State of Hawai'i Speaker of the House

The Commissioners who served in 2017 are listed below:

	Name	Appointed By	Term Ends
1.	Hon. Simeon R. Acoba, Jr. (ret) (Chair)	Chief Justice	12/31/18
2.	Hon. Edmund D. Acoba, Jr.	Chief Justice	12/31/18
3.	Hon. Joseph Cardoza	Chief Justice	12/31/17
4.	Hon. Ronald Ibarra	Chief Justice	12/31/18
5.	Hon. Brian Costa	Chief Justice	12/31/18
6.	Mark K. Murakami	HSBA	12/31/17
7.	Derek Kobayashi (Vice-Chair)	HSBA	12/31/19
8.	Carol K. Muranaka	HSBA	12/31/17
9.	Joanna E. Sokolow	HSBA	12/31/19
10.	Michelle Acosta (Volunteer Legal Services of Hawai'i)	Hawai'i Consortium of Legal Services Providers	12/31/19
11.	M. Nalani Fujimori Kaina (Legal Aid Society of Hawai'i)	Hawai'i Consortium of Legal Services Providers	12/31/18
12.	Nanci Kriedman (Domestic Violence Action Center)	Hawai'i Consortium of Legal Services Providers	12/31/19
13.	Victor Geminiani (Hawai'i Appleseed Center for Law and Economic Justice)	Hawai'i Consortium of Legal Services Providers	12/31/19
14.	Jean Johnson (Non-attorney public representative)	Hawai'i Consortium of Legal Services Providers in consultation with the Chief Justice	12/31/18
15.	Rona Fukumoto (Non-attorney public representative)	Hawai'i Consortium of Legal Services Providers in consultation with the Chief Justice	12/31/17
16.	Gary M. Slovin	HJF	12/31/18



17.	Dean Aviam Soifer	William S. Richardson School of Law	12/31/19
18.	Matthew Sagum	Hawai'i Paralegal Association	12/31/19
19.	Diane T. Ono	Governor	² N/A
20.	Marie M. Gavigan	Attorney General	N/A
21.	Hon. Gilbert Keith-Agaran	Senate President	N/A
22.	Hon. Della Au Belatti	House Speaker	N/A



Commission Chair, Justice Simeon Acoba, (ret.), presented a certificate of appreciation to Commissioner Ronald Ibarra upon his retirement at the end of June 2017. A long-term member of the Commission and as Chief Judge of the Third Circuit, Commissioner Ibarra was a staunch advocate for increasing access to justice. At a time when Hawai'i's foreclosure rate was approximately ten times the national average, and one home in 189 had received a foreclosure filing in Hawai'i County, he administered a Foreclosure Mediation Pilot Project to give homeowners the opportunity to negotiate with lenders and remain in their homes and to reach dispositions in foreclosure actions that were satisfactory to both sides.

² Supreme Court Rule 21 states, "Governmental representatives appointed under Subsection 3(vii) shall rotate by their terms of office or at the will of the appointing authority."



B. Purpose

Under Rule 21 of the *Rules of the Supreme Court of the State of Hawai'i*, the purpose of the Commission “shall be to substantially increase access to justice in civil legal matters for low-income and moderate-income (together “low-income”) residents of Hawai'i.” To accomplish such purpose, “the Commission shall, along with such other actions as in its discretion it deems appropriate, engage in the following activities:

- (1) Provide ongoing leadership and oversee efforts to expand and improve delivery of high quality civil legal services to low-income people in Hawai'i.
- (2) Develop and implement initiatives designed to expand access to civil justice in Hawai'i.
- (3) Develop and publish a strategic, integrated plan for statewide delivery of civil legal services to low-income Hawai'i residents.
- (4) Increase and stabilize long-term public and private funding and resources for delivery of civil legal services to low-income Hawai'i residents.
- (5) Maximize the efficient use of available resources by facilitating efforts to improve collaboration and coordination among providers of civil legal services.
- (6) Increase pro bono contributions by Hawai'i attorneys through such things as rule changes, recruitment campaigns, increased judicial involvement, and increased recognition for contributors.
- (7) Reduce barriers to the civil justice system by developing resources to overcome language, cultural, and other barriers and by giving input on existing and proposed laws, court rules, regulations, procedures, and policies that may affect meaningful access to justice for low-income Hawai'i residents.
- (8) Encourage lawyers, judges, government officials, and other public and private leaders in Hawai'i to take a leadership role in expanding access to civil justice.
- (9) Educate governmental leaders and the public about the importance of equal access to justice and the problems that low-income persons in Hawai'i face in gaining access to the civil justice system. Methods include informational briefings, communication campaigns, statewide conferences (including an annual summit to report on and consider the progress of efforts to increase access to justice), testimony at hearings, and other means, and increase awareness of legal rights of low-income people and where they can go when legal assistance is needed.
- (10) Increase effective use of paralegals and other non-lawyers in the delivery of civil legal services to low-income Hawai'i residents.



- (11) Increase support for self-represented litigants, including self-help centers at the courts.
- (12) Develop initiatives designed to enhance recruitment and retention of attorneys who work for providers of non-profit civil legal services in Hawai'i and to encourage law students to consider, when licensed, the practice of poverty law in Hawai'i.
- (13) Encourage the formation of a broad coalition of groups and individuals to address ways to alleviate poverty in Hawai'i.
- (14) Conduct a statewide assessment of unmet civil legal needs among low-income people in Hawai'i five years after the Commission holds its first meeting to measure the progress being made to increase access to justice.

C. Committees

The Commission created committees and various other ad hoc subcommittees and task force groups to carry out and facilitate its mission. Commissioners serve as chairs for the committees. The role of each committee is advisory only, and each committee is intended to make such recommendations to the Commission as the committee determines to be appropriate. The committees, their chairs, their members, and the areas of responsibility assigned to them may be changed at any time by the Commission.

Administration Committee

[Associate Justice Simeon R. Acoba, Jr. (ret.) (Chair), David Reber (Vice-Chair), Michelle Acosta, Judge Brian Costa, Jill Hasegawa, Derek Kobayashi, Carol K. Muranaka, and Tracey Wiltgen]

- Assist the Chair of the Commission in developing an agenda for each Commission meeting and assist in arranging for presenters and written or electronic materials in support of agenda items.
- Assist identifying potential sources of funding and providing reports on the status of initiatives relative to funding.
- Assist in providing administrative direction and assistance to the Commission and its committees and task forces.
- Coordinate activities in support of the Commission's initiatives.

Summary of Activities

The Committee considered and made recommendations to the Commission and other committees regarding the following matters.

- (1) Approved two applications for service on the Commission's committees.



- (2) Recommended the appointments of Angela Kuo Min and Mark K. Murakami to the Pro Bono Initiatives Task Force; Mathew Sagum to the Task Force on Paralegals and Other Non-lawyers; Mark K. Murakami as the new Chair of the Committee on Overcoming Barriers to Access to Justice; and Judge William Domingo as Vice-Chair.
- (3) Reviewed the status of the unbundling project.
- (4) Reviewed the activities of the Justice for All Committee.
- (5) Reviewed the status of the various Commission committees.
- (6) Reviewed the status of the Task Force on Paralegals and Other Non-lawyers; approved appointments of members of the sub-committees on O'ahu and Maui; and recommended approval of a pilot Volunteer Court Navigator project in the First and Second Circuits.
- (7) Reviewed and aided in the submission, distribution, and posting of the Commission's 2016 annual report.
- (8) Monitored the planning of the 2017 Hawai'i Access to Justice Conference by the Committee on Education, Communications, and Conference Planning.
- (9) Reviewed the status of the appointment of an HSBA commissioner. Supreme Court Rule 21 requires that the HSBA appoint four members to the Commission as follows: (a) two representatives of the HSBA, who may be officers, directors, or the executive director of the HSBA; and (b) two active HSBA members who have demonstrated a commitment to and familiarity with access to justice issues in Hawai'i and who are not currently serving as an HSBA officer or director, one of whom shall be from a law firm of ten or more attorneys. At least one of the attorneys appointed by the HSBA shall be from an island other than O'ahu.
- (10) Approved revised language at the Commission subpages regarding the fact that the Commission does not render legal advice, place cases for representation with lawyers, make recommendations, or make referrals related to any individual case.
- (11) Approved preparation and submission of a letter in support of the proposed court rule allowing temporary licenses for spouses of military personnel.
- (12) Reviewed expenses related to the 2017 Pro Bono Celebration program.



Annual Report Committee

[Jean Johnson (Chair) and Rona S. Y. Fukumoto (Vice-Chair)]

- Assist in preparing an annual report of the activities of the Commission. The report is filed with the Supreme Court in accordance with Rule 21(j)(1).

Summary of Activities

- (1) The Annual Report of the Commission activities for 2016 was compiled and composed, submitted for approval by the Commissioners, printed, and distributed to the appropriate persons and entities.
- (2) The Annual Report of the Commission activities for 2017 was drafted and submitted to the Administration Committee and Commissioners for approval.
- (3) The Committee began collecting information for the Annual Report for 2018.

Committee on Education, Communications, and Conference Planning

[Dean Aviam Soifer (Chair); Sergio Alcubilla, Rep. Della Au Belatti, Sonny Ganaden, Reyna Ramolette Hayashi, Mihoko Ito, Robert J. LeClair, Michelle Moorhead, Carol K. Muranaka, Teri-Ann Nagata, Diane T. Ono, Leila Rothwell Sullivan, and Lorenn Walker]

- Assist in organizing an annual conference for presentation of issues related to access to justice.
- Make recommendations on encouraging lawyers, judges, government officials, and other public and private leaders in Hawai'i to take a leadership role in expanding access to justice.
- Assist in developing strategies for educating governmental leaders and the public about the importance of equal access to justice and of the problems that low-income persons in Hawai'i face in gaining access to the civil justice system. Strategies include informational briefings, communication campaigns, statewide conferences, testimony at hearings, and other means.
- Increase awareness of legal rights of low-income persons and where they can go when legal assistance is needed.
- Assist in developing a communications strategy and preparing communications consistent with that strategy.



- Encourage judges, lawyers, and legal services providers to prepare a series of articles on access to justice topics for publication in the *Hawai'i Bar Journal* and other media.

Summary of Activities

- (1) Planned, recommended, and coordinated the 2017 Access to Justice Conference ("Fulfilling the Promise of Equal Justice") held on Friday, June 16, 2017.
- (2) Prepared an application for approval of six CLE credits for Hawai'i-licensed attorneys attending the 2017 Access to Justice Conference. (Approval for the six CLE credits was ultimately received from the HSBA.)
- (3) Prepared a report to the Commission summarizing the 2017 Access to Justice Conference, including expenses, evaluations, and suggestions.
- (4) Worked on possible topics for the 2018 Access to Justice Conference.

Committee on Funding of Civil Legal Services

[Gary M. Slovin (Chair), Michelle Acosta, Rebecca Copeland, M. Nalani Fujimori Kaina, Robert LeClair, Dean Aviam Soifer, Kanani M. Tamashiro, and Wilfredo Tungol]

- Make recommendations and provide advocacy in support of establishing a permanent "home" for the legislative funding of providers of civil legal services to low-income individuals. The aim is that funding for such services may be stable and secure. Make recommendations and provide advocacy in support of increased legislative funding for providers of civil legal services.
- Make recommendations and provide advocacy in support of increased funding for civil legal services providers by the federal Legal Services Corporation and other federal and state agencies.
- Make recommendations and provide advocacy in support of increased funding of civil legal services through the indigent legal services filing fee surcharge and other measures. Assist providers of legal services in exploring additional public and private funding sources and in developing programs or projects for which funding may be sought.
- Make recommendations in collaboration with the Judiciary, the HSBA, law firms, and other employers of lawyers, to encourage attorneys to provide substantial financial support to providers of legal services, including additional amounts in years when such attorneys do not meet the aspirational pro bono goals of Rule 6.1 of the *Hawai'i Rules of Professional Conduct* ("HRPC").



Summary of Activities

- (1) Through the actions of the chair, continued efforts to work with legal service providers and others to advocate for general funds from the Legislature to further the efforts of the providers to provide legal services on behalf of low-income persons.
- (2) Continued efforts at the Legislature to maintain Indigent Legal Assistance Fund ("ILAF") support for the legal services providers.
- (3) Met periodically with legal service providers to discuss strategies for securing needed funds.

Committee on Increasing Pro Bono Legal Services

[Michelle D. Acosta (Chair)³, Tracey Wiltgen (Vice-Chair), Judge Edmund Acoba, Sergio Alcubilla, Rebecca Copeland, Gilbert Doles, Representative Linda Ichiyama, Gregory Kim, Derek Kobayashi, Catherine Taschner, and Shannon Wack]

- Study best practices in other jurisdictions for increasing the level of pro bono services by lawyers, paralegals, and others who may assist in overcoming barriers to access to justice. Methods include developing effective recruitment campaigns.
- Make recommendations concerning ways to develop a culture of commitment to pro bono service among Hawai'i's lawyers.
- Maintain a list of providers of legal services and others who offer opportunities for pro bono service, describe the nature of those opportunities, and explore and assist providers in increasing the opportunities they provide for such service.
- Make recommendations concerning ways to make providing pro bono service more attractive to attorneys. Methods include assisting in developing resources for the pre-screening of cases, ensuring proper training, providing support, and recognizing service.
- Make recommendations concerning ways in which the Commission, the Judiciary, and the HSBA—acting alone or in partnership with others—can encourage attorneys to provide higher levels of pro bono service.
- Make recommendations concerning ways to encourage law firms and others who employ lawyers (including governmental agencies and corporate law departments) to promote greater pro bono service among their attorneys.

³ In December 2017, upon the resignation of Michelle Acosta, Angela Kuo Min was appointed Chair.



- Make recommendations concerning ways to encourage retired lawyers and judges to provide pro bono or staff legal services to low-income persons.

Summary of Activities

- (1) Identified current pro bono initiatives, providing to Commissioners information on those initiatives.
- (2) Supported ongoing pro bono initiatives implemented by various providers and groups.

Committee on Initiatives to Enhance Civil Justice

[Joanna E. Sokolow (Chair), Kristin Shigemura (Vice-Chair), Sergio Alcubilla, Earl Aquino, Lincoln Ashida, Charles Crumpton, Elizabeth Fujiwara, Judge Leslie Hayashi (ret.), Dawn Henry, Judge Ronald Ibarra (ret.), Carol Kitaoka, Gregory Lui-Kwan, Michelle Moorhead, Jeffrey Ng, and Reginald Yee]

- Develop and publish a strategic, integrated plan for statewide delivery of civil legal services to low-income residents of Hawai'i.
- Study best practices in other jurisdictions and develop and recommend new initiatives to expand access to justice in Hawai'i.
- Make recommendations and provide advocacy in support of enhancing recruitment and retention of attorneys to work as staff members or to volunteer pro bono for non-profit providers of civil legal services in Hawai'i. Methods may include the following.
 - Establishment by the Hawai'i legislature of a student loan repayment assistance program to help full-time, non-profit civil legal services attorneys pay back their student loans; and adoption by the Hawai'i Supreme Court of rules to permit attorneys actively licensed to practice law by the highest court of a state or territory of the United States or the District of Columbia or Puerto Rico and who are working on staff or volunteering pro bono for non-profit providers of civil legal services. Permission would allow these providers to practice in that capacity for up to one year without being admitted to practice law in Hawai'i.
- Make recommendations concerning ways in which paralegals and other non-lawyers may assist in meeting specified unmet civil legal needs, including whether ethical or procedural rules would need to be changed to accommodate such assistance.



Summary of Activities

- (1) Established a cultural and legal partnership between Marshallese youth and local attorneys in the First Circuit. This action culminated in the first graduating class of students, which facilitated a mobile legal clinic in their community.
- (2) Developed additional forms for pro se litigants in paternity, divorce, and foreclosure proceedings in the First and Third Circuits.
- (3) Developed an initiative for mass recall of stale bench warrants in traffic cases.
- (4) Expanded use of online services for disposal of traffic matters.
- (5) Developed a program to air on Olelo called "A Day in the Life of..." to follow a Public Defender or Legal Aid Attorney for a day.
- (6) Explored other technology to assist pro se and low-income litigants. Examples include communication apps and text message reminders of court hearings.

Law School Liaison Committee

[Moses Haia (Chair), Ashlee Berry, Katie Bennett, Jean Johnson, Linda Kreiger, Mary Anne Magnier, Calvin Pang, James Pietsch, and Dean Aviam Soifer]

Make recommendations concerning ways to accomplish the following actions.

- Expand efforts to create and develop law student interest in the practice of poverty law by increasing existing clinical programs and instituting new ones to serve the needs of low-income populations.
- Emphasize, as part of the professional-responsibilities curriculum, a lawyer's ethical obligation under HRPC Rule 6.1 to perform pro bono legal services and ways this obligation can be met.
- Develop opportunities with legal services providers, and sources of additional funding, to support efforts of law students to meet the 60-hour pro bono graduation requirement in a manner consistent with addressing the needs of low-income populations.
- Encourage and recognize involvement of faculty members in efforts to promote equal justice by activities such as testifying in support of access to justice legislation, accepting pro bono cases, serving on boards of or-



ganizations that serve the legal needs of low-income populations, contributing financially to organizations that serve the legal needs of low-income persons, and filing amicus briefs in proceedings affecting legal services to the underserved.

- Develop more public interest summer and academic year clerkships and obtain grants for summer internships and clerkships that serve low-income populations.

Moses Haia remained Chair of the committee until his appointment to the Commission ended on December 31, 2016. During its April 2017 meeting, the Commission decided to defer further work of the Committee because the Dean of the Law School, Dean Aviam Soifer, who is a Commissioner and serves as Chair of the Committee on Education, Communications, and Conference Planning, maintains a liaison and working relationship between the school, and the Commission and its programs.

Committee on Overcoming Barriers to Access to Justice

[Mark Murakami (Chair), Judge William M. Domingo (Vice-Chair), Russell Awakuni, Patricia Cookson, Jean Johnson, Nanci Kreidman, Mary Anne Magner, Calvin Pang, Page Ogata, Jennifer Rose, Cynthia Tai, Malia Taum-Deenik, Kristina Toshikiyo, and Randall M. Wat]

- Make recommendations concerning ways to remove impediments to accessing the justice system because of language, cultural, and other barriers. In addition, make recommendations concerning what programs should be initiated to address these barriers. Such programs may include the following:
 - Providing multilingual services, including increasing the number of available staff and pro bono attorneys and court personnel who are bilingual;
 - Providing forms in multiple languages;
 - Providing translation services in court, administrative agencies, and with providers of legal services; and,
 - Partnering with the University of Hawai'i and other schools offering language training to encourage multilingual volunteers to provide outreach and translation services.
- Identify other barriers to obtaining legal assistance and make recommendations concerning methods to address them. Such methods may include provision of ancillary services (e.g., providing for child care during a court hearing) or services required for maintaining necessary mental health.



- Seek to reduce barriers by recommending ideas on existing and proposed laws, court rules, regulations, procedures, and policies that may affect meaningful access to justice for low-income residents of Hawai'i.

Summary of Actions Taken

- (1) Met to strategically determine unmet needs to develop a work plan.
- (2) Invited the Office on Equality and Access to the Courts of Language Assistance Services of the Hawai'i State Judiciary to present to the committee the current issues, challenges, and unmet needs in serving limited-English-proficient persons.

Committee on the Right to Counsel in Certain Civil Proceedings

[Marie Gavigan (Chair), Shannon Wack (Vice-Chair), Jessica Freedman, Regina Gormley, Brandon Ito, Judge Blaine Kobayashi, Mary Anne Magner, Wilfredo Tungol, James Weisman, and Cheryl Yamaki]

- The American Bar Association, at its 2006 annual meeting in Hawai'i, adopted a resolution supporting "legal counsel as a matter of right at public expense to low income persons in those categories of adversarial proceedings where basic human needs are at stake, such as those involving shelter, sustenance, safety, health, or child custody, as determined by each jurisdiction." The Committee should study developments in other jurisdictions with respect to establishment and implementation of a right to counsel in certain civil proceedings.
- Make recommendations concerning the types of civil matters in which the rights or issues involved are of such fundamental importance that counsel should be provided in Hawai'i, assess to what extent attorneys are available for such matters, and make recommendations on how to assure that counsel is available.

Summary of Activities

- (1) The Vice-Chair obtained, from the 2017 Equal Justice Conference, materials for review, evaluation, and guidance regarding the right to counsel.
- (2) The Chair began a review of different types of civil matters in which the right to counsel might be appropriate.

***Committee on Self Representation and Unbundling***

[Derek Kobayashi (Chair), Sarah Courageous, Damien Elefante, Jerel Fonseca, Victor Geminiani, Tracy Jones, M. Nalani Fujimori Kaina, Victoria Kalman, Jo Kim, Jay Kimura, Justin Kollar, Daniel Pollard, Judge Trudy Senda, Kristina Toshikiyo, and Shannon Wack]

Members of this Committee may also serve on a joint committee with the Supreme Court's Committee on Professionalism. Although the joint committee will need to determine its agenda, this Committee of the Commission may study and make recommendations concerning such ways as the following to facilitate service on a joint committee.

- Reduce barriers encountered by self-represented litigants in the court system. Examples include using plain English, translations into other languages, and by simplifying procedural rules.
- Make changes to court rules and statutes that would streamline and simplify substantive areas of the law such as family, housing, and landlord-tenant law.
- Make changes to court rules to permit limited representation or "unbundled" legal services, and if achieved, make recommendations concerning continuing legal education programs and other ways of promoting unbundling as a way to meet currently unmet legal needs and empowering individuals to represent themselves.

Summary of Activities

- (1) In March 2017, the Hawai'i Supreme Court responded to proposed amendments submitted by the Committee by approving the program in large part but seeking a response as to certain revisions of the procedures and court forms.
- (2) The Rule 1.2 Subcommittee was reconstituted to draft a response to the Supreme Court on the proposed rules.



II. JUSTICE FOR ALL PROJECT

A. Justice for All Project and Vision

In 2016, Hawai'i was ranked among the top three states in the country for practices aimed at making access to justice a reality for all people. This movement arose largely through the efforts of a broad network including the Hawai'i Access to Justice Commission, the Hawai'i Justice Foundation, the Hawai'i State Bar Association and local bar associations, the Judiciary, including Chief Justice Mark E. Recktenwald, leaders in government, legal services providers, and hundreds of volunteers.

To build on that foundation, in November 2016,⁴ Hawai'i was one of seven states awarded a grant of nearly \$100,000 to support efforts to enhance access to justice for all persons of Hawai'i by embarking on the Justice For All (JFA) Project.⁵ The JFA Committee was formed by the Hawai'i Access to Justice Commission and the committee coordinated the efforts on the grant. The first phase of the JFA Project was a twelve-month⁶ effort involving an inventory of resources, assessment of needs, and strategic action planning to move towards the goal of one-hundred percent access to effective assistance for essential civil legal needs.

The vision for one-hundred percent access to justice in Hawai'i is a civil justice system resembling the craft of *ulana lauhala*. Hala trees are native to the Hawaiian and Pacific Islands. Traditional weavers refine the raw and thorny hala leaves, *lauhala*, into strong, tightly-woven, functional mats, baskets, hats, wall thatch, and canoe sails. The JFA Project, like the *lauhala*, has refined Hawai'i's access to justice foundation by bringing together stakeholders and renewing commitments.

An effective civil justice system depends in large part upon strong legal service providers that are interwoven with other community organizations and government agencies to provide functional access to justice for those of low-income. Just as hala leaves are refined, community and government organizations are primed and positioned to engage with each other.

⁴ Nearly two dozen local access to justice leaders were personally involved in the grant application, including Chief Justice Mark Recktenwald, other judges, the Administrative Director of the Courts, legislators, executive directors of civil legal service providers, the State Law Librarian and Access to Justice Coordinator of the Hawai'i State Judiciary, the Chair and nine commissioners of the Hawai'i Access to Justice Commission, and directors of the Hawai'i Justice Foundation.

⁵ The JFA Project is supported by the Public Welfare Foundation and the National Center for State Courts (NCSC). The Hawai'i Justice Foundation also committed to supplement the grant with additional funds.

⁶ The Project's official period is December 15, 2016 to December 15, 2017.



Indeed, a growing number of partners in Hawai'i are committed to providing access to information or assistance as needed, in a manner that is timely and usable by all. This project promises to be the foundation upon which to develop a more robust and tightly-woven support system—a *lauhala* mat—to meet the full continuum of needs of underserved persons.

B. Hawai'i Justice for All Project Final Report

Through the JFA Project, the Hawai'i Justice Foundation, Hawai'i Access to Justice Commission, and Hawai'i State Judiciary, along with dozens of leaders in government, and private and non-profit sectors, have renewed local partnerships and strengthened relationships while identifying resources, assessing the local landscape, and crafting a strategic action plan to reduce barriers to access to justice and to move towards the goal of one-hundred percent access to effective assistance for essential civil legal needs.

Hawai'i's civil justice system and broader network of community organizations provide invaluable assistance to tens of thousands of people every year to overcome a variety of barriers, including income. Yet for many, barriers remain and prevent effective assistance for essential civil legal needs.

The Hawai'i JFA Project Final Report, submitted on December 22, 2017, is organized in three parts: (1) an inventory of existing access to justice resources, programs, and projects being undertaken by Hawai'i's access to justice stakeholders, including Hawai'i's Judiciary, Access to Justice Commission, the Legislature, and Hawai'i's vast array of legal service providers; (2) an assessment of Hawai'i's access to justice needs based upon the JFA Committee community, and network partner meetings undertaken in the course of this JFA Project; and (3) a strategic action plan comprising four key recommendations for Hawai'i's access to justice partners to focus on. Appendices to the Report provide supplementary and reference materials.

1. Inventory

The inventory of existing resources provides a wide panorama snapshot in time, and endeavors to portray the lush landscape of the current system that provides critical services to tens of thousands of people in Hawai'i every year. While this rendering may not capture the fine-grain detail of all that the current system offers, this snapshot generally provides a collective understanding of current resources and collaborative efforts.

The inventory attempts to capture the historic and current work by many partners across our State in communities and online, at the Capitol and in court-houses, in state statutes and state contracts, and among informal agreements and customary ways of carrying out business. This inventory describes the design,



governance, and management of efforts to increase access to justice and captures practices and programs that continue to be reviewed, expanded, and improved.

2. Assessment of Underserved Populations and Network Partners

The underserved populations' assessment, through the assistance of local consultants, reviewed select underserved communities and segments of the population across the State. The assessment focused on those people expected to face the greatest variety and most intractable barriers to access to justice and explored those barriers in depth. Issues discussed with individuals in these communities were aggregated into themes, resources, opportunities, and gaps in the system.

Meetings with network partners included discussions with leaders of state and county agencies, leaders in the healthcare industry, leaders in organized labor, homelessness and other social services providers, domestic violence service providers and survivors, librarians, immigration attorneys, and others.

The assessment of underserved populations revealed challenges, opportunities, and an understanding of social issues that often predate, correlate with, potentially cause, or underlie essential civil legal needs or barriers to assistance. Among these are fear and intimidation of the "system" or others; hopelessness that leads to resignation; and competing priorities of shelter, food, work, or others that appear to many in the moment to be a higher priority than resolving an essential civil legal need. The assessment also revealed varying degrees of the following: lack of awareness; lack of information; lack of comprehension; economic barriers; geographic barriers; and the unavailability of assistance.

The assessment of the community and network partners revealed many strengths of the current system, among them a host of resources, such as government agencies and judiciary services, legal services providers, libraries, places of worship, social workers, and the internet. All of these are places where people naturally seek information and assistance. Other strengths identified include the existence of sanctuaries, or places where people feel safe to share their challenges and seek assistance without fear. Such places include domestic violence assistance organizations, homelessness services organizations, mediation centers, immigration services organizations, community health centers, houses of worship, and others.



3. Strategic Action Plan

The strategic action plan identifies four recommendations for implementation by Hawai'i's access to justice community. The JFA Project is an extraordinary opportunity for all and is running parallel to an already fast-moving system that is continually innovating, improving, self-assessing, self-correcting, and planning for the future. These four recommendations together, particularly when combined with the ongoing services captured in the inventory, paint a picture of what the landscape of access to justice might look like in Hawai'i in the near future.

Creating a system to achieve meaningful access to justice in Hawai'i will require careful and strategic investment in actions that can effectively lay the groundwork from which the system can continue to develop. From the conversations and lessons learned in this planning process, the common themes that arose as critical intervention points were around how information could be accessed and how resources are coordinated.

With this as a backdrop, the core principles and the inventory of current resources, the JFA Committee developed four recommendations—to supplement existing programs—to form the basis of a strategic plan to better achieve meaningful access to justice for essential civil legal needs for all in our community.

Recommendation One: Community Navigators

One of the biggest takeaways from the community meetings was an interest among participants in wanting to help. Participants saw civil legal needs as important in their communities and noted many needs that continue to be unanswered.

Over the years, legal service organizations have used paraprofessionals to help bridge gaps in many communities by providing legal information and advice, legal education, and on-going community-based services. These paraprofessionals provide a critical link with specific expertise generally related to the critical legal needs in the communities they serve. These paraprofessionals work directly under the supervision of attorneys and work closely to ensure that the right legal advice is provided.

The Community Navigator project contemplated by this recommendation would supplement the work of these paraprofessionals, by aiming to train identified community leaders who are trusted in rural and other communities of high need (e.g., religious leaders, librarians, social and outreach workers from organizations and agencies, informal community leaders, health clinic workers, public-facing employees of various city and state agencies, school leaders, and others) provide accurate and relevant information to community members in need, set



community members on a path toward self-help to resolve legal needs and other needs, and to refer more complex situations to legal service providers.

The Community Navigator project would be developed in partnership with the legal service providers and other key community partners who will bring their experience and expertise to developing appropriate training for identified community leaders and to assist in creating a network of connections to assist those in need.

Navigators could be trained with curriculum and materials developed by legal service providers and agencies. Identification and training of current and new navigators will be ongoing, and the reach of Navigators will continue to expand. Technology tools, including on-line training, could also be leveraged as needed. On-going meetings among providers to ensure that accurate and new information is consistently provided to community navigators would also be included in the development of the project.

Recommendation Two: Promotion of Use of Preventative Legal Assessments in Various Settings as an Access to Justice Tool

Early identification of civil legal needs was a significant common challenge and potential solution that emerged throughout the focused community and network partner meetings. This recommendation seeks to encourage use and integration of legal needs assessments into legal and non-legal settings as a tool to increase awareness of civil legal needs and identify opportunities to solve challenges before these escalate into crises. This recommendation also contemplates expanding opportunities for legal checkups and training people at a variety of institutions to perform such checkups. When performed in the right setting, legal assessments could address safety, security, and competing priorities, assist in getting information, identify self-help pathways to address legal needs, and connect individuals with providers who may be able to provide more extensive, appropriate, and affordable legal services.

Drawing on existing resources like the Medical Legal Partnership I-HELP assessment, and soon to be developed American Bar Association Center for Innovation Online Legal Check Up tools, Hawai'i can work with these tools and modify them, if necessary, for use with various community partners and legal service providers. Meetings with legal service providers, social service providers, and other community partners, including government agencies that currently fund civil legal and other social services, can be convened to identify and modify tools if needed, create policies that support the utilization of legal assessments, and work on mechanisms to best deploy and use legal assessments by community partners.

Broader use of legal assessments can identify preventative, non-legal, and other resources that can assist in addressing future civil legal needs or identifying



interventions that may prevent development of such legal needs. These resources may include early referrals and access to mediation, counseling, classes, respite care, and other services.

Recommendation Three: Strengthening Connections between Institutions and Alignment of Social Service Resources and Programs

The need and opportunity for better collaboration and coordination throughout the civil justice system emerged from the network partner meetings. This recommendation focuses on strengthening connections between institutions and organizations working to address civil legal needs and connecting these institutions, organizations, and programs with people in need. This recommendation builds upon and further encourages the robust collaborations that already exist among many of the legal service providers and government entities, especially the Judiciary, that comprise Hawai'i's access to justice community.

This recommendation also seeks to encourage network partners to pursue methods of leveraging resources and aligning social service resources and programs that share the common goal of resolving a combination of legal, social, and health service challenges. For example, Medicaid and other existing Department of Human Services, Department of Health, Judiciary, and other governmental programs could continue to improve alignment of resources and programs to better coordinate and better deploy government funding resources to improve services and access to services such as housing supports, substance abuse treatment programs, anger management counselling, family counselling, or domestic violence victim support services.

The JFA Committee believes that funding for one full-time Policy and Program Specialist position in the amount of \$78,000.00 within an appropriate state agency could effectively be used to convene community partners, governmental directors, or program managers from the Judiciary and appropriate executive agencies to further better collaboration and coordination of services. This position could also be tasked with advancing other JFA recommendations including: (1) assisting efforts to advance, develop, train, and connect community navigators to the larger civil legal justice community; and (2) convening the interagency roundtable discussed below.

Recommendation Four: Interagency Roundtable Focused on Achieving Greater Access to Civil Legal Justice.

Based upon the network partner meeting of state and county department directors and other program representatives, there was consensus about the potential benefits and utility of continuing the conversation among government agencies to focus on achieving greater access to civil legal justice. Inspired by the



2015 White House Legal Aid Interagency Roundtable convened under the leadership of President Barack Obama, this recommendation supports and encourages creation of an interagency roundtable of state and county government agencies that meet regularly to coordinate ways to improve meaningful access to justice for all, at all points on the continuum of needs.



III. 2017 HAWAI'I ACCESS TO JUSTICE CONFERENCE

Over 260 people attended the 2017 Conference, including 118 attorneys seeking CLE credits for attendance. This number does not include the panelists who either sought Certificates of Attendance and Teaching (6 credits) or only Certificates of Teaching Credits (3 credits). There were 42 speakers or panelists. Dean Aviam Soifer and Robert LeClair served as co-emcees for the conference.

The Commissioners in attendance included Justice Simeon Acoba (ret.), Chair, Hawai'i Access to Justice Commission, Judge Joseph Cardoza, Judge Ronald Ibarra, Representative Della Au Belatti, Michelle Acosta, Rona Fukumoto, Victor Geminiani, M. Nalani Fujimori Kaina, Derek Kobayashi, Nanci Kreidman, Mark K. Murakami, Carol K. Muranaka, Diane Ono, Gary Slovin, Dean Aviam Soifer, and Joanna Sokolow.

A. Opening Remarks

Governor David Ige opened the Conference, praising the work of the Commission and encouraging the audience to participate in expanding access to justice. Chief Justice Recktenwald acknowledged the participation of Governor Ige, expressing appreciation for his commitment to achieving justice for all.

Chief Justice Recktenwald reviewed the myriad ways that recent advances in technology pose challenges to the role of the courts and the legal profession as traditionally understood.⁷ Yet technology presents great opportunities for increasing access to justice. He applauded the leadership of the Commission and legal service providers in adopting these cutting-edge initiatives that assist self-represented parties to present their side of the story.

The Chief Justice concluded with the following statements.

While those who care about improving access to justice have diverse viewpoints and experiences, we are united by a common goal: the pursuit of meaningful justice for all of Hawai'i's people. I am proud of the work we have done, I am excited for the challenges that lie ahead, and I am optimistic for a future in which "justice of all" is not just an ideal, but a reality.

In his welcoming remarks, Commission Chair Justice Acoba described four significant accomplishments of the Commission.

⁷ A copy of Chief Justice Mark E. Recktenwald's welcoming remarks at the 2016 Access to Justice Conference is attached as Appendix B.



- (1) Hawai'i received a Justice for All grant from the Public Welfare Foundation in the approximate amount of \$100,000 "to retain consultants and to cover expenses for the purpose of assessing the needs in the State, of identifying resources, and of creating a plan to address such needs by the end of this year."
- (2) In May of this year, the Commission forwarded to the Hawai'i Supreme Court a proposal for a Volunteer Court Navigator Pilot Program for the First and Second Circuit District Courts. "The navigators would consist primarily of lay volunteers, paralegal assistants, and law school and paralegal college students."
- (3) The Commission received approval by the Hawai'i Supreme Court to continue work on an unbundling project, which would allow attorneys to engage in limited representation of an unrepresented litigant.
- (4) The pilot pro bono appellate program that was launched last year was made permanent by the Hawai'i Supreme Court recently.

Justice Acoba ended his opening remarks with the following comments.

In this environment, what we can do through personal and collective acts of charity, of generosity, of sharing, of sacrifice becomes all the more important and valuable. We can stand for such virtues by encouraging public support of assistance to others and by endorsing the valuable contributions our colleagues make in this respect—especially in our legal system.

B. Keynote Address

Kellye Y. Testy, Toni Rembe Dean and Professor of Law at the University of Washington, delivered the keynote address for the conference. Dean Testy is also serving as the incoming President and Chief Executive Officer ("CEO") of the Law School Admissions Council.

In her keynote address titled, "Just Innovations," Dean Testy shared her views concerning the current state of justice in our nation.⁸

Our world is in poor legal health. We do not hear as much about this as we do our physical health. Imagine for a moment if all the energy going into juice machines, the latest power bar, the newest no-carb diet, the new salty crunchy chip that's not really a chip because it's made out of kale rather than a potato, the fancy exercise machine that can get you fit in just under seven minutes per day, you get the idea.

⁸ A copy of Dean Kellye Y. Testy's keynote address is included as Attachment C.



What if all that energy were put into legal health? Or if an equal amount of federal and foundation funding looking for the next cancer or Alzheimer's intervention were put into addressing civil legal needs?

And, when we think of our legal health, we see concerns. We see them at a very fundamental level in what has been a steady erosion of focus upon and respect for the rule of law as the bedrock of human flourishing. The rule of law is often misunderstood or taken for granted. I have come to believe that perhaps it is too much like air, easy to not appreciate until you feel its absence. Only then, gasping, do we see how vital it is for life.

Dean Testy cautioned that “‘just innovation,’ that is, innovation for its own sake, is not only unhelpful, it is also dangerous.” She said that we must nurture “a spirit of innovation whose first principle is to advance justice and human dignity.” She mentioned technology as a tool for innovation, but not for gadgets and a need to focus on human-centered design for law and collaborations within the legal system.

Further, she described how Washington has created a new class of providers, seeking to fill voids in access to legal services in certain defined areas of need. To meet this need, the state has now graduated four cohorts of students as Limited License Legal Technicians. They now have almost 50 licensed Legal Technicians, an innovation that has begun to change the landscape regarding access to justice for single persons and parents who would not be able to afford an attorney for his/her divorce or other basic family law matters. She expects this program to grow in family law and anticipates that additional practice areas will be added in the future. She also hopes that other states will move in this direction.

C. Panels and Workshops

Following the keynote address, Chief Justice Recktenwald facilitated the “Creating Innovative Partnerships for Equal Justice” morning workshop with Mark Rossi, Vice-Chairman, Chief Administrative Officer, General Counsel, and Corporate Secretary of Bank of Hawai'i; Mateo Caballero, legal director of American Civil Liberties Union of Hawai'i; Jason Shimizu, Hawai'i Regional Council of Carpenters. There were 131 attendees who signed up for this workshop.

Tracey Wiltgen, Executive Director, The Mediation Center of the Pacific, facilitated the concurrent morning workshop, “Dispute Resolution Processes That Increase Access to Justice” with First Circuit District Court Judge Hilary Gangnes; Laurie Tochiki, President and CEO of Effective Planning and Innovative Communication, Inc., dba EPIC 'Ohana; Erika Ireland, former deputy prosecuting



attorney; and Lorenn Walker, Executive Director of Hawai'i Friends of Restorative Justice. There were 83 attendees who signed up for this workshop.

These were five concurrent workshops for the first afternoon session.

1. "Legislative Panel—A discussion of equal access to justice for the low-income Hawai'i residents and funding challenges" with Representative Della Au Belatti and Senator Karl Rhoads. There were 56 attendees who signed up for this workshop.
2. "Preventing Fraud and Abuse of Older Persons—The Importance of Finding and Utilizing a 'Dementia-Capable' Attorney" with Professor James Pietsch (facilitator), Lennie Lee, and Scott Suzuki. There were 47 attendees who signed up for this workshop.
3. "License Reinstatement and Bench Warrant Removals—Removing Barriers to Re-Employment (An overview of the program where low-income violators who are seeking to become re-employed have a means to resolve outstanding warrants.)" with Michelle Acosta (facilitator), Judge Melanie May, and Jefferson Willard. There were 34 attendees who signed up for this workshop.
4. "Overcoming Barriers to Access to Justice" with Eric Seitz (facilitator), Lunsford Phillips, and Judge William Domingo. There were 51 attendees who signed up for this workshop.
5. "Complexity of Achieving Access to Justice for Domestic Violence Survivors" with Nanci Kreidman (facilitator) and Lynne McGivern. There were 31 attendees who signed up for this workshop.

For the second part of the afternoon, another set of concurrent workshops were scheduled as follows.

6. "Challenging Issues for the Low-Income Client in Family Court (discussing the voluntary settlement master program, military families, and veterans)" with Judge Mark Browning (facilitator), Mei Nakamoto, and Jim Hoenig. There were 54 attendees who signed up for this workshop.
7. "Native Hawaiian Civil Access to Justice Issues" with Moses Haia (facilitator), and Sharla Manley. There were 28 attendees who signed up for this workshop.



8. "Initiatives for Civil Access to Justice (discussing court innovations; strategies to engaging lawyers for pro bono work; updates from legal service providers; community lawyering)" with Judge Ronald Ibarra (facilitator), Judge Joseph Cardoza, Nalani Fujimori Kaina, and Christina Aiu. There were 62 attendees who signed up for this workshop.
9. "Challenges in Pro Bono Representation in Immigration Cases" with Gary Singh (facilitator), John Egan, and Bow Mun Chin. There were 21 attendees who signed up for this workshop.
10. "Affordable Housing Issues" with Victor Geminiani (co-facilitator), Gavin Thornton (co-facilitator) and Deja Ostrowski. There were 52 attendees who signed up for this workshop.

In the closing program, Professor Calvin Pang and Dean Testy had a "conversation" with the audience. Dean Testy reiterated that the spirit of innovation means a willingness to give things a try and, while knowing that there will be times that we will get stuck, we need to listen and create an openness. We should attempt to work together respectfully. In this endeavor, the spirit of unity means bringing into the room people who would not ordinarily be there. "Enlarging the circle is important," she said. She concluded the day by quoting Poet Gwendolyn Brooks, "We are each other's business; we are each other's bond."



Photographed at the end of the conference (left to right): Commission Chair, Justice Simeon R. Acoba (ret.); William S. Richardson Law School Dean, Aviam Soifer; keynote speaker, Dean Kellye Testy; and Hawai'i Chief Justice, Mark E. Recktenwald.



IV. PRO BONO CELEBRATION

"Today's celebration honors those who volunteer their time and talent to help others. Whether it be advocating for the rights of foster children, volunteering in a homeless shelter, or guiding a pro se litigant through the legal process, today's students and pro bono honorees possess a quality of selflessness that helps to make Hawai'i a better place for all."

—Chief Justice Mark Recktenwald

The Commission hosted the fifth annual Pro Bono Celebration on Thursday, October 26, 2017, at the Hawai'i Supreme Court. The Celebration was supported by the HSBA and the Hawai'i State Bar Foundation. The Program honored ten outstanding persons, including nine attorneys, who volunteer for legal service providers, sixty-five attorneys, law firms, and groups who volunteer for the First Circuit District and Family Court Access to Justice Rooms, and six winners of the student essay/video contest.

Hawai'i Supreme Court Associate Justice Simeon Acoba (ret.), Chair of the Commission, opened the ceremony by reflecting on the importance of encouraging and recognizing volunteerism, stating:

The goal of pro bono service is to extend legal assistance to those who would otherwise be unable to obtain or who are restricted in obtaining such services. This assistance is undertaken by lawyers to promote equal justice for all, regardless of economic, cultural, language, or other barriers that those in need may encounter. Equal justice is at the core of our democracy, and in fulfilling such service, lawyers help to preserve our democracy and our constitutional form of government.

A. Pro Bono Honorees

Hawai'i Supreme Court Associate Justice Michael Wilson recognized the pro bono attorneys honored by the legal service providers. The honorees were presented with certificates from Governor David Ige by Attorney General Douglas Chin. Legislative certificates were presented by Representative Della Au Belatti. The following persons were honorees.

Raynette Nalani Ah Chong was honored by the Hawai'i Appleseed Center for Law and Economic Justice for her efforts as a foster parent and as an advocate for foster families. Over a period of nearly 20 years, Ah Chong and her family opened their home to more than 100 foster children. Her family also adopted two children and cared for two more long term. In recent years, like many other foster



parents, Ah Chong found that it had become impossible to adequately provide for the foster children in their home with the \$529 monthly expenses reimbursement that the state had provided without adjustment for 24 years. Had the reimbursement been adjusted for inflation during that time, it would have increased to over \$970. Instead of abandoning the foster care system as many financially stretched foster parents have done, Ah Chong sought to improve it by challenging the state's refusal to adequately increase the reimbursement. Ah Chong bravely stepped out and spoke up on behalf of the roughly 1,000 foster families in the state, serving as class representative in a case that has continued for nearly four years.

Clare Hanusz and Kevin Block were honored by the ACLU of Hawai'i for their commitment throughout their careers to the public interest, and the many immigrants whose civil rights they defended pro bono as part of their immigration practice. Over the past years, they helped with matters ranging from racial profiling by the Maui police to advocating for the rights of Compact of Free Association migrants and all immigrants in Hawai'i. Hanusz and Block have, in partnership with the ACLU of Hawai'i, worked tirelessly to do outreach and conduct "know your rights" workshops for vulnerable immigrant communities that live in constant fear of immigration enforcement and deportation across the Hawaiian Islands.

Johanna Chock-Tam was honored by the Native Hawaiian Legal Corporation for her efforts to preserve the Hawaiian language. As a legal extern working for the Office of the Administrative Director of the Courts, she worked with the Hawaiian Language Web Feasibility Task Force created by the legislature and was given the task of translating the Judiciary website into Hawaiian. Most recently, Chock-Tam dedicated much of her free time working with the Native Hawaiian Legal Corporation as a pro bono attorney on a lawsuit about the ability of Hawaiian families to communicate in the Hawaiian language with their loved ones who are incarcerated.

William C. Darrah was honored by the Mediation Center of the Pacific for his efforts over the years to increase access to justice for divorcing couples. Despite a busy legal practice as a family law attorney, he has dedicated thousands of pro bono hours to provide the people of Hawai'i with the knowledge and tools to effectively navigate the divorce process fairly and respectfully. From serving as editor-in-chief of the *Hawai'i Divorce Manual* and the annual supplements since 2002, to developing and presenting 195 Divorce Law in Hawai'i monthly sessions at the Supreme Court since 2002 (and more recently at Family Court in Kapolei), creating and conducting 19 annual Divorce Mediation Best Practices workshops for the Mediation Center of the Pacific since 2006, and publishing the monthly *Journal of Hawai'i Family Law* since January 1990, Darrah has worked tirelessly to help divorcing couples work through the terms of their divorce with the least amount of stress and pain.



John Egan was honored by the Hawai'i Immigrant Justice Center for being a pillar in the legal community in fighting for immigrant rights. His consistent advocacy and dedication to upholding justice for immigrants is a shining example for the team at the Hawai'i Immigrant Justice Center at the Legal Aid Society of Hawai'i. Egan helps Legal Aid organize naturalization workshops by bringing his valuable institutional knowledge and experience to the table. He is always willing to work with Legal Aid through creative and effective case strategies in wading through murky immigration issues. He has also taken cases from Legal Aid pro bono. Egan regularly speaks at community events and continuing legal education seminars to share his knowledge. He even invites lawyers to come to his office to use his law library and resources.

Jill Hasegawa was honored by the Domestic Violence Action Center ("DVAC") as a spirited and active member of the legal community and a generous professional serving many through her array of volunteer leadership positions. She has served on the Hawai'i Access to Justice Commission, Hawai'i Women's Legal Foundation, ABA's Commission on IOLTA, was past president of the HSBA Young Lawyers Division, and an active consultant to the Domestic Violence Action Center. In addition to accepting pro bono cases, Hasegawa has mentored and trained agency staff attorneys over the last eight years. Her kindness, warmth, and welcoming professionalism is deeply appreciated by all staff and management of the DVAC.

Lynne Jenkins McGivern was also honored by the DVAC for the leadership roles she has taken at the organization for more than 15 years. She has been a mentor, trainer, and Board president of the agency. She always provided wise guidance, clear investment, and generous willingness to meet the problem of domestic violence with bold grace. She also provides pro bono representation and case consultation regularly for clients and staff at DVAC.

Neva Keres was honored by the University of Hawai'i Elder Law Program ("UHELP") where she has been volunteering since 2013. She always makes herself available to help when assistance is needed and has participated in a wide range of activities, from helping with major conferences to making presentations in the community for UHELP, to mentoring and going on outreach with elder law clinic students, to editing publications, to answering the UHELP office phone. She has a depth of legal knowledge developed in a range of legal settings. As an example of her impact on behalf of UHELP, Keres developed quite a following at the Kokua Kalihi Valley Memory Clinic. She is a valued volunteer with UHELP and always exhibits the highest levels of competence, confidence, civility, and cheerfulness.

Jefferson S. Willard was honored by Volunteer Legal Services of Hawai'i ("VLSH") for his public service through volunteer work. Most notably, Willard has



donated not only his time, but also his legal training and skills to helping over 44 low-income individuals through VLSH's Pro Bono Program. He logged in over 113 hours this year in VLSH's Re-employment and Community Services program. Despite his busy practice and commitments to his wife and daughter, he has made time to give back to the community.

B. Access to Justice Room Volunteers

Judge Melanie May and Mark Murakami recognized the individuals, law firms, and groups who volunteered at the District Court Access to Justice Room. These individuals included: Sharon Lovejoy, Jefferson Willard, Alana Peacott-Ricardos, Nathaniel Higa, Arlette Harada, Cheryl Park, Beverly Sameshima, Kristie Chang, Bryant Zane, Stacey Djou, Tred Eyerly, Daniel Kim, Bruce Paige, Sam Yee, Miriah Holden, Samantha Chan, Daniel Cheng, Rowena Somerville, Justin Brackett, Bruce Paige, Sergio Alcubilla, Eileen C. Zorc, Dan O'Meara, and William H. Gildard, Jr. The law firms included: Chong Nishimoto Sia Nakamura & Goto; Hawai'i Women Lawyers; McCorriston Miller Mukai Mackinnon; Carlsmith Ball; Cades Schutte; Goodsill Anderson Quinn & Stifel; Hawai'i Filipino Lawyers Association; Bronster Fujichaku Robbins; Schlack Ito; Starn O'Toole Marcus & Fisher; Alston Hunt Floyd & Ing; Ashford & Wriston; Damon Key Leong Kupchak & Hastert; Marr Jones Wang; and Yamamoto Caliboso.

Judge Catherine Remigio recognized the individuals who volunteered at the Family Court Access to Justice Room including: John Bryant Jr., Leslie Ching Allen, Richard Diehl, Noah Gibson, Jessi Hall, Seth Harris, Jill Hasegawa, Steve Hioki, Ann Isobe, Mari Kishimoto, Erin Kobayashi, Lynnae Lee, Marianita Lopez, Dyan Mitsuyama, Juan Montalbano, Michelle Moorhead, Mei Nakamoto, Eizabeth Paek-Harris, Gemma-Rose Poland Soon, Ellen Politano, Madalyn Purcell, Jackie Thurston, Carol Tribbey, Cheryl Yamaki, and Sandra Young.

C. Recipients of the Essay/Video Award

The Commission received 191 essays and videos from public and private high school students in grades 10 through 12 on the theme: "*Why we need volunteers, and how volunteering has helped me to answer this question.*" Regan Iwao, the lead coordinator of the contest, noted that the Commission received over 1,000 entries for the contest over the past five years. This year was the first time that videos were included in the contest.

The 2017 essay/video award recipients were: Kylie Alarcon, Aiea High School (video); Lona Girardin, Seabury Hall; Mya Hunter, Trinity Christian School; Elise Kuwaye, Kaimuki Christian School; Emily Kuwaye, Kaimuki Christian School; and Madison Pratt, Keaau High School.



These winners are pictured below along with Commission Chair, Justice Simeon Acoba (ret.), Hawai'i State Bar Association President, Nadine Ando, and Representative Della Au Belatti, Commissioner.



The preliminary judges for the contest included Judge Rhonda Loo, Judge Catherine Remigio, Judge Melanie M. May, Judge Michael Tanigawa, Judge William Domingo, Judge Dyan Mitsuyama, Judge James Kawashima, Judge John Montalbano, Judge Thomas Haia, Judge Randal Shintani, Judge Darolyn Lendio Heim, Judge James Ashford, Judge Hilary Benson Gangnes, Judge Steven Hartley, Jessi Hall, Derek Kobayashi, Sergio Alcubilla, David Brittin, Jenny Silbiger, Tracy Jones, Roya Deyhim, Joanna Sokolow, Jo Kim, Laurel Loo, and Shannon Wack.

The finalist judges of the essay contest were Chief Justice Recktenwald, Judge Ronald Ibarra, Commissioner, and 2017 HSBA President Nadine Ando. They praised the high school students for their inspiring essays and for actively engaging in volunteerism. Each of the students received a cash award of \$500, donated by McCorriston Miller Mukai MacKinnon, LLP; Schlack Ito, LLP; Goodsill



Anderson Quinn & Stifel, LLP; Damon Key Leong Kupchak & Hastert; Carlsmith Ball, LLP; and Bronster Fujichaku Robbins.

The Commission is grateful to everyone who supported and participated in the 2017 Pro Bono Celebration. The event represents an important gesture of gratitude to the attorneys and individuals who so generously donate their time to assist hundreds of people each year and serves to inspire Hawai'i's young people to volunteer. Equally important, the Celebration is a reminder to all of the importance of giving back and helping those in need to achieve access to justice.



V. ACCESS TO JUSTICE ROOMS and SELF-HELP CENTERS

by Jean Johnson, DrPH⁹

A major contribution toward increasing access to justice over the past few years has been the establishment of Access to Justice Rooms or Self-Help Centers in each courthouse in each state judicial circuit. This initiative has been a collaboration among the Hawai'i State Judiciary, the Commission, the Hawai'i State Bar Association, Legal Aid Society of Hawai'i, the AmeriCorps program and the county bar associations. For the First Circuit, the designation is Access to Justice Rooms; for the other circuits, the designation is Self-Help Centers.

Just as the names differ, the centers differ in the types of services they offer. The volunteer attorneys at the Honolulu District Court can provide legal advice. However, on the neighbor islands, the volunteer attorneys are limited to providing legal information. In 2012, when the Access to Justice Room was established at the Honolulu District Court, legal advice has largely focused on three civil areas: debt collection, temporary restraining orders (non-family), and landlord-tenant cases. Volunteer attorneys at Kapolei provide legal advice on family court issues. In the first circuit, Hookele, a service center or self-help desk, staffed by Judiciary employees make the referrals of self-represented litigants to the Honolulu District Court or Kapolei.

This report has been compiled for 2017 to provide a composite profile of the numbers of clients served, the income levels of those clients, the description of the services provided, and the client satisfaction with services.¹⁰ AmeriCorps personnel provide staffing support at each of the centers on the neighbor islands and at Honolulu District Court and are responsible for collecting and compiling the data and for producing monthly reports for submission to the Judiciary. Staff at Family Court provide similar data for Kapolei.

This is the first effort to provide a statewide picture of the clients and services being provided by the Access to Justice Rooms and the Self-Help Centers. While the data are not directly comparable because of the differences in the types

⁹ Jean Johnson is a Commissioner, serving as a community representative on the Commission.

¹⁰ Appreciation is expressed to the Legal Aid Society of Hawai'i's AmeriCorps members for overseeing and compiling these reports to the Judiciary on the monthly services provided at each center. Gratitude is also extended to the following AmeriCorps members for their dedication to providing access to justice in Access to Justice and Self-Help Rooms and their persistence in encouraging attorneys and clients to complete the surveys: Honolulu—Cynthia Ann Cuestas, Amy Peria, Destiny Brown, Sasha Georgiades, Monica McConnell, and Danielle Woo; Maui—Abegael Aldoso and Kathleen Brown; Hilo—Alexandria Agdeppa and Katie Kamelamela; Kona—Laura Cushman and Sarah Kelly; and Kaua'i—Sonia Song. At Kapolei, reports were provided by the law clerk for the Chief Judge of the First Circuit Family Court.



of legal support provided by volunteer attorneys, the data do provide an assessment that the services have been a significant factor in increasing access to justice for low-income and moderate-income persons.

Preparing the data was a challenge because it should be noted that the data collection formats differ across centers. Some centers had more challenges in collecting some portions of the data. Collecting data during the late summer months when AmeriCorps personnel are transitioning is a challenge. Also, a lag time exists in completion of year-end reports.

A. Profile of Clients Served

For 2017, Table 1 displays the number of persons referred for services and the number of attorneys providing services on the days each center was open. The number of attorneys is not an unduplicated number. It reflects the days that the center was staffed by an attorney. Some attorneys provided services on multiple days. Other attorneys may have only provided service on a single day during 2017. For Honolulu, 176 individual attorneys provided services; 35 provided services in Kona; 49 provided services in Hilo; 24 provided services in Maui; 10 provided services in Kaua'i; and 67 provided services for Kapolei.

Considerable variation exists in the number of days that individual attorneys provide professional services at the centers. For Kapolei, since the center was opened, four attorneys have volunteered more than 20 times. One has volunteered 28 times. For Kona in 2017, 14 attorneys served 65% of the clients. Another 40 attorneys served fewer days, providing services to 35% of the clients.

Table 1. Persons Served in 2017 by Court

Court	Number Referred	Number of Attorneys	Number Served by Attorney	Number Not Seen by Attorney on Date	Number Served by AmeriCorps
Honolulu	1,128	260	1,034	94	1,110
Kapolei	406	96	279	127	N/A
Maui	799	78	799	0	567
Hilo	1,152	188	1,127	25	1,135
Kona	632	137	600	32	613
Kaua'i	533	36	277	256	235
Total	4,650	795	4,116	534	3,660



In 2017, across the state, 4,650 eligible residents received legal information and services that would have been otherwise unavailable without the establishment of these resources. On a population basis, the centers on the Big Island appear to have served the largest percentage of their eligible population.

Centers differed in the challenges encountered in recruiting private attorneys to staff the center. On Kaua'i, staffing was limited to Legal Aid attorneys until five private attorneys volunteered in July, one in August, and three each for October and December. Maui was fortunate to not have to turn away a single client. Kapolei employs a different process whereby there are a designated number of slots for clients. Regardless of the number of referrals, only 24 clients could be seen for the first nine months of the year when six attorneys provided staffing. In October, the number of attorneys increased to eight, increasing the number of slots available for clients.

The column on the number of clients not seen by an attorney may be an indication that the client arrived too late or had to leave before the attorney was available to meet with them. Or, more clients may have appeared that day than could be accommodated by the available time slots. Those clients not seen on that day were likely rescheduled for the next available open date.

For the First Circuit, the majority of people were first-time clients. Approximately one-third over the year had previously received services from the center. Similarly in the Second Circuit, two-thirds of the clients were first-time clients and a third were repeat clients. For the Third Circuit, the data are different, with 49% of those receiving services being repeat visitors. Some of the clients at Hilo had visited the center as many as seven times previously. For Kaua'i, the results are similar to the Third Circuit with 167 (54%) of the 307 clients having previously been served by the Center. Approximately one-third of the clients seen in Kapolei had previously received services, some as many as eight times.

In 2017, for Honolulu, 233 (20%) of the clients served were veterans. Veterans comprised 7% of the clients on Maui. For Kona, 74 (23%) of the clients were veterans. For Hilo, 13% of the clients were veterans. On Kaua'i, 34 (7%) of the 493 clients were veterans. Kapolei does not collect information on veteran status.

Table 2 reflects the self-reported income for clients in 2017. This survey information is voluntary, resulting in a significant percentage (42%) of clients choosing not to reveal that information. Kapolei does not collect data on income. This table indicates that these centers are reaching the intended population of low-income and moderate-income clients.

The largest percentage (38.8%) of the total number referred, who completed the survey form, were from the lowest-income level—those under 125% of the



Federal Poverty Level (FPL). Altogether, those reporting incomes under 250% of the FPL constituted 58.1% of the clients served. Those reporting incomes exceeding 250% of the FPL may well represent more middle-income individuals, comprising 19.6% of the population served. By circuit, those individuals in the Third Circuit represented the largest percentage across the state of low-income clients receiving services.

Table 2. Client's Self-Reported Income for 2017 by Court

Court	Under 125% FPL	125-200% of FPL	200-250% of FPL	Above 250% of FPL	No Response
Honolulu	250	93	54	247	394
Maui	280	124	62	123	249
Hilo	393	94	27	91	247
Kona	214	90	30	125	145
Kaua'i	221	52	46	99	113
Total	1,358	453	219	685	1,148

B. Description of Cases and Services Provided

Through the neighbor-island Self-Help Centers, short-term legal support is provided to self-represented litigants on district court civil matters such as landlord-tenant, debt collection, family issues, and small claims. At the Kapolei Courthouse Access to Justice Room, advice is limited to family law issues, including custody/visitation, child support, divorce and paternity issues, guardianships, adoptions, and temporary restraining orders.

As described earlier, when the Access to Justice Room was established at the Honolulu District Court, the decision was made to focus on three civil areas: debt collection, temporary restraining orders (non-family), and landlord-tenant cases. The table for Honolulu includes additional categories of "Small Claims" and "Other." Table 3 describes the issues for which legal assistance was sought.

These differences make data difficult to compare. Honolulu District data forms reflect the categories of Landlord-Tenant, TRO, Debt Collection, Small Claims, and Others. The categories on the neighbor island data forms were more extensive. To create the table, it was necessary to combine some of the categories on the neighbor island forms. For example, from the neighbor island reports, the categories of "Landlord/Tenant Dispute or Eviction" and "Foreclosure" were combined under the "Landlord-Tenant" category for Honolulu. Also, "Small Claims" and "Garnishment" in the neighbor island reports were combined under "Small Claims."

Table 3. Types of Cases Assisted in 2017 by Court

Court	Landlord Tenant	TRO	Debt Collection	Small Claims	Family Law	Other
Honolulu	471	146	289	145	0	101
Kapolei	0	0	0	0	348	0
Maui	129	58	48	55	370	134
Hilo	103	129	36	55	512	145
Kona	81	46	44	49	309	109
Kaua'i	95	70	12	50	286	31
Total	879	449	429	354	1,825	520

For Family Court in Kapolei, the following are the totals for services provided in each of the categories.

- Custody/Visitation: 117
- Child Support: 54
- Divorce Issues: 1
- Guardianship: 16
- Paternity: 16
- Other Issues: 41

Family-law cases accounted for 41.4% of the cases statewide. Except for Kona, family-law issues were the majority of cases in each of the other courts. The patterns were similar with divorce and custody/visitation issues being the most frequent reasons for requesting legal assistance.

Except for Hilo, the second most frequent reason for seeking services was landlord-tenant issues. For the neighbor islands, assistance with Temporary Restraining Orders (TROs) was a major area of service-need. For the first circuit, the most frequent type of “other” case involved personal injury. For the other circuits, a wide range of other needs were catalogued.

The types of services provided by attorneys are classified into the following categories: brief question and answer, extended question and answer, in-depth question and answer, analyzed documents, provided forms, assisted with forms, reviewed forms, assisted with computer research, assisted with filing, and other.

For the First Circuit, the most frequent service provided (for six of the twelve months) was the “extended question and answer.” Altogether, brief, extended, and in-depth question and answer services were the most frequently services provided by the attorneys. Analysis of documents was the next most frequent service indicated.



Maui provided a different pattern, with the extended question and answer being the most frequent service, with no reports of brief or in-depth services provided. Analysis of documents was the next most frequent for the seven months for which data were reported.

For the Third Circuit, brief question and answers was the most frequent service provided, with in-depth question and answers rarely provided, with assistance with forms the second most frequent service provided. While, in the Fifth Circuit, brief, extended and in-depth question and answer services were the most frequent service provided; a higher percentage related to forms was evident in the Fifth Circuit.

In Honolulu, relatively few referrals were made to legal service providers. As an indicator of the extensive needs of the clients, the majority of referrals were to other agencies. In the Third Circuit, at the beginning of the year, almost all referrals were to other legal providers; however, by the last half of the year the majority of referrals were to other agencies. For the Fifth Circuit, referrals to other agencies accounted for a smaller percentage of referrals. Referrals to private attorneys appeared more frequent for the Fifth Circuit.

On Maui, the pattern differed, with a greater percentage being referred to legal service providers and relatively few to other providers for the seven months in which data were provided. Similarly, for Kapolei, although multiple services were provided to clients, the most frequent were question and answers followed by review of documents.

C. Client Satisfaction with Services Provided

As with the income surveys, the satisfaction surveys are voluntary and need to be completed by the clients. A significant number choose not to complete the satisfaction survey. For 2017, 1,338 (28.8%) of the 4,650 clients did not return their satisfaction survey. Another 103 (2.2%) returned the survey but did not indicate their level of satisfaction with the services provided. The change-over of AmeriCorps personnel during the year complicates efforts to obtain complete data.

The client satisfaction surveys contain requests for extensive information, including requesting responses to the visit assessment, the service assessment, and requests comments and suggestions. It may be that the length of the satisfaction survey discourages participation.

Surveys were returned in the Honolulu District Court for approximately 50% of the clients served. For 2017, this return-rate ranged from a high of 63% returned to a low of 28% returned. For Kapolei, the return rate varied from a low of 57% to a high of 94%. The Second Circuit encountered greater difficulty in getting survey forms returned. The percentage declined month by month, from



62% not being returned in January to 96% not being returned in July. Only limited survey data were recorded for the last six months of the year. Kona was quite successful in obtaining returned surveys. For 2017, the average return rate for the satisfaction surveys was 93%. Hilo had return rates that averaged 81%. Kaua'i was also quite successful, getting 70% of its surveys returned, from a low of 55% to a high of 88% across the twelve months.

Table 4. Client Satisfaction Reports in 2017 by Court

Court	Very Satisfied	Satisfied	Unsatisfied	Very Unsatisfied	No Answer	No Survey Returned
Honolulu	480	97	4	6	4	448
Kapolei	153	37	2	5	10	54
Maui	87	28	0	0	1	468
Hilo	529	237	0	16	10	165
Kona	349	128	11	5	67	43
Kaua'i	277	91	5	2	11	160
Total	1,875	618	22	34	103	1,338

What is obvious from Table 4 is that the great majority of clients (97.8%), who returned surveys and provided an answer, are either very satisfied or satisfied with the services they received. Overall, a majority (73.6%) described themselves as “very satisfied.” Sometimes the responses were “very, very satisfied!” Only 2.2% of those returning surveys indicated that they were unsatisfied or very unsatisfied.

In addition to rating the services, the forms provided clients an opportunity to express personal comments and suggestions for improving the services. These comments and suggestions contain qualitative indicators of the value of the services to the individuals. A Hilo client shared, “I was very happy with the information and service and feel a little more prepared for the next steps.” Someone visiting the Honolulu District Court expressed appreciation for “an excellent experience and so helpful to my situation.” A common comment was the wish for more time to spend with the attorney. A Maui visitor acknowledged, “I could have been better prepared.” A Kona client expressed, “All good. You are a life saver.” The experience on Kaua'i was described as, “Great service, would recommend to others in the community.” A visitor to Kapolei summed up her experience as, “Gave me the support and hope I needed and encouraged me to come back.”

D. Center Locations and Hours of Service

The Access to Justice Room at the Honolulu District Court is located on the third floor of the Honolulu District Court Building at 1111 Alakea Street. On Mondays and Wednesdays from 9:00 AM to 1:00 PM the room is staffed by a law firm or organization adopting the month to volunteer. On Fridays it is open the same



hours with other attorney volunteers. An AmeriCorps representative provides services MWF from 8:30 AM to 1:30 PM. At the Kapolei Courthouse, the Access to Justice Room opens from 11:30 AM to 1:30 PM on the 1st and 3rd Thursdays of each month.

The Maui Self-Help Center is located on the first floor of Ho‘apili Hale, 2145 Main Street in Wailuku. It is open on Thursdays from 9:00 AM to noon. Residents on Moloka‘i, Lana‘i, and Hana have access to the Center by phone during opening hours.

Hilo’s Self-Help Desk is located on the first floor of Hale Kaulike at 777 Kilauea Avenue in Hilo. Services are available on Tuesdays and Fridays from 11:15 AM to 12:45 PM. Open on Wednesdays from 11:00 AM to 1:00 PM, the Kona Court Self-Help Desk is located at the Keakealani Building, 79-2010 Haukapila Street in Kealekekua.

Kaua‘i’s Self-Help Center, located at Pu‘uhonua Kaulike, was the first center opened in the state. It opened with a commitment to provide services five days a week. Currently, the center is open on Mondays, staffed by a Legal Aid attorney and an AmeriCorps member. On Tuesdays through Thursdays from 9:00 AM to noon, only by the AmeriCorps member. On Fridays it is open from 9:00 AM until noon, with a volunteer attorney and the AmeriCorps member.



VI. OTHER INITIATIVES TO INCREASE ACCESS TO JUSTICE

A. Online Pro Bono

Hawai'i's Online Pro Bono (HOP), administered by Volunteer Legal Services Hawai'i, was launched in October 2016. This initiative started as one of the projects initiated by the Committee on Initiatives to Enhance Civil Justice based on a model from Tennessee. This legal service platform is part of the American Bar Association Free Legal Answers Project. The goal of HOP is to provide an additional tool for individuals who cannot afford an attorney. Volunteer attorneys can log in at any time, choose a question and then respond. The service is accessible from any computer, including public library computers.

Through HOP, users can simply register at Hawai'i.FreeLegalAnswers.org and post a specific civil legal question. To qualify to use the service, users must meet income and asset qualifications. Once qualified, the user can post legal questions via an email format, and upload any picture or document associated with the legal issue. Once posted, the question will be added to the bank of questions on the site which can only be viewed by registered volunteer attorneys.

HOP is an opportunity for attorneys to provide limited assistance to those in need of legal guidance. The commitment is short term, and there is no expectation for representation beyond the question and answer format. Volunteers are provided professional liability insurance through the American Bar Association for pro bono activities provided through HOP. HOP is intended to be an opportunity to engage more attorneys in providing pro bono services to those most in need. The online format makes it easy for both users and attorneys to connect with one another whenever and wherever is most convenient for them.

In 2017, HOP successfully finished its first full year of services. A total of 226 questions were asked by qualified clients and answered by more than 60 volunteer attorneys. In total, 349 hours of professional services were provided with an estimated value exceeding \$83,000.

Although Honolulu had the majority of users (51%), the highest population percentage using the HOP were residents of the Big Island (35%). Eight percent (8%) of the users were from Maui county; 6% were on Kaua'i. Similar to the data found in Self-Help Centers, the largest percentage (48%) consisted of questions related to family law, divorce, custody, and paternity. Debt and collection questions were the next largest category (18%), followed closely by landlord-tenant questions (16%). Bankruptcy (4%), immigration (3%), and veteran benefits (2%) accounted for less than 10% of the total.



B. Unbundling Rule

Currently, the Self-Representation and Unbundling ("SRU") Committee is re-constituting its "Rule 1.2 Subcommittee," and working on a recommendation to the Access to Justice Commission for a response to a letter received in March 2017 from the Supreme Court on proposed amendments to court rules relating to the provision of unbundled services. The Supreme Court had published these proposed rule amendments for public comment, following a recommendation by the Commission that the rules be adopted. The Supreme Court requested, after the close of the public comment period, that the Commission consider certain revisions and prepare additional related court forms. The Commission referred the Supreme Court's letter to the SRU Committee for a recommendation on a response.

By way of background, beginning in about September 2009, under the diligent leadership of former SRU Committee Chair, the Honorable Trudy Senda, the SRU Committee initially set out to investigate means to provide opportunities and support for attorneys to deliver limited scope representation or "unbundled services" to self-represented litigants. This investigation included reviewing the ABA Standing Committee on the Delivery of Legal Services' "White Paper" of June 2009, on the components of a successful unbundled system.

Chair Senda constituted and convened the "Rule 1.2 Subcommittee," so-called because the subcommittee was focusing on Rule 1.2 of the *Hawai'i Rules of Professional Conduct* as the principal rule by which to promote delivery of unbundled services. The Rule 1.2 Subcommittee's general mission was to:

- (1) Create guidelines to encourage attorneys to take cases involving unbundled services;
- (2) Create standardized forms (such as a standard retainer agreement); and
- (3) Explore court annexed, on-site programs which may be staffed by pro bono attorneys.

The Rule 1.2 Subcommittee accomplished much, including the production of initial proposed amendments to the HRCF, DCRCP, the FCR and HRCF, together with drafts of the proposed forms to accompany the amended rules.

Thereafter, the Rule 1.2 Subcommittee's proposed rule amendments and forms were presented during a session at the 2013 Access to Justice Conference. Attendees at the conference reacted in a mixed fashion. Most significant of the concerns raised were two primary issues:

1. Whether any amendment of HRPC Rule 1.2 was required, given the perspective that HRPC Rule 1.2(c) already provides that an attorney may limit the



scope of representation, "if the limitation is reasonable under the circumstances and the client gives consent after consultation;" and

2. Whether the limited scope representation/unbundled services rules should require that the attorney providing such services must disclose to the opposing parties and the Court that the representation is being provided to the client on a limited basis.

Given the comments received at the 2013 Access to Justice Conference and to address these two primary issues, members of the HSBA who had voiced concerns were invited to provide input on further revisions to the proposed rules and amendments, and also to participate in the 2014 Access to Justice Conference panel on the topic.

Following the 2014 Access to Justice Conference, the SRU Committee went back to work and considered the drafts developed by the Rule 1.2 subcommittee, the comments and further revisions at the 2013 and 2014 Access to Justice Conferences' panel presentations. Ultimately, at that time, the SRU Committee's proposed rule amendments for unbundled services did not include any proposed revisions to HRPC Rule 1.2 and proposed that the disclosure of the limited scope of representation by an attorney who provides such representation be permissive rather than mandatory.

Presently, however, now that the Rule 1.2 Subcommittee has been reconstituted and is working on a response to the letter from the Supreme Court on the proposed rules, the two primary issues mentioned above may again be revisited and discussion renewed within the subcommittee on the same.

C. Hawai'i Appellate Pro Bono Pilot Project

The Hawai'i Appellate Pro Bono Pilot Project was a joint project of a subcommittee of the Committee on Increasing Pro Bono Legal Services and the HSBA Appellate Section and the Hawai'i Appellate Courts. The purpose of the project was to match eligible pro se appellate litigants with volunteer appellate attorneys willing to provide pro bono legal services. The pilot project was established by the August 7, 2015, order of the Hawai'i Supreme Court, with the pilot expiring on July 1, 2017.

Administered by Volunteer Legal Services Hawai'i and the HSBA Appellate Section, the pilot proved to be a successful venue for increasing access to justice. In light of the project's accomplishments and the importance of continued provision of pro bono assistance to financially deserving pro se litigants in matters on appeal,



the Supreme Court ordered (SCMF-15-0000566) that the pilot be made permanent and thereafter referred to as the Hawai'i Appellate Pro Bono Program.¹¹

The program is focused on civil cases involving foreclosures, summary possessions, employment discrimination, worker's compensation, wrongful termination, denial of unemployment benefits, state tax appeals, probate matters, and paternity and non-married custody cases. Participants must meet income level requirements and are responsible for any costs associated with the appeal, including filing, transcript, or other costs related to the preparation of the record on appeal and presentation of arguments to the appellate courts. For 2017, of the eight applicants to the program, three met eligibility requirements.

D. Work of the Task Force to Increase Effective Utilization of Paralegals and Other Non-lawyers

At its January 11, 2016 meeting, the Hawai'i Access to Justice Commission approved the creation of the Task Force on Paralegals and Other Non-lawyers ("Task Force")¹² to examine the role of paralegals in expanding access to justice for low- and moderate-income people in Hawai'i. The Task Force met regularly, sometimes more than once per month, during 2016, and prepared a report to the Commission in July 2016 recommending the concurrent development of a court-sponsored Volunteer Court Navigator program, a dedicated paralegal Tenant Advocate, and a regulated Licensed Paralegal Practitioner to help address substantiated unmet need in housing, family, domestic violence, consumer, health, public benefits, and special education areas.

At its October 17, 2016 meeting, the Commission voted to "support the efforts of the Task Force and to send the Task Force report to the Supreme Court for its information and to await response from the Court;" by letter dated October 24, 2016, Commission Chair Simeon Acoba transmitted the Task Force Proposal "for

¹¹ SCMF-15-0000566 is attached as Appendix D.

¹² The current members of the Task Force on Paralegals and Other Non-lawyers are: Judge Joseph E. Cardoza, Chief Circuit Court Judge on Maui (Chair); Gilbert Doles, Rona Fukumoto, Victor Geminiani, Susan Jaworowski, Jean Johnson, Tracy Jones, Carol K. Muranaka, Diane T. Ono, and Mathew Sagum. The Task Force members have been working with others designated as the Maui Subcommittee and the Oahu Subcommittee. The Maui Subcommittee members include Judge Lloyd Poelman (Family Court); Judge Adrienne Heely (District Court); Brandon Segal, Maui County Bar Association President; Theresa Arcilla (retired Deputy Sheriff/Court Clerk, Process Server, paralegal); Sandy Kozaki, Chief Court Administrator; Traci Texeira, Special Operations Assistant; and Bevanne Bowers, Executive Director, Maui Mediation Services. The Oahu Subcommittee members include Judge Mark Browning (former Family Court); Judge Melanie Mito May (District Court); Iris Murayama, Deputy Administrative Director of the Courts; Evelyn Luk, Court Administrator for Legal Documents; Nanci Kreidman, Executive Director, Domestic Violence Action Center; Tracey Wiltgen, Executive Director, The Mediation Center of the Pacific; and Ashley King, vice president, Hawaii Paralegal Association.



the Court's information." In a letter to Justice Acoba dated December 23, 2016, on behalf of the Supreme Court, Chief Justice Mark E. Recktenwald expressed openness to the Commission's proposal for a Volunteer Court Navigator program, as well as the proposal for an Advocate pilot program to help with not only evictions but also certain family law cases (with the limitation that such Advocates be employees of legal services providers). However, the Court was not inclined to pursue the proposed Licensed Paralegal Practitioner program at that time.

In May 2017, the Commission approved the Task Force's proposal for a Volunteer Court Navigator program to be transmitted to the Hawai'i Supreme Court. The proposal presented a pilot program in the First Circuit (Oahu) and in the Second Circuit (Maui) to assist the self-represented litigants who are appearing in the District Courts on landlord-tenant, debt collection, and temporary restraining orders (non-family) cases. The project is modeled after the New York Court Navigator program, which has been successful.

On November 3, 2017, the Hawai'i Supreme Court issued its orders establishing a Volunteer Court Navigator Pilot Program in the First¹³ and Second¹⁴ Circuits. Attached to each order is the description of the Volunteer Court Navigator Pilot Project as approved by the Commission and sent to the Supreme Court for approval.

E. Funding Initiatives to Increase Access to Justice

The Commission's commitment to increase resources for funding legal service providers is led by its Committee on Funding of Civil Legal Services. Its Chair, Gary Slovin and his law partner, Mihoko Ito have been at the forefront of legislative efforts to increase fiscal resources. Over the past decade funding has increased by several million dollars, flowing primarily from the Indigent Legal Assistance Fund (ILAF) program. However, efforts are needed every year to oversee the funds for legal service providers.

With the increase in ILAF funding, the next hope was to initiate a program to raise funds in the private sector. However, it has not been possible to make progress on securing private sector funding because of the need to work during every legislative session to monitor ILAF funding for legal service providers. Securing funding from the private sector is a definite need and efforts will continue to develop that source.

¹³ The Order Establishing a Volunteer Court Navigator Pilot Program in the First Circuit filed on November 3, 2017 (SCMF-17-0000814) is attached as Appendix E.

¹⁴ The Order Establishing a Volunteer Court Navigator Pilot Program in the Second Circuit filed on November 3, 2017 (SCMF-17-0000814) is attached as Appendix F.



The Committee's Chair has also been involved in issues related to how government funded grants to legal service providers should be managed as well as supporting grants themselves. Those grants have averaged \$750,000. The committee has worked to increase the funding to \$2,000,000. While ILAF was maintained in 2017, the grant funding did not survive, despite the efforts of many to save the grants.

While not directly related to the committee agenda, the Chair has been involved in another effort to secure help for the legal service providers through chairing a task force that tried to persuade the Legislature to pass legislation that would assist law graduates in paying off their loans if they agreed to work for a legal service provider. That effort took much effort but was ultimately unsuccessful.



APPENDICES

- Appendix A: Rule 21 of the *Rules of the Supreme Court of the State of Hawai'i*
- Appendix B: Chief Justice Mark E. Recktenwald, Welcoming Remarks at the Hawai'i Access to Justice Conference, June 16, 2017
- Appendix C: Kellye Y. Testy, Toni Rembe Dean and Professor of Law, University of Washington, Keynote Address titled, "Just Innovation" at the Hawai'i Access to Justice Conference, June 16, 2017
- Appendix D: "In the Matter of the Hawai'i Appellate Pro Bono Pilot Project," SCMF-15-0000566, April 19, 2017
- Appendix E: "Order Establishing a Volunteer Court Navigator Program in the First Circuit," SCMF-17-0000814 (1CC), November 3, 2017
- Appendix F: "Order Establishing a Volunteer Court Navigator Program in the Second Circuit," SCMF-17-0000814 (2CC), November 3, 2017

RULES OF THE SUPREME COURT

OF THE STATE OF HAWAI‘I

* * *

Rule 21. ACCESS TO JUSTICE COMMISSION.

(a) Creation. There shall be a commission to be known as the Hawai‘i Access to Justice Commission (the “Commission”).

(b) Purpose. The purpose of the Commission shall be to substantially increase access to justice in civil legal matters for low- and moderate-income (together “low-income”) residents of Hawai‘i. To accomplish this, the Commission shall, along with such other actions as in its discretion it deems appropriate, endeavor to:

(1) Provide ongoing leadership and to oversee efforts to expand and improve delivery of high quality civil legal services to low-income people in Hawai‘i.

(2) Develop and implement initiatives designed to expand access to civil justice in Hawai‘i.

(3) Develop and publish a strategic, integrated plan for statewide delivery of civil legal services to low-income Hawai‘i residents.

(4) Increase and stabilize long-term public and private funding and resources for delivery of civil legal services to low-income Hawai‘i residents.

(5) Maximize the efficient use of available resources by facilitating efforts to improve collaboration and coordination among civil legal services providers.

(6) Increase pro bono contributions by Hawai‘i attorneys through such things as rule changes, recruitment campaigns, increased judicial involvement, and increased recognition for contributors.

(7) Reduce barriers to the civil justice system by developing resources to overcome language, cultural, and other barriers and by giving input on existing and proposed laws, court rules, regulations, procedures, and policies that may affect meaningful access to justice for low-income Hawai‘i residents.

(8) Encourage lawyers, judges, government officials, and other public and private leaders in Hawai‘i to take a leadership role in expanding access to civil justice.

(9) Educate governmental leaders and the public about the importance of equal access to justice and of the problems low-income people in Hawai‘i face in gaining access to the civil justice system through informational briefings, communication campaigns, statewide conferences (including an annual summit to report on and consider the progress of efforts to increase access to justice), testimony at hearings, and other means, and increase awareness of low-income people's legal rights and where they can go when legal assistance is needed.

(10) Increase effective utilization of paralegals and other non-lawyers in the delivery of civil legal services to low-income Hawai'i residents.

(11) Increase support for self-represented litigants, such as through self-help centers at the courts.

(12) Develop initiatives designed to enhance recruitment and retention of attorneys who work for nonprofit civil legal services providers in Hawai'i and to encourage law students to consider, when licensed, the practice of poverty law in Hawai'i.

(13) Encourage the formation of a broad coalition of groups and individuals to address ways to alleviate poverty in Hawai'i.

(14) Conduct a statewide assessment of unmet civil legal needs among low-income people in Hawai'i five years after the Commission holds its first meeting to measure the progress being made to increase access to justice.

(c) Membership.

(1) NUMBER OF MEMBERS AND TERMS OF OFFICE. The Commission shall consist of 22 members, with staggered terms. The initial members (other than the chair and the four members appointed under subsection (3)(vii) below) shall draw their terms by lot so that five members shall serve a term ending on December 31 of the year of appointment, six shall serve a term ending on December 31 of the year following the year of appointment, and six shall serve a term ending on December 31 of the second year following the year of appointment. All subsequent appointments of such members (other than appointments to fill vacancies as described in subsection (2)) shall be for terms of three years or until his or her successor is appointed. Governmental representatives appointed under subsection (3)(vii) shall rotate by their terms of office or at the will of the appointing authority. Terms shall run on a calendar year basis, except that a member shall continue to serve until his or her successor is duly appointed.

(2) VACANCIES. A vacancy in the office of a member shall occur upon (i) the written resignation, death or permanent incapacity of such member, (ii) the determination by the applicable appointing authority that there has been a termination of a position held by such member that was the basis of such member's appointment to the Commission and that the appointing authority wishes to replace such member with a new appointee, or (iii) for such other cause as shall be specified in the bylaws, rules or written procedures of the Commission. Upon the occurrence of a vacancy, the appropriate appointing authority shall appoint a successor member to serve the remainder of the term of the vacating member.

(3) APPOINTMENT OF MEMBERS. Members of the Commission shall be appointed as follows:

(i) The Chief Justice of the Supreme Court shall appoint five members to the Commission as follows: (A) the Chief Justice or a current or retired Associate Justice of the Supreme Court and (B) four other current or retired judges who the Chief Justice shall endeavor to appoint from different judicial circuits and to include at least one circuit court judge, one family court judge, and one district court judge.

(ii) The Hawai'i State Bar Association (the "HSBA") shall appoint four members to the Commission as follows: (A) two representatives of the HSBA, who may be officers, directors or the Executive Director of the HSBA; and (B) two active HSBA members who have demonstrated a commitment to and familiarity with access to justice issues in Hawai'i and who are not currently serving as an HSBA officer or director, one of whom shall be from a law firm of ten or more attorneys. At least one of the attorneys appointed by the HSBA shall be from an Island other than O'ahu.

(iii) The Hawai'i Consortium of Legal Services Providers (the "Consortium") shall appoint six members to the Commission as follows: (A) four representatives of Hawai'i nonprofit civil legal services providers; and (B) in consultation with the Chief Justice of the Supreme Court, two non-attorney public representatives not directly associated with any such provider who have demonstrated a commitment to and familiarity with access to justice issues in Hawai'i. The initial members of the Consortium shall be the American Civil Liberties Union Hawai'i, Domestic Violence Action Center, Hawai'i Disability Rights Center, Legal Aid Society of Hawai'i, Mediation Center of the Pacific, Na Loio, Native Hawaiian Legal Corporation, University of Hawai'i Elder Law Program of the Richardson School of Law, and Volunteer Legal Services Hawai'i. Other civil legal services providers may be added to, and members may resign or be removed from, the Consortium as determined by the vote of a majority of the then members of the Consortium.

(iv) The Hawai'i Justice Foundation (the "Foundation") shall appoint one member to the Commission, who shall be an officer, director or the Executive Director of the Foundation.

(v) The Dean of the University of Hawai'i William S. Richardson School of Law shall appoint one member to the Commission, who may be the Dean.

(vi) The Hawai'i Paralegal Association shall appoint one member to the Commission, who shall be a paralegal with a demonstrated interest in equal access to justice.

(vii) The Governor of Hawai'i, the Attorney General of Hawai'i, the President of the Hawai'i Senate, and the Speaker of the Hawai'i House of Representatives shall each be entitled to serve on the Commission or to appoint one member, provided that any appointee of the Governor shall be drawn from the Executive branch of government, any appointee of the Attorney General shall be a Deputy Attorney General, any appointee of the President of the Senate shall be a state Senator, and any appointee of the Speaker of the House shall be a state Representative.

(4) COMMUNITY WIDE REPRESENTATION. In making appointments, the appointing authorities shall take into account the effect of their appointments on achieving a Commission composed of members who are residents of different islands in Hawai'i and who reflect the diverse ethnic, economic, urban, and rural communities that exist in the Hawaiian Islands.

(d) Officers. The Chief Justice of the Supreme Court shall designate from among the members of the Commission a chair and a vice chair of the Commission. The chair, who shall be the Chief Justice or the Chief Justice's designee, shall serve an initial term of one year and thereafter shall be designated at such times as the Chief Justice shall determine. The vice chair shall be designated for a term of two years, provided that such term shall expire at any earlier date on which the term of the vice chair as a member of the Commission shall expire or be terminated. The Commission shall select such other officers as it deems necessary and useful. Terms of all officers shall run on a calendar year basis, except that an officer shall continue in office until his or her successor is duly designated or selected. Designations or selections to fill officer-vacancies shall be for the remainder of the term of the vacating officer.

(e) Bylaws, Rules and Procedures. The Commission may adopt bylaws, rules or operational procedures as it deems necessary for and consistent with Sections (c), (d) and (f) through (j) of this Rule.

(f) Committees and Task Forces. The Commission may create such committees and task forces, and appoint such committee and task force members, as it deems necessary or desirable to facilitate the work of the Commission. The Commission shall designate a chair of the committee or task force. The Commission may appoint to the committee or task force persons who are not members of the Commission. The role of committees and task forces shall be advisory, and they shall make such recommendations to the Commission as the members of such committees and task forces deem appropriate. Meetings of committees and task forces shall be at the call of the chair or at the call

of at least 20% of the members of the committee or task force. A quorum consisting of not less than one-third of the then-appointed and serving members of a committee or task force shall be necessary at a duly called meeting to adopt a recommendation to the Commission.

(g) Meetings, Quorum, and Voting. The Commission shall meet at least quarterly and shall have additional meetings at the call of either the chair or at least seven members upon at least ten days prior notice. A quorum consisting of not less than one-third of the members of the Commission then in office shall be necessary to transact business and make decisions at a meeting of the Commission. On any votes taken at a meeting of the Commission, the chair shall vote only in the event of a tie.

(h) Staff and Funding Support. It is anticipated that staff and funding support for the Commission will be provided by a combination of private and public sources of financial and in-kind support.

(i) Recommendations. Any recommendations by the Commission shall be made in the name of the Commission only, and not in the name of the individual members or the institutions or entities they represent.

(j) Reports and Review.

(1) **ANNUAL REPORTS.** The Commission shall file with the Supreme Court an annual report describing its activities during the prior 12-month period and deliver a copy of the report to the Executive Director of the HSBA.

(2) **THREE-YEAR REVIEW.** Three years after the Commission holds its first meeting, the Supreme Court shall evaluate the progress made by the Commission toward the goal of substantially increasing access to justice in civil legal matters for low-income Hawai'i residents.

(Added April 24, 2008, effective May 1, 2008; further amended December 11, 2015, effective December 11, 2015.)

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Chief Justice Mark E. Recktenwald
Welcoming Remarks for Access to Justice Conference
William S. Richardson School of Law
June 16, 2017

Good morning and aloha, and welcome to the ninth annual Access to Justice Conference. I'd like to start by thanking the Access to Justice Commission for sponsoring this event, and acknowledging my good friend and former colleague, Commission Chair Justice Simeon Acoba, for his leadership of the Commission. I want to thank Governor David Ige for his personal commitment to improving access to justice and for continuing the state's commitment to treat all people fairly, no matter their financial means. To my knowledge, this is the first time that a Governor has attended this conference, and it speaks volumes about his commitment to achieving justice for all.

I also want to thank all of the attorneys, staff and volunteers who work at legal services providers across the state, achieving amazing things with very limited resources. I especially want to recognize the folks at the Legal Aid Society of Hawai'i, whose source of funding at the national level, the Legal Services Corporation, is being threatened with de-funding.. That action would have devastating consequences for the countless people who depend on Legal Aid to fight for their most basic human needs, and I and many other chief justices from around the country have urged Congress to continue funding the LSC.

I also want to thank Dean Avi Soifer and the William S. Richardson School of Law, Bob LeClair and the Hawai'i Justice

Foundation, the Cades Foundation, and Pat Mau-Shimizu and Nadine Ando of the Hawai'i State Bar Association, as well as the countless attorneys who have volunteered their time to provide pro bono services at our self-help centers and elsewhere, for their tireless support of access to justice in Hawai'i. Mahalo to everyone who has worked so hard to plan today's conference, including Carol Muranaka and the Access to Justice Commission's Education Committee, and all of the distinguished speakers and panel members who will be participating, as well as the women at the Women's Community Correctional Center who made these beautiful lei for the speakers today. Will you please join me in acknowledging everyone who helped make this conference possible?

I would also like to extend a warm aloha to Dean Kellye Testy of the University of Washington Law School, who will present the keynote address today.

Finally, I want to say a special thank you to Ronald Ibarra, Chief Judge of the Third Circuit. He will be retiring at the end of the month, after a long and esteemed career in the Judiciary and as a public servant for Hawai'i County. Notably for all of us here today, Judge Ibarra has been a staunch advocate for access to justice, and a member of the ATJ commission for many years. Can you please join me in thanking Chief Judge Ron Ibarra for his many years of service to the people of Hawai'i?

The legal profession is currently undergoing profound changes that impact how the practice of law is structured, and how legal services are provided. In England, corporations can now engage in the practice of law, and you can buy stock in law firms. Legal Zoom now operates in 48 states (including Hawai'i) plus D.C., and has successfully resolved legal challenges to its business model in a number of jurisdictions. There are multiple new entries in the online legal market, including attorney ratings services, services that pair clients with lawyers, and services that try to predict how judges will rule.

For years, the number of jury trials in civil cases has been decreasing. At the same time, many alternatives to litigation have sprung up. eBay offers online dispute resolution, which resolves tens of millions of disputes each year, and it's expected that more companies will offer voluntary online ADR, with computers taking the initial cut at mediation, followed by an option for referral to an online, human arbitrator. And IBM's artificial intelligence computer system Watson is doing work that associates used to do at some mainland firms, and was recently credited with assisting in the writing of a song.

All of these developments pose challenges to the role of the courts and the legal profession as we have traditionally understood them. At the same time, technology presents great

opportunities for increasing access to justice. Thanks to the leadership of our Access to Justice Commission and legal services providers, Hawai'i has undertaken many cutting-edge initiatives that assist self-represented parties present their side of the story.

To name just a few: We partnered with the Legal Aid Society of Hawai'i and the Hawai'i State Bar Association to make self-help interactive court forms available online. For those individuals who might not own a computer or have access to the internet, these forms are now available on hundreds of computers in 50 state public libraries statewide, and librarians have been trained to assist patrons who wish to use them.

Other online tools include the Hawai'i Legal Services Portal, which went live earlier this year, and allows users to answer a few questions online about themselves and their civil legal issue, and produces helpful information and a referral to the most appropriate civil legal services provider.

Volunteer Legal Services Hawai'i has started Hawai'i Online Pro bono, which allows attorneys to provide pro bono service online on their own time, and users can have questions answered even if they are unable to visit self-help centers.

Another exciting development is a recent grant from the Microsoft Corporation, in partnership with LSC and Pro Bono Net, to the Legal Aid Society of Hawai'i. Microsoft has pledged a

minimum of \$1 million of tech support, developer hours, and project management resources to develop more advanced online legal portals, with that amount to be shared by Hawai'i and Alaska. The project will direct users to the most appropriate form of assistance, focusing on those with critical needs who have not been able to meaningfully participate in the justice system. The goal is to develop a new model for reaching underserved populations which can then be replicated in other states.

The work we are doing here in Hawai'i is being noticed across the country. Recently, Hawai'i was ranked number three in the nation by the National Center for Access to Justice's "Justice Index" for our performance in increasing ATJ for our people. Although we can take pride in this recognition, we have so much work left to do.

Thus, both here in Hawai'i and on a national level, we must ask the question: how can we take these efforts to the next level?

Two years ago, the Conference of State Chief Justices adopted Resolution 5, which set an ambitious overall goal of 100% access to justice, provided through a continuum of meaningful and appropriate services. This is a goal that Hawai'i can achieve, if we plan carefully, build upon our successes, and bring new partners into the effort. Fortunately, we now have the means to

do exactly that, thanks to a \$100,000 "Justice for All" grant that Hawai'i received last fall from the Public Welfare Foundation and the National Center for State Courts. Hawai'i was one of only seven states to obtain a grant, out of twenty-five states that applied. The Hawai'i Justice Foundation, working with the ATJ Commission, the Judiciary, legal services providers and others in the community are now working hard on this project. A statewide meeting was held in April, and a dozen or so community meetings will be held across the state in the coming months. In short, this grant will help us to develop a shared vision of how to get to 100% access, and then to work together to make it a reality.

In addition to technological innovation, we must continue to build relationships and partnerships with those outside the legal field. I will be moderating a panel today about creating innovative partnerships to expand ATJ. This includes the business community, organized labor, and the broader community. There is a great case to be made for new partners to become involved: In addition to being the right thing to do, supporting ATJ also makes good economic sense. Indeed, a study released earlier this year showed that the time and money invested in legal services in Hawai'i pays off at an exceptional rate: a return of more than \$6 to our economy for every dollar spent on civil legal services.

While those who care about improving access to justice have diverse viewpoints and experiences, we are united by a common goal: the pursuit of meaningful justice for all of Hawaii's people. I am proud of the work we have done, I am excited for the challenges that lie ahead, and I am optimistic for a future in which "justice for all" is not just an ideal, but a reality.

Aloha and mahalo nui loa.

Just Innovation

Kellye Y. Testy, Toni Rembe Dean and Professor of Law, University of Washington
Incoming President and CEO, Law School Admissions Council

Delivered for 2017 Hawaii Access to Justice Conference, June 16, 2017.

Good morning. Thank you for the kind introduction. And deepest thanks for the privilege of being with you today for Hawaii's 2017 Access to Justice Conference. I was delighted to be asked and am honored to be among this outstanding equal justice community. I so admire all that you are and all that you do. Special thanks to Dean Avi Soifer, one of the very best deans in legal education; and also to Professor Calvin Pang, Ms. Nalani Fujimori-Kaina, and Ms. Carol Muranaka who all diligently assisted me with learning about recent developments in Hawaii related to Access to Justice. Thank you for helping me understand some of the innovations you have implemented and others in process to advance access to justice and better serve the legal needs of all of the people of Hawaii. Your spirit of innovation is impressive and just what is needed as I shall say more about shortly.

Before I get there, let me state what I think is clear to this group, but brings us into common understanding. Our world is in poor legal health. We do not hear as much about this as we do our physical health ... imagine for a moment if all the energy going into juice machines, the latest power bar, the newest no-carb diet, the new salty crunchy chip that's not really a chip because it's made out of kale rather than a potato, the fancy exercise machine that can get you fit in just under seven minutes per day, you get the idea. What if all that energy were put into legal health? Or if an equal amount of federal and foundation funding looking for the next cancer or Alzheimer's intervention were put into addressing civil legal needs? Now do not get me wrong, these physical health matters are surely critical for the health of our world and its people (who among us has not been touched by disease?). But people die from poverty just as they do from smoking (and they are of course related), just as many women die from relationship violence just as they do from breast cancer. My point is just that we need to focus on legal health, too.

And when we think of our legal health, we see concerns. We see them at a very fundamental level in what has been a steady erosion of focus upon and respect for the rule of law as the bedrock of human flourishing. The rule of law is often misunderstood or taken for granted. I have come to believe that perhaps it is too much like air, easy to not appreciate until you feel its absence. Only then, gasping, do we see how vital it is for life. Now, to be sure, there are hopeful signs recently – over the past few months lawyers have been featured on the front pages of many leading newspapers, in positive ways. Even some “so-called judges” have been celebrated. There were also signs held aloft and shouts heard broadly to “let the lawyers in” at the airports as we dealt with a quick shift in immigration policy that caught many people and families in very difficult circumstances. Moreover, for the first time in a very long time, we see a slight uptick in the number of young people applying to law school rather than more of a downward slope.

Despite those positive signs, as grateful for them as I am, we see additional concerns in both our criminal and civil justice systems. The former is still struggling with under funding and race equity; the civil side is battling similar challenges as we see way too many people go without lawyers as ideas of civil Gideon continue to meet resistance. Many studies show numbers like 70-80% of people do not have legal counsel in civil court proceedings. We are in a very strange world where at the very same temporal moment we hear that we have too many lawyers and too many who are under or unemployed while we witness the access to justice gap grow ever wider. So, yes, our legal health is suffering.

But these problems are known to all of you who have worked and do work in the trenches day in and day out, seeing these issues large and small, time and time again. So, let me not dwell on our challenges, which are steep, but to say again, thank you. As Mari Matsuda long ago noted, we can measure our commitment to issues by asking “where is your body?” Because it is easy to say “I care” and then not “do.” But you all do. Thank you; thank you for doing what you do. You are stretching your individual and collective efforts, your resources, your energy, your minds, and yes, your bodies, across chasms that we must find ways to bridge systemically. But we must do more. We can no longer see legal aid as band aid. No, we need deep and lasting systemic change. We need justice.

So, I know I do not need to convince you that our legal health is important and insufficient. Let us focus then on how, together, we might all do more and better to improve the health of our legal system and make the promise of equal justice real. That saying was not equal justice for some, it was equal justice for ALL. My strong belief is that in order to reach that promise we need to nurture what is a promising and growing spirit of innovation in our legal community. Now, that word, innovation, can be overused and scary. What organization’s website today does not claim that it is innovative? It’s a word that’s hard to be against. It can also be a conversation ender rather than a starter. Because often when we in law talk about innovation, we go to one of two extremes and sit in our corners. Some of us sit in our corners still using only pencils and yellow pads and list all of the barriers to why change won’t happen, why it hasn’t happened, and what will stop it from happening. Others of us sit in our corners playing on our Ipads and Surfaces and dreaming of robots that will replace all humans, including lawyer humans. Neither of those approaches is going to be constructive in advancing the cause of equal justice.

There is another way. We live in a time full of promise for how innovation, including changes in technology, can enhance the delivery of legal services to under-represented persons and causes. But “just innovation,” that is, innovation for its own sake, is not only unhelpful, it is also dangerous. As Hawaii’s equal justice community well understands, we can ill afford to divert time and other resources to game-like apps and tweets while social inequality grows ever steeper. Neither can we afford to reject innovation and stay stuck in place – this is not working, people! Rather, we must nurture a spirit of “*just* innovation,” that is, a spirit of innovation whose first principle is to advance justice and human dignity.

A spirit of just innovation in law will recognize several core principles, and I want to highlight three today:

First, technology is one tool for innovation, not the only tool or the end itself. But it is a very helpful tool. We don't need gadgets, we need justice. But some gadgets might help us advance justice. Visual law, kiosks, way finders, some apps. And just as we need a spirit of innovation (and even embrace of failure) with innovation of commercial products, we need that same spirit and tolerance when it comes to products and processes that have potential to advance justice. As my friends in Seattle's innovation ecosystem are fond of reminding me: if you are not failing some of the time you are failing all of the time. We must not only tolerate risk taking, we must encourage it.

How do we nurture this spirit of innovation? The same way we do in the commercial sphere – we set up incentives and opportunity. Many law schools and other organizations are today hosting what are known as hackathons, weekend-long gatherings of lawyers, developers, marketers, entrepreneurs, VC funders and students to seek a new solution to a legal problem. Some are focused on certain topics, for instance, consumer debt; others are more wide open to encourage creativity on any topic that will enhance access to justice. I have been impressed and encouraged by the energy and inventiveness of these sessions; and just delighted to see how the interest in solving “wicked” justice problems is washing over new groups of smart and creative people.

Going further, many schools now have “labs” or “centers” devoted to this new thinking and design work. Two of my favorites are Stanford's Legal Design Lab and Harvard's Access to Justice Lab. If you had told me in the 90s when I founded one of our nation's first Access to Justice Institutes at Seattle University School of Law that that Harvard would have an ATJ Lab, I would have thought you were teasing me. These efforts are happening at all ranks and kinds of law schools. This is progress.

At UW Law, we are fortunate to sit in the middle of a very lively innovation ecosystem and through an Entrepreneurship Law Clinic are working in the space, collaborating with what is known as CoMotion (a much better name for what used to be called our “tech transfer” office). [Most research oriented universities have these offices that have traditionally been focused upon moving inventions in medicine, science and engineering to market]. The same spirit can apply to legal innovations, too.

Recently, I had an excited and creative student say to me: “Dean, you know the app that allows you to call upon a dog walker at any time and get just the help you need? What if we could do that for a lawyer?” I asked whether she thought lawyering might be a little more complex than dog walking, or ride sharing, or restaurant reservations or dating. “Well, maybe dog walking, but not dating,” she offered. “We just need to make the sorting properties of the app more nuanced, so, for instance one can find an employment lawyer, employee side, 5-10 years' experience, located in a certain city and perhaps even with a certain industry experience, who is taking new clients, and who can talk later that day.” I don't think it will be long before we can do that.

There are many promising opportunities of innovation involving technology. Usually when we think of technology are minds go to apps or gadgets. But there is more. I'll mention two here that do not get as much air as others. One of them is about method, the method of coding. When

one writes code, it requires that you break a complex process down into very small steps that are then put into computer language so the computer can perform them in the right sequence. Sound familiar? That's what lawyers often do, take complex matters and help guide people through them, step by step. Coding method is not unlike legal method in this sense. The technology mind set can help us explain ourselves and make law more understandable and user-friendly. This approach is really helping to break law down so that users with differing needs can access help where there are not and perhaps never will be enough lawyers to be by their sides. There are many examples of this kind of approach to innovation in law on the websites of the centers I mentioned earlier (and others).

A second promising potential of technology is that it can help us harness data, and data can help us learn a great deal. It can reveal gaps in justice and it can reveal what works and what does not. We often mistakenly call it "big data" because there is a lot of it, and our technology can now allow us to make sense of it. But I think the real potential of data is to be small, granular, pointed, revealing. We need to know what the problems are, and whether the solutions we are trying are really helping. Data has helped us understand legal problems in new ways, particularly of note here is work that has exposed racial disparity in our justice system. But data can also help us be more accountable with our solutions, too. There is a concept in medicine called pathogenic, which means that the remedy might actually cause more harm than good. A recent study of a law school clinic suggested an iatrogenic effect in that an initial study suggested that clients offered clinic assistance were doing less well than those not offered the assistance. This kind of data can help us not only understand problems but also tailor solutions that work.

A second principle of just innovation is that it should be human centered. What that means is that we learn from the people we are trying to innovate for as we are immersed in their lives and needs; we generate ideas based on those needs, and we implement and evaluate to serve those needs. In other words we don't just dream up stuff in a lab; we understand lived experience as our lab and get into it, up to our elbows, seeking solutions that respond to those lived experiences. This is where the equal justice community can be especially helpful as innovation efforts proceed. You have always known this and focused on the actual experience of your clients. We need you engaged in innovation to help keep it human centered.

For more on this point I suggest looking up Margaret Hagan at Stanford, see the site Open Law Lab, who has written a book on advocating for what she calls a design-driven approach to legal innovation. Design is the way to generate promising ideas for how legal services could be improved, and then get them developed in quick and effective ways. Her work does a great job on focusing on human centered design for law.

Innovation is not just technology; it is "design" as Ms. Hagan explains: re-thinking our most fundamental approach to how to construct a legal system that can meet the promise of equal justice. Many of the design efforts start with the "100% ATJ" goal. I like that spirit. There are many promising efforts along these lines as well that fit the spirit of JUST innovation.

You have a wonderful example. Hawaii's Access to Justice Commission created a Task Force on Paralegals and Other Nonlawyers last year that transmitted three ideas to the Hawaii Supreme

Court -- a volunteer court navigator program, a tenant advocate program (paralegals representing tenants under the supervision of a legal service provider), and a licensed paralegal practitioner. The Court responded with a green light for development of models for two: the navigator and advocate programs. A model for a pilot navigator program on Maui and Oahu is under review with the Court now, and a model for an advocate program is in the works.

Washington has gone a step further, and did decide to pursue the licensed paralegal practitioner concept, which we call a Limited License Legal Technician (LLLT or more commonly now, just Legal Technician). The Legal Technician is a new mid-level provider authorized by the Washington Supreme Court in 2012. This new class of providers seeks to fill voids in access to legal services in certain defined areas of need. In a civil legal needs study, the Washington State Bar Association (WSBA)) identified profound access needs in the area of family law and sought to create providers who could affordably serve these chronically underserved clients. This led to the creation of the Legal Technician, a class of paralegals with specialty training in the area of family law. UW Law does the specialty training and many educational institutions offer paralegal programs.

This innovation has begun to change the landscape regarding access to justice for single persons and parents who would not be able to afford an attorney for his/her divorce or other basic family law matter. After four cohorts of students, Washington has almost 50 licensed Legal Technicians. Although most work in private practice, either as solo practitioners or in small firms, some work for access to justice organizations and NGO's advising clients. Moreover, the supervised hours component of their licensing means that many of them will do volunteer work with non-profit organizations serving families and youth prior to getting their independent license.

We expect the program to grow in family law and it is anticipated that additional practice areas will be added in the future. We also hope other states, including this one, will move in this direction. After all, consider the medical analogy: I might bolt from the room if my doctor came in to draw my blood. I would rather see the person trained to do exactly this task, reserving my doctor for more serious diagnosis and treatments. There is both quality and efficiency that comes from specialization.

There are other examples of design collaborations that are not technology heavy. I will give two examples. One is Washington's Moderate Means Program, a collaborative response by all three of Washington's law schools together with the WSBA to address significant need for legal services in real estate foreclosures. Another is New York's Poverty Justice Solutions. Annually, 20 recent law school graduates are provided two-year fellowships as entry-level attorneys with civil legal service providers in New York City. The program underwrites half the cost of their salaries; participating service providers provide the other half. Fellows are full-time employees of their host organizations and receive the training, supervision, and mentoring support provided to all the organizations' attorneys.

These collaborations within the legal system are critical. Next stage design thinking will also require collaboration across traditional lines -- among judges, lawyers, academics, social justice movements, labor unions, human rights advocates and others -- and now also with technologists,

entrepreneurs, inventors, business leaders, and angel investors, too. Our ranks are expanding; let's welcome these newcomers with open arms. We need them; and frankly, they need us.

Let me close and turn to questions by quoting a lawyer who taught me more about Access to Justice than any other: Mr. Len Schroeter, a fellow Hoosier, founder of the Seattle law firm that still bears his name, architect of Washington's Access to Justice Board, and staunch believer in each person's fundamental right to justice. Len passed away in 2014 at age 90, and inspired generations of justice-seeking lawyers. He was a rebel and a trouble maker in all the best ways, as well as a scholar and a lawyer in all the best ways. In 2000, writing about the turn to the new century, he noted:

"As I look to the future, to me, the only reliable power is not massive wealth, nor military force, nor technology, but the power of the intellect, the compassion of the heart, and the respect for the heritage of all mankind. Hope and optimism for the future is essential. It is the existential necessity for commitment and thoughtful action. It is the best we can offer in a world of rapid change." Well said Len. Here is to hope and to optimism for a spirit of just innovation that is now growing by leaps and bounds (yottabytes?). Let us nurture it well; I am confident it will help us realize the promise of equal justice under law.

Thank you and now let's open up for dialogue.

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IN THE SUPREME COURT OF THE STATE OF HAWAII

In the Matter of the

HAWAII APPELLATE PRO BONO PILOT PROJECT

ORDER

(By: Recktenwald, C.J., Nakayama, McKenna, Pollack, and Wilson, JJ.)

The order entered in this matter on August 7, 2015, establishing the Hawai'i Appellate Pro Bono Pilot Project, sets a July 1, 2017, expiration date for the project unless extended or made permanent by this court. In light of the project's accomplishments since its inception, and the importance of continued provision of *pro bono* assistance to financially deserving *pro se* litigants in matters on appeal,

IT IS HEREBY ORDERED that the Appellate Pro Bono Pilot Project is made permanent, and shall hereafter be referred to as the Hawai'i Appellate Pro Bono Program.

DATED: Honolulu, Hawai'i, April 19, 2017.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard M. Pollack

/s/ Michael D. Wilson



APPENDIX D

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Supreme Court
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IN THE SUPREME COURT OF THE STATE OF HAWAI'I

In the Matter of the
VOLUNTEER COURT NAVIGATOR PILOT PROGRAM

ORDER ESTABLISHING A VOLUNTEER
COURT NAVIGATOR PILOT PROGRAM IN THE FIRST CIRCUIT
(By: Recktenwald, C.J., Nakayama, McKenna, Pollack, and Wilson, JJ.)

Upon consideration of the Volunteer Court Navigator materials approved by the Hawai'i Access to Justice Commission and submitted to this court for review, we note with approval the purpose of the pilot project is to complement and supplement existing services to assist those in our community with limited financial means. Therefore,

IT IS HEREBY ORDERED that the Volunteer Court Navigator Pilot Program is established in the First Circuit of the State of Hawai'i effective as of the filing of this order, and expiring on December 31, 2018, unless extended or made permanent by order of this court. The materials reviewed and approved by this court for use in the First Circuit program are appended to this order.

IT IS FURTHER ORDERED that the Chief Staff Attorney of this court shall designate a staff attorney to file a report on the performance of the pilot project at least one year after the entry date of this order, but no later than November 15, 2018.

DATED: Honolulu, Hawai'i, November 3, 2017.

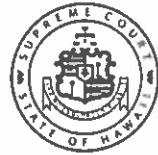
/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson



VOLUNTEER COURT NAVIGATOR PROTOCOL

First Judicial Circuit, State of Hawai'i

1. Purpose

The purpose of the Volunteer Court Navigator Protocol is to establish a court-based volunteer program to assist the self-represented litigants who are appearing in the Honolulu District Court on landlord-tenant, debt collection, and temporary restraining orders (non-family) cases. The project is modeled after the New York Court Navigator program, which has been successful.

This pilot program complements the work of the Ho'okele staff (District Court Service Center) who already provide help:

- in using computers located in the courthouse to obtain information and to fill out court forms;
- in finding information about the law and how to find a lawyer;
- in finding resources in the courthouse and outside the court to assist in resolving their cases;
- in organizing documents needed for their cases.

Similarly, this pilot program also supplements the pro bono services offered by the volunteer attorneys in the Access to Justice Room in the Honolulu District Court on Mondays, Wednesdays, and Fridays from 9:00 a.m. to 1:00 p.m.

2. Process

a. The Judiciary's Communications and Community Relations Office already coordinates the various volunteers for the Judiciary. The Volunteers in Public Service to the Courts ("VIPS") specifically allows for opportunities as a case aide, bailiff aide, court clerk aide, docent, computer operator, clerical aide, court-appointed special advocate (for child abuse and neglect victims), Project Visitation volunteer, and Kids First volunteer (to help children of divorcing parents).

The Volunteer Court Navigator will learn about The Mediation Center of the Pacific that provides mediation services that are mandatory in the landlord-tenant cases and about the availability of the volunteer attorneys in the Access to Justice Room on Mondays, Wednesdays, and Fridays from 9:00 a.m. to 1:00 p.m.

b. The volunteer will complete an on-line application form after reviewing the duties of the Volunteer Court Navigator.

c. The Communications and Community Relations Office will review and screen the applications. Training will be provided. After the training is completed, the Volunteer Court Navigator will be assigned to the appropriate judiciary divisions.

d. For the pilot period, the Volunteer Court Navigator will be assigned to the Ho'okele Court Navigation Section. A Ho'okele staff member will provide on-the-job training, immediate guidance, and direction.

e. A brochure about the Volunteer Court Navigator program will be given to the self-represented litigants when assistance is needed.

3. Evaluation

In order to assess the viability and feasibility of the program, an evaluation form will be given to each unrepresented litigant to complete.

4. Pilot Period

The pilot period for this project is one year after approval of the establishment of the Volunteer Court Navigator program.

VOLUNTEER COURT NAVIGATOR PROGRAM

First Judicial Circuit, State of Hawai'i

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Prospective Volunteer Court Navigator



Register at Communications and Community Relations Office under "Community Outreach" on the Judiciary Webpage:

<http://www.courts.state.hi.us/>



Volunteer Opportunities – Volunteer Court Navigator

Applicant reviews the responsibilities and completes the application



Communications and Community Relations Office:

Receiving and screening applications and interviewing applicants.

Selected Volunteers will be provided:

- Training: an hour seminar (Lunch and Learn style). Training topics – (1) District Court civil matters overview and (2) Interviewing and communication skills
- Guidelines including frequently asked questions
- Identification badge – Volunteer Court Navigator

After the training is completed, the Volunteer Court Navigator will be assigned to respective divisions. For example: Legal Documents Branch 2 (LDB2) at 1111 Alakea Street.



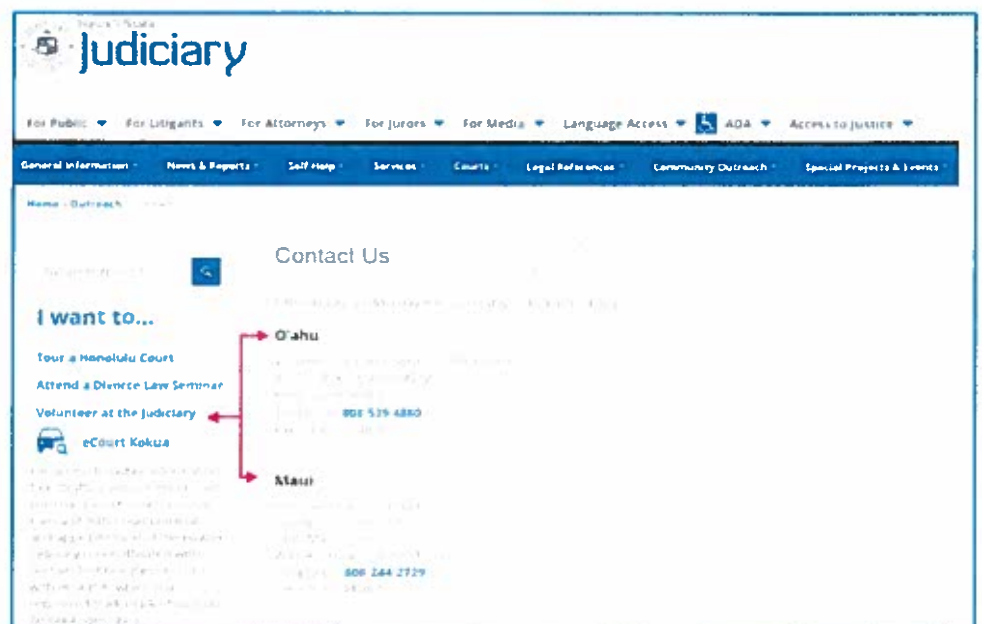
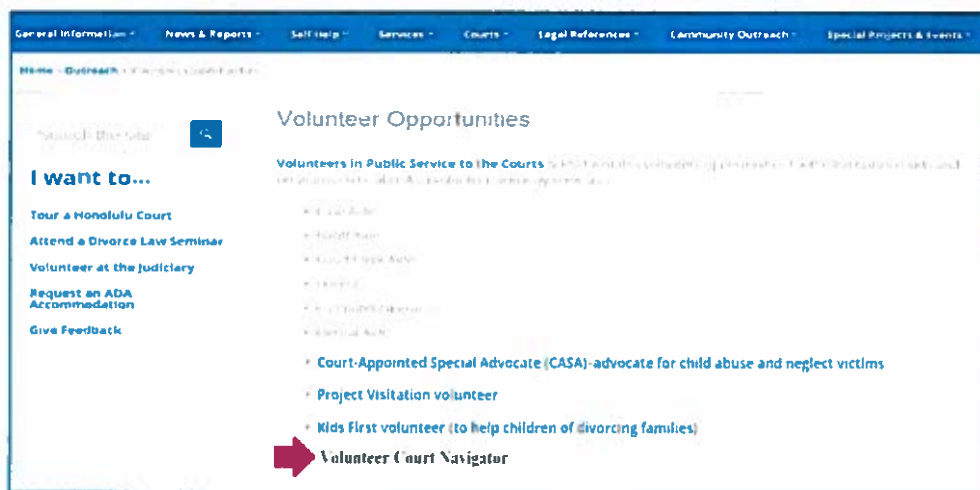
Legal Documents Branch 2:

Under the supervision of the Court Administrator of LDB2, the Volunteer Court Navigator will be assigned to the Ho'okele Court Navigation Section for daily activities.

- Ho'okele staff will provide on-the-job training, immediate guidance, and direction.
- A brochure on the Volunteer Court Navigator will be developed, and it will be provided to the unrepresented litigants when the assistance is needed.
- An activity log will be filled out by the Volunteer Court Navigator for the purpose of keeping track of the volunteer's whereabouts.
- An evaluation form will be provided to the unrepresented litigants for feedback.

Registration

Application form is available at <http://www.courts.state.hi.us/>



Volunteer Court Navigator Opportunities

Volunteer Court Navigator

The Volunteer Court Navigator will assist unrepresented litigants with landlord-tenant, debt collection, and temporary restraining orders (TROs – non-family) cases. These volunteers could include paralegals, law students, paralegal students, and others. The Volunteer Court Navigators provide neither legal advice nor legal counseling. The role of the Volunteer Court Navigators would include the following types of assistance:

- Preliminary discussions with the litigants to listen to their concerns and explain the process.
- Description of courtroom protocol.
- Description of the various individuals in the court and their roles such as judge, court clerk, bailiff, and law clerk.
- Accompaniment of the litigants during hallway negotiations with opposing attorneys, solely for the purpose of taking notes and assisting with factual inquiries and scheduling.
- Accompaniment of the litigants during the mediation process, solely for the purpose of taking notes and observing the mediation discussions.
- Accompaniment to the court, including giving notes or reminders to the litigants about court proceedings, where and when necessary.
- Taking notes during any court conference or hearing to discuss with the litigants afterwards so that the litigants understand what has been said or decided and what the litigants must do to comply with any directions that they may have been given by the court.
- Statements of fact to the judge, but only if asked a direct factual question by the judge.
- If necessary, provide help with needed social services.

The Volunteer Court Navigators shall not give legal advice or get involved in negotiations or settlement conferences. The Volunteer Court Navigators shall not provide personal advice and shall not perform any service that constitutes the practice of law.

Volunteer Court Navigator Application

Name: ☐ Mr. ☐ Mrs. ☐ Ms. _____

Mailing Address: _____

Phone: Home: _____ Cellular: _____

Email: _____ Date of Birth: _____

Emergency Contact (Name): _____

Emergency Phone: Home: _____ Work: _____

Medical Plan Provider: _____ Telephone: _____

Primary Physician: _____ Telephone: _____

Position Preferences

Available Date: From _____ To _____

Times Available: Monday _____ To _____

Tuesday _____ To _____

Wednesday _____ To _____

Thursday _____ To _____

Friday _____ To _____

Have you volunteered before with the Judiciary? ☐ YES ☐ NO

Education/skills: _____

Confidentiality:

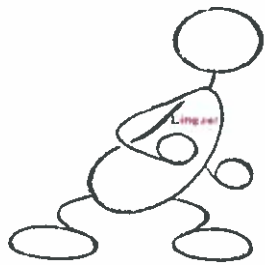
Volunteer work at the Judiciary requires you to respect confidential information.

Are you able to do this? ☐ YES ☐ NO _____

Any reservations about volunteering? ☐ YES ☐ NO

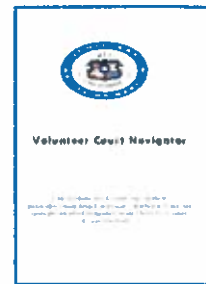
Volunteer Court Navigator (VCN) Workflow

(Scenario 1)



Informational Counter

- Self-represented litigant seeks help at the Information Counter
- Staff presents the Volunteer Court Navigator brochure to the self-represented litigant
- Staff refers the self-represented litigant to Volunteer Court Navigator for assistance



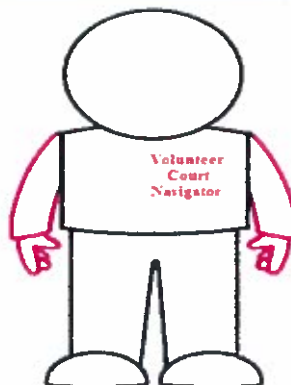
(Scenario 2)

Service Center

- Litigant seeks help at the Service Center
- Staff presents the Volunteer Court Navigator brochure to the self-represented litigant
- Staff refers the self-represented litigant to Volunteer Court Navigator for assistance



Volunteer Court Navigator



The Volunteer Court Navigator:

1. Meets the litigant.
2. Signs the activity log.

Date	VCN	Time Start	Client's Name	Location of the Activity	Time Complete	Outcome/Remarks
10/10/2020	10/10/2020	10:00 AM	10/10/2020	10/10/2020	10:00 AM	

3. Accompanies the litigant to court appearance.
4. Informs the litigant that Volunteer Court Navigator provides only non-legal services.
5. Listens to the litigant's questions.

6. After activity is finished, the Volunteer Court Navigator gives an evaluation form to the litigant to fill out.

7. Returns to the workplace and completes the activity log.

Date	VCN	Time Start	Client's Name	Location of the Activity	Time Complete	Outcome/Remarks
10/10/2020	10/10/2020	10:00 AM	10/10/2020	10/10/2020	10:00 AM	Summary Possession case, notification letter to continue research on Beale

Sample of the Brochure

Back
blank

Front
3 ½" x 8 ½"



Volunteer Court Navigator

The Volunteer Court Navigator
provides non-legal services, without cost, to
unrepresented litigants with District Court
Civil matters.

Inside

3 ½" x 8 ½" (after folded)

Volunteer Court Navigator

The Volunteer Court Navigator will assist self-represented litigants with landlord-tenant, debt collection, and temporary restraining orders (TROs - non-family) cases. These volunteers could include paralegals, law students, paralegal students and others.

The Volunteer Court Navigators neither provide legal advice nor legal counseling. The role of the Volunteer Court Navigators would include the following types of assistance:

- Preliminary discussions with the litigants to listen to their concerns and explain the process.
- Help in using computers located in the courthouse to obtain information and to fill out court forms.
- Help in finding information about the law and how to find a lawyer.

- Help in finding resources in the courthouse and outside the court to assist in resolving their cases.
- Help in organizing documents needed for their cases.
- Description of courtroom protocol.
- Description of the various individuals in the court and their roles such as judge, court clerk, bailiff, and law clerk.
- Accompaniment of the litigants during hallway negotiations with opposing attorneys.
- Accompaniment of the litigants during the mediation process.
- Accompaniment to the court, including giving notes or reminders to the litigants about court proceedings, where and when necessary.

- Taking notes during any court conference or hearing to discuss with the litigants afterwards so that the litigants understand what has been said or decided and what the litigants must do to comply with any directions that they may have been given by the court.
- Statements of fact to the judge, but only if asked a direct factual question by the judge.
- If necessary, provide help with needed social services.

The Volunteer Court Navigators shall not give legal advice or get involved in negotiations or settlement conferences.

The Volunteer Court Navigators shall not provide personal advice and shall not perform any service that constitutes the practice of law.

Volunteer Court Navigator (VCN) Activity Log

Date	VCN	Time Start:	Client's Name	Location of the Activity	Time Complete	Outcome/Remarks
10/10/17	VCN #1	8:03am	M. Smith	10B	8:55am	Summary Possession case, mediation, agree to continue 1 month to settle.
10/10/17	VCN #2	8:05am	J. Nagata	10B	8:15am	Landlord no show. Case dismissed.

The Volunteer Court Navigator Program

Evaluation Form

Date: _____

Time: _____

Please assist us in evaluating the quality of this program by completing this questionnaire. Fill in the bubble that best represents your views. Your feedback will be helpful in planning future programs.

Use the following scale to rate each item:

Poor

Excellent

①

②

③

④

⑤

Usefulness of the Volunteer Court Navigator

① ② ③ ④ ⑤

Comments:

Friendliness of the Volunteer Court Navigator

① ② ③ ④ ⑤

Comments:

The Volunteer Court Navigator's knowledge of courtroom protocol

① ② ③ ④ ⑤

Comments:

Overall Evaluation

① ② ③ ④ ⑤

Additional questions/suggestions for the Volunteer Court Navigator?

NAME and CONTACT NUMBER (optional):

THANK YOU!

**VOLUNTEER COURT NAVIGATOR ACKNOWLEDGMENT OF
THE LIMITATIONS OF THE SCOPE OF THE PROGRAM**

I, _____, hereby acknowledge that my role as Volunteer
[Name of Volunteer Court Navigator]

Court Navigator is limited to providing the *pro se* party to whom I am assigned information and guidance regarding the functioning of the judicial system and assisting in scheduling and attending court hearings and other proceedings. I hereby further acknowledge the fact I am not permitted under any circumstances to provide legal advice to the party, to advocate on the party's behalf, or to engage in negotiations, mediation, or other discussions on behalf of, or in partner with, the party, with regard to the party's legal case.

Signature of Volunteer Court Navigator

Date

**GUIDELINES AND BRIEFING MATERIALS
FOR THE VOLUNTEER COURT NAVIGATOR
First Judicial Circuit, State of Hawai'i**

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I. Role and Responsibilities of the Volunteer Court Navigator

The Volunteer Court Navigator will assist self-represented litigants when appearing in court. Here is a list of what a Volunteer Court Navigator must do and guidelines on what the Volunteer Court Navigator may and shall not do.

What a Volunteer Court Navigator Must Do To Participate in the Program

- A Volunteer Court Navigator must read these guidelines and participate in the training.
- A Volunteer Court Navigator must come to court on time and on the dates he or she signed up for. If there is an emergency that prevents the Volunteer Court Navigator from coming to court, he or she must notify the appropriate person or persons.
- A Volunteer Court Navigator must fulfill the volunteer hours he or she has agreed to provide.
- A Volunteer Court Navigator must dress appropriately and professionally. A suit is not required, but no jeans, no shorts, no slippers are permitted.
- A Volunteer Court Navigator must wear an identification badge at all times in the courthouse. The identification badge must be returned before leaving the courthouse.
- A Volunteer Court Navigator must act professionally at all times. A Volunteer Court Navigator shall not be rude or hostile and shall not curse or use inappropriate language.

What a Volunteer Court Navigator May Do

A Volunteer Court Navigator can help self-represented litigants in the following ways:

- Have an initial discussion with the litigants to explain the process and listen to their concerns.
- Describe the courtroom protocol.
- Describe the various individuals in the court and their roles as judge, court clerk, bailiff, sheriff, and law clerk.
- Accompany the litigants during hallway negotiations with opposing attorneys, solely to assist in taking notes, answering factual questions, and scheduling.
- Accompany the litigants during the mediation process, solely to assist in taking notes regarding the discussions.

- Accompany the litigants into the courtroom or conferences with the judge.
- Provide notes or reminders to litigants about the court proceedings, where and when necessary.
- Take notes during any court conference or hearing to discuss with litigants afterwards so that the litigants understand what has been said or decided by the court and what the litigants must do to comply with any directions they may have been given by the court.
- Respond to any questions by judge asking for factual information on the case.
- If necessary, provide help with needed social services.

What a Volunteer Court Navigator Shall Not Do

- A Volunteer Court Navigator shall not provide legal advice to an unrepresented person.
- A Volunteer Court Navigator shall not get involved in negotiations or settlement conferences.
- A Volunteer Court Navigator shall not give an unrepresented person personal advice.
- A Volunteer Court Navigator shall not give an unrepresented person or any attorney his or her personal contact information.
- A Volunteer Court Navigator shall not hold himself or herself out as a court employee.
- A Volunteer Court Navigator shall not interpret for the opposing side or in the courtroom.
- A Volunteer Court Navigator shall not participate or interfere in a settlement negotiation.
- A Volunteer Court Navigator shall not act in a hostile or rude manner to anyone in the courthouse.
- A Volunteer Court Navigator shall not disclose health information provided by an unrepresented person.
- A Volunteer Court Navigator shall not provide information to a judge unless directly asked a factual question by the judge.

II. Who's Who in the Courtroom

Judge

A person who is appointed to hear and decide cases in the courtroom.

Court Clerk

A Judiciary employee who files the documents of the parties, including pleadings, motions, judgments, and orders and keeps records of evidence of the court proceedings.

Bailiff

A Judiciary employee who maintains order in the courtroom and has custody of the jury and the prisoners. The bailiff announces the opening and closing of court, calls witnesses, and maintains security for the judge and court staff.

Court Reporter

A person who documents all testimony during court proceedings or at trial or at related proceedings such as pre-motions and depositions.

Plaintiff

A person or party who brings a legal action or files a complaint, for the purpose of obtaining a legal remedy.

Defendant

A person or party being sued.

Plaintiff's Attorney

An attorney who represents and acts in the plaintiff's best legal interest.

Defendant's Attorney

An attorney who represents and acts in the defendant's best legal interest.

Witness

A person who takes an oath to tell the truth and then answers questions about the case. Witnesses may be asked about what they saw, heard, or know. They may also be asked to identify pictures, documents, or other exhibits entered in the trial.

Observers

Most trials are open to observers. Generally, the people that attend a trial have an interest in the case -- either in the people involved or if they care about the issues raised. Courtroom decorum is important for those watching. They can be asked to leave if they are not respectful of the court.

III. Glossary of Legal Terms

A

action: a civil judicial proceeding in which one party sues another for a wrong done or for protection of a right or prevention of a wrong; requires service of process on the adversary party or potentially adversary party.

adjournment: a temporary postponement of the proceedings of a case until a specified future time.

adjudicate: to make a judicial determination resolving a dispute.

adversary: an opponent. The defendant is the plaintiff's adversary.

affiant: one who swears to an affidavit.

affidavit: a sworn or affirmed statement made in writing and signed; if sworn, it is notarized.

affirm: make firm, confirm, establish.

allegation: the assertion, declaration, or statement of a party to an action, setting out what the party expects to prove.

allege: to assert a fact.

amend: to change.

answer: a paper filed in court and sent to the plaintiff by the defendant, admitting or denying the statements in the plaintiff's complaint, and briefly stating why the plaintiff's claims are incorrect and why the defendant is not responsible for the plaintiff's injury or loss. It may contain a general denial, any legal or equitable defenses, and any counterclaim.

appear/appearance: the participation in the proceedings by a party summoned in an action, either in person or through an attorney.

argument: a reason given in proof or rebuttal of an issue involved in the action.

assumpsit: an agreement where one person assumes or promises to do an act or pay an amount to another person.

attachment: the taking of property into legal custody by an enforcement officer.

B

brief: a written or printed document prepared by the lawyers on each side of a dispute and submitted to the court in support of their arguments - a brief includes the points of law that the lawyer wishes to establish, the arguments the lawyer uses, and the legal authorities on which the lawyer rests his/her conclusions.

C

calendar: a schedule of matters to be heard in court.

caption: in a pleading or other paper connected with a case in court, it is the heading or introductory clause which shows the names of the parties, name of the court, and number of the case.

cashier: a court employee in the clerk's office authorized to accept payment for various court services.

cause of action: grounds on which a legal action may be brought (e.g., property damage, personal injury, breach of contract).

certificate of service: a sworn statement made in writing certifying the delivery of copies of legal documents to the correct person or entity. Also referred to as a "return of service."

certified copy: a document which contains a court seal that establishes the document as genuine, as a true copy.

change of venue: the removal of a suit begun in one division to another division within the judicial circuit.

civil contempt: a failure to comply with a court order.

complaint: a paper filed in court stating the plaintiff's claims against the defendant.

constructive eviction: this occurs when the landlord's wrongful acts keep the tenant from the use of a dwelling, such as a house, an apartment, or a room. In a constructive eviction a tenant, though not physically barred from the apartment or room in question, the tenant is unable to use the whole dwelling for the purpose intended.

costs: litigation expenses set out in statutes and court rules that a judge can order a losing party to reimburse to the prevailing party.

counterclaim: a legal claim by the defendant against the plaintiff or the respondent against the petitioner.

court record: a documentary account of what happened in the action or proceeding, which includes the court file, exhibits, clerk's minutes, and transcripts.

court reporter: a person who transcribes by shorthand or stenographically takes down testimony during court proceedings.

crossclaim: claim litigated by co-defendants or co-plaintiffs against each other and not against a party on the opposite side of the litigation.

cross-examination: questioning by a party, or by the party's attorney, of an adverse party or a witness called by an adverse party.

D

decision: the determination reached by a court in any judicial proceeding, which is the basis of the judgment.

default: a "default" occurs when a party fails to plead or otherwise defend within the time allowed or fails to appear at a court appearance.

default judgment: a judgment against a defendant as a result of his/her failure to appear or submit papers at an appointed time during a legal proceeding.

defendant: the one being sued. This party is called the "respondent" in a summary proceeding.

defenses: the defendant's, or respondent's, or legal reasons why the plaintiff or petitioner has no valid case against the defendant or respondent.

direct examination: the interrogation of a witness by the party on whose behalf the witness is called.

disbursements (or costs): out of pocket expenses awarded to the winner in a judgment.

discovery: the efforts of a party to a lawsuit to get information about the other party's contentions and evidence before trial. During discovery in regular claims cases, a party may: (1) demand that the other party produce documents or other physical evidence, (2) request answers under oath to written interrogatories, which are written questions, and (3) ask the court for permission to take depositions, which involve an in-person session at which one party has the opportunity to ask oral questions of the other party or his or her witnesses under oath before a court reporter. Formal discovery is not usually required or permitted in small claims cases.

dismissal: termination of a case or proceeding for a procedural reason.

dismissal with prejudice: action dismissed on the merits that prevents renewal of the same claim or cause of action.

dismissal without prejudice: action dismissed, not on the merits, which means the action may be re-instituted.

disposition: the result of a judicial proceeding by withdrawal, settlement, order, judgment or sentence.

disprove: to show to be false.

E

entry of judgment: in order to start enforcing a judgment, the judgment must be "entered." Entry occurs when the judgment is signed by the judge and is filed by a clerk.

eviction: removal of the tenant and his or her personal property from a residential or non-residential premises. Also referred to as "summary possession."

eviction proceeding: any proceeding that could result in the eviction of a respondent, such as a holdover (where the tenant continues to occupy the dwelling, after the expiration of the lease) or nonpayment proceeding. Also referred to as "summary possession proceeding."

evidence: a form of proof of an issue through the use of witnesses, records, or other documents, legally presented at the trial by one of the parties.

execution: (1) the performance of all acts necessary to render a written instrument complete, such as signing, sealing, acknowledging, and delivering the instruments, or (2) supplementary proceedings to enforce a judgment, which, if monetary, involves a direction to the sheriff or other authorized officer to take the necessary steps to collect the judgment.

execution of the writ of possession: when an authorized person (e.g., a sheriff's deputy) evicts the occupants of a premises listed on the writ of possession and puts the landlord in possession.

exhibit: a paper, document or other item marked for identification (with a number or letter) during a trial or hearing which, on being accepted by the court, is admitted in evidence.

ex parte: a proceeding, order, motion, application, request, submission etc., made by or granted for the benefit of one party only; done for, in behalf of, or on application of one party only without notice to the other parties.

G

garnish/garnishment: a legal proceeding to take a portion of the wages or other property of a debtor to repay the debt. The garnishing party notifies a third party, such as a bank or an employer, to retain something it has belonging to the defendant-debtor, to make disclosure to the court concerning it, and to dispose of it as the court shall direct.

general denial: a defendant's or respondent's denial of the claims in the complaint.

I

interpreter: a person sworn at a judicial proceeding to simultaneously or consecutively interpret oral testimony or sight translate a written document from one language to another.

interrogatories: written questions asked by one party and served on the opposing party, who must provide written answers to the questions under oath.

J

judgment: the final decision of the judge. It is a determination of the rights and obligations of the parties. In a given lawsuit, a judgment may direct a dismissal of the lawsuit, order payment of a money amount or direct one or more of the parties to do an act.

jurisdiction: the court's authority to hear and decide a case. It is based upon the geographical, subject matter and monetary limitations of a court. To hear and decide a case a court must have both "personal jurisdiction" and "subject matter" jurisdiction. Personal jurisdiction refers to the court's power over the parties involved in the lawsuit. Subject matter jurisdiction refers to the court's power over the type or category of the lawsuit.

L

lessee: a person who has signed a lease to rent real property.

levy: to take or seize property in execution of a judgment.

liability: an obligation to do or to eventually do something; money owed; or according to law one's responsibility for his/her conduct; or one's responsibility for causing an injury.

lien: a claim on specific property for payment of a debt.

litigant: party to a lawsuit.

M

mediation: a discussion led by an impartial third party to facilitate a settlement of the lawsuit. The results of mediation are not binding unless the

parties have signed a settlement agreement or placed their agreement on the record.

mediator: an impartial third party who intervenes in a dispute. Mediators help parties define issues, improve communication, find alternative solutions and reach agreements.

minutes: notes of what happened in the courtroom.

money judgment: a judgment for an amount of money.

motion: a request to the court, usually in writing, for relief before the trial on the parties' claims, or for different or additional relief after the trial decision.

motion to reconsider: a request that seeks to persuade a judge that the decision/order rendered is incorrect, because the judge has misapprehended the facts or the applicable law, or because new evidence has become available that would change the prior decision and there is a good reason why the evidence was not presented earlier.

moving party: the party who is requesting the court for relief.

N

notarize: to have a notary public attest to the authenticity of a signature on a document by signing the document and affixing his/her own stamp.

notary public: a person authorized by the State of Hawai'i to administer oaths, certify documents, and attest to the authenticity of signatures.

notice of motion: a notice informing the court and the opposing party when and where a motion will be heard, which lists the relief requested, the grounds for that relief, and provides a list of the supporting papers upon which the motion is based.

nunc pro tunc: meaning "now for then," used to indicate something is presently considered as if occurring at an earlier date; effective retroactively.

O

order: an oral or written command or direction from a judge.

order to show cause: a written direction by the court, sometimes prepared by one of the parties, directing one or both parties to provide the court, within a limited time frame, with any argument as to why the court should not take a particular proposed action either on the court's own initiative or in response to a motion filed with the court; the order may also direct the parties to refrain from some specific activity until the court hears the motion.

P

party: a person having a direct interest in a legal matter, transaction or proceeding.

personal service: when the notice of eviction or other document is given to the respondent by in-hand delivery.

petition: in special or summary proceedings, a complaint filed in court and delivered to the respondents, stating what the petitioner requests from the court and the respondents.

petitioner: in a special or summary proceeding, one who commences a formal action, requesting some action or relief, addressed to a court for determination. Also known as a plaintiff in a civil action.

plaintiff: the one suing.

possession: the right to occupy a premises.

proceeding: a type of lawsuit.

proof of service: documentation filed in court as evidence that a person or entity in a lawsuit was properly served. This consists of an affidavit of service by the person who served the court papers, as well as any supporting documentation, such as receipts from the post office and/or the signature of a person receiving such papers.

pro se: a party who does not retain a lawyer and appears for him/herself in court.

R

record: a permanent written account of some act, court proceeding or transaction that is drawn up by a proper officer and designated to remain as permanent evidence of what has been done in a lawsuit.

relevant: logically connected and tending to prove or disprove a matter at issue.

relief: a remedy that is sought by a party.

replevin: an action brought for the owner of items to recover possession of those items when those items were wrongfully taken or are being wrongfully kept.

reply: a plaintiff's response to a defendant's answer, prompted when the defendant's answer contains a counterclaim directed against the plaintiff.

respondent: one who formally answers the allegations stated in a petition that has been filed with the court. Also known as a defendant in a civil action.

restore/ reinstate to calendar: to reinstate the action to active status within a court's calendar.

S

seizure: the process by which a person authorized under the law to do so takes into custody the property, real property or personal property, of a person against whom a judgment has been issued or might be issued. The seized property may be held to guarantee a judgment is paid or may be sold to satisfy a judgment.

self-represented litigant: a party who does not retain a lawyer and appears for himself/herself in court. Also known as a pro se or unrepresented litigant.

service of process: the delivery of copies of legal documents to the defendant or other person to whom the documents are directed. Legal documents that must be served include, but are not limited to, a summons, complaints, petitions, orders to show cause, and subpoenas. The procedure for service of process is specifically set out in statutes and/or court rules.

sever: to remove an issue or claim from a lawsuit or a counterclaim, with the ability to re-institute it at another time in another court proceeding.

sheriff: a county's top law enforcement officer, responsible for, among other duties, management of the county jail, providing bailiffs for protection at the courts, and such civil activities as serving summonses, subpoenas, and writs, conducting judgment sales, and fulfilling various functions ordered by the courts.

standing: the right to make a legal claim or to seek judicial enforcement of a duty or a right.

stay: the postponement or halting of a proceeding, action, or enforcement of an order or judgment.

settlement: a formal agreement between litigants and/or their attorneys resolving their dispute.

subpoena: a court document used to compel a witness to testify at the hearing or to produce records.

sum certain: damages easily computed based upon the terms of a contract, promissory note, or law.

summary judgment: a determination of an action based upon the law, on the grounds that there is no genuine issue of fact in dispute.

summary possession: a remedy sought by a landlord to secure repossession of a rental property based upon a failure by the tenant to pay the rent or due to other violations of the lease.

summons: a plaintiff's written notice, in a specific form, delivered to the parties being sued, that they must answer the plaintiff's attached complaint within a specific time or appear in court on a specific date.

T

testimony: an oral declaration made by a witness or party under oath.

transcript: the written, word-for-word record of all legal proceedings, including testimony at trial, hearings or depositions. A copy of the transcript may be ordered for a fee from the court reporter.

trial: the formal examination of a legal controversy in court so as to determine the issues.

V

vacate: to cancel or invalidate.

venue: the physical location or place within the court's jurisdiction where a lawsuit will be decided.

verification: confirmation of the correctness, truth or authenticity of a pleading, account or other paper by an affidavit or oath.

voir dire: a questioning of prospective jurors by the attorneys, and, on application of any party, by the judge, to determine if any of the prospective jurors should be disqualified or removed by challenge or examination.

W

writ of execution: a document that authorizes the seizure of personal property of the judgment debtor and for the personal property to be sold to satisfy the judgment rendered against the judgment debtor.

writ of possession: a document that authorizes an eviction of a party from a premises after a judgment has been awarded against that party. It describes the premises and directs the sheriff or other authorized officer to remove all such persons from those premises and to put the opposing party, to whom the judgment was awarded, in possession.

writ of replevin: a document that authorizes the sheriff or other authorized officer to repossess certain items from the defendant and give the items to the plaintiff.

waste: permanent harm to real property.

witness: one who testifies to what he/she has seen, heard, or otherwise perceived.

IV. Steps to Avoid Eviction ("STAE")

The Hawaii State Judiciary is a participant in a grassroots effort called STAE – Steps to Avoid Eviction. STAE's mission is to find ways to ensure that landlords get paid the rent they are owed and tenants are not evicted, by encouraging tenants and landlords to use available resources in a more timely and effective manner.

For more information about STAE, go to:

http://www.courts.state.hi.us/special_projects/stae.

For a list of all of the current organizations providing the services listed below, call Aloha United Way at 211 or (808) 543-2262, or go to: www.legalaidhawaii.org.

ASSISTANCE PROGRAMS	WHAT ARE THEY	HOW CAN THEY HELP?
EMERGENCY FINANCIAL RENTAL ASSISTANCE	Emergency financial rental assistance programs provide individuals/families with money to pay rent and/or utilities.	These programs can help you stay in your rental if you lose your job and can no longer afford to pay rent. Many programs require you to show that you can/will pay your rent in future months.
MEDIATION SERVICES	Mediators are trained professional who assist in resolving landlord-tenant disputes. Mediators will talk with you and your landlord about the problem and help you reach an agreement that is fair for both sides.	If you don't feel comfortable negotiating with your landlord or you cannot reach an agreement with your landlord, getting help from a mediator can be a fast, inexpensive approach to finding a solution.
FINANCIAL COUNSELING	A financial counseling agency can help you become a better money manager by getting you back on track with your budget – and your bills – or help you cope with unexpected setbacks, such as unemployment, divorce or medical emergencies.	Financial counselors will explain your rights and responsibilities, and can guide you through creating a budget that works in real life. This includes a plan to help you deal with your debt, start saving for emergencies, and improve your credit for the future.

LEGAL COUNSELING	Legal counseling agencies provide legal advice to help you understand your rights as a tenant.	Legal counseling can help you understand the rules in your rental agreement, what is expected of you, how to prevent problems, and/or what to do when problems occur.
INCOME ASSISTANCE	Income assistance refers to those programs offering monthly benefits, or employment assistance, such as skills training, education, or help finding a job.	If you're worried that you're not making enough money, or you want to make more money by getting another job, income assistance programs can help you achieve financial stability.
OTHER ASSISTANCE	Other assistance refers to programs that help individuals/families with basic needs, such as food, clothing, shelter, or health care.	These assistance programs can help you reduce your costs of living, so that you can afford to pay rent each month while also providing for yourself/your family.

V. List of Legal Service Providers and Mediation Services

American Civil Liberties Union of Hawai'i

(808) 522-5900

<http://acluhi.org/need-legal-help/>

Protects individual freedoms guaranteed by the constitution (including freedom of speech/religion, due process, and protection from unlawful searches and seizures). We are a private, non-profit, non-partisan agency; we accept no government funds and we do not charge for our legal services. Contact us at office@acluhawaii.org; U.S. Mail (P.O. Box 3410, Honolulu, HI 96801); or fax (808-522-5909).

Domestic Violence Action Center

(808) 531-3771 (1-800-690-6200)

www.domesticviolenceactioncenter.org

Provides civil legal representation in Family Court and client advocacy (for a year or longer) for survivors of abuse in the interest of safety and self-sufficiency. Additional services include legal helpline, on-site court assistance, services to diverse populations, education, training and technical assistance. Staff works in court and in the community on Oahu. Teen Alert provides outreach education about healthy relationships, safety planning and outreach statewide for public and private schools, youth serving organizations and community events. Helpline assistance is statewide. Bi-lingual and bi-cultural assistance is available for Filipino, Japanese, Hawaiian, and Chinese communities. Policy advocacy and system reform initiatives are aimed at statewide improvements.

Hawai'i Appleseed Center for Law & Economic Justice

(808) 578-7605

www.hiappleseed.org

The Hawai'i Appleseed Center for Law & Economic Justice advocates on behalf of low-income and marginalized people in Hawai'i through the use of class-action litigation, advocacy with the legislature and other government entities, and research and report writing. Hawai'i Appleseed typically does not provide individual representation or services, and instead focuses on situations that affect hundreds or thousands of people, for example, where the government is trying to terminate public benefits for a particular ethnic group, or where conditions at a housing project are unsafe and unhealthy for residents.

Hawai'i Disability Rights Center
(808) 949-2922 (1-800-882-1057)

www.hawaiidisabilityrights.org

The Hawaii Disability Rights Center is the protection and advocacy system for people with disabilities providing outreach, education, training, individual case advocacy and legal representation. We protect the legal, civil and human rights of persons with disabilities. There are no financial eligibility requirements, but the legal issue must be based upon the person's disability.

Hawai'i State Bar Association
(808) 537-1868

www.hawaiilawyerreferral.com

The Hawai'i State Bar Association's lawyer referral line can provide the name of three lawyers who may be able to assist you for a reduced fee. Every Wednesday night from 6:00 p.m.– 7:00 p.m. the Hawai'i State Bar Association also runs a Legal Line which provides legal information by volunteer lawyers.

Kauai Economic Opportunity
(808) 245-4077

www.keoinc.org

On Kauai, provides mediation and dispute resolution services that are affordable and accessible to resolve all types of matters including but not limited to: divorce, custody and visitation; landlord/tenant; workplace; civil rights; special education and more.

Ku'ikahi Mediation Center
(808) 935-7844

www.hawaiimediation.org

In East Hawai'i, provides mediation and dispute resolution services that are affordable and accessible to resolve all types of matters including but not limited to: divorce, custody and visitation; landlord/tenant; workplace; civil rights; consumer/merchant; foreclosure; and more.

Legal Aid Society of Hawai'i
(808) 536-4302 (1-800-499-4302)

www.legalaidhawaii.org

Provides statewide legal assistance for low-income clients in areas, including, but not limited to family, housing and housing discrimination, public benefits, consumer, tax, and immigration. Most services require that clients be under 125% of the federal poverty guidelines (\$2,905/month for a family of four) to qualify. Services available, regardless of income, include legal assistance for seniors on neighbor islands, fair housing, and foreclosure assistance. Intake

hours are 9:00 a.m. – 11:30 a.m. and 1:30 p.m. – 3:30 p.m. every day. Eligible callers will receive legal advice immediately and when necessary referral to one of ten offices for assistance or representation.

Maui Mediation Services

(808) 244-5744

www.mauimmediation.org

Providing mediation and dispute resolution services for the islands of Maui, Molokai and Lanai. Offering a wide variety of services in cases where individuals or businesses would like assistance in solving conflict in a professional and respectful way.

The Mediation Center of the Pacific

(808) 521-6767

www.mediatehawaii.org

Provides mediation and dispute resolution services that are affordable and accessible to resolve all types of matters including but not limited to: divorce, custody and visitation; landlord/tenant; workplace; civil rights; family; elder issue; special education and more.

Native Hawaiian Legal Corporation

(808) 521-2302

www.nhlchi.org

The Native Hawaiian Legal Corporation (NHLHC), a 501(c)(3) non-profit, public interest law firm which asserts, protects and defends Native Hawaiian rights to land, natural resources, and related entitlements, offers direct legal representation in substantive areas encompassing quiet title to land, natural resources, customary and traditional practices, public trust land entitlements and related areas. Services also include: information and referral, counseling, land title research and genealogical research.

University of Hawai'i Elder Law Program

(808) 956-6544

<http://www.hawaii.edu/uhelp/>

The University of Hawai'i Elder Law Program (UHELP) is located at the William S. Richardson School of Law and provides limited civil legal services and counseling on the island of Oahu to socially and economically needy older persons who are 60 years of age or older. It also provides counseling and legal information to caregivers of older persons on Oahu. UHELP does not handle criminal or traffic violation cases, commercial or income producing cases, nor does it handle personal injury, malpractice or other fee-generating cases.

Volunteer Legal Services Hawai'i

**Oahu: (808) 528-7046 Big Island: (808) 313-8210 Maui: (808) 727-8210
Kauai: (808) 698-8210**

www.vlsh.org

Provides free or reduced cost civil legal services, with volunteer attorneys, for low- and moderate-income individuals and families. Applicants must have incomes below 250% of the federal poverty guidelines (\$5,810/month for a family of four) to qualify for free legal assistance. Intake hours via phone are from 9:00 a.m. to 4:00 p.m. Monday to Friday. Walk-ins are welcome at our Kaka'ako office from 9:00 a.m. to 12:00 noon Monday to Friday. Services are for non-criminal legal issues and include legal advice, help with completing court forms, and referrals to pro bono attorneys for direct representation.

West Hawai'i Mediation Center

(808) 885-5525/(808)326-2666

www.whmediation.org

Serving West Hawai'i, providing mediation and dispute resolution services that are affordable and accessible to resolve all types of matters including but not limited to: divorce, custody and visitation; landlord/tenant; workplace; civil rights; consumer/merchant; foreclosure; and more.

VI. Judiciary Website/Links

Hawai'i State Judiciary: <http://www.courts.state.hi.us>

Search engine for cases: <http://hoohiki.courts.hawaii.gov/#/search>
(Judiciary's public access to court information)

Judiciary History Center: <http://www.jhchawaii.net>

Hawai'i Legal Services Portal:
<http://www.courts.state.hi.us/you-are-leaving-the-hawaii-state-judiciary-website>¹ (Under tab at Judiciary website "Access to Justice")
or at: www.lawhelp.org/hi/portal

¹ The current list of legal issues that can be searched by the self-represented litigant are: family, abuse and harassment, housing, public benefits, discrimination, money and debt, individual rights, Native Hawaiian rights, seniors and life planning, immigration, government records and documents, and veterans. No criminal or personal injury issues can be searched.

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IN THE SUPREME COURT OF THE STATE OF HAWAI'I

In the Matter of the
VOLUNTEER COURT NAVIGATOR PILOT PROGRAM

ORDER ESTABLISHING A VOLUNTEER
COURT NAVIGATOR PILOT PROGRAM IN THE SECOND CIRCUIT
(By: Recktenwald, C.J., Nakayama, McKenna, Pollack, and Wilson, JJ.)

Upon consideration of the Volunteer Court Navigator materials approved by the Hawai'i Access to Justice Commission and submitted to this court for review, we note with approval the purpose of the pilot project is to complement and supplement existing services to assist those in our community with limited financial means. Therefore,

IT IS HEREBY ORDERED that the Volunteer Court Navigator Pilot Program is established in the Second Circuit of the State of Hawai'i effective as of the filing of this order, and expiring on December 31, 2018, unless extended or made permanent by order of this court. The materials reviewed and approved by this court for use in the Second Circuit program are appended to this order.

APPENDIX F

IT IS FURTHER ORDERED that the Chief Staff Attorney of this court shall designate a staff attorney to file a report on the performance of the pilot project at least one year after the entry date of this order, but no later than November 15, 2018.

DATED: Honolulu, Hawai'i, November 3, 2017.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson



VOLUNTEER COURT NAVIGATOR PROTOCOL

Second Judicial Circuit, State of Hawai'i

1. Purpose

The purpose of the Volunteer Court Navigator Protocol is to establish a court-based volunteer program to assist the self-represented litigants who are appearing in the Second Judicial Circuit, including but not limited to landlord-tenant, debt collection, and temporary restraining orders (non-family) cases. The project is modeled after the New York Court Navigator program, which has been successful.

This pilot program also supplements the pro bono services offered by the volunteer attorneys in the Self-Help Center at Hoapili Hale, 2145 Main Street, Wailuku, Hawai'i on Thursdays from 9:00 a.m. to noon.

2. Process

a. The Judiciary's Communications and Community Relations Office already coordinates the various volunteers for the Judiciary. The Volunteers in Public Service to the Courts ("VIPS") specifically allows for opportunities as a case aide, bailiff aide, court clerk aide, docent, computer operator, clerical aide, court-appointed special advocate (for child abuse and neglect victims), Project Visitation volunteer, and Kids First volunteer (to help children of divorcing parents).

The Volunteer Court Navigator will learn about Mediation Services of Maui, Inc., which provides mediation services that are recommended in the landlord-tenant cases and small claims cases, and about the availability of the volunteer attorneys in the Self-Help Center on Thursdays from 9:00 a.m. to noon and access by telephone for Molokai, Lanai, and Hana residents when the center is open at 808-495-5527.

b. The volunteer will complete an on-line application form after reviewing the duties of the Volunteer Court Navigator.

c. The Communications and Community Relations Office will review and screen the applications. Training will be provided. After the training is completed, the Volunteer Court Navigator will be assigned to the Second Circuit.

d. For the pilot period, the Volunteer Court Navigator will be assigned to the Special Services Branch, Second Circuit. A Judiciary staff member will provide on-the-job training, immediate guidance, and direction.

e. A brochure about the Volunteer Court Navigator program will be given to the self-represented litigant when assistance is needed.

3. Evaluation

In order to assess the viability and feasibility of the program, an evaluation form will be given to each self-represented litigant to complete.

4. Pilot Period

The pilot period for this project is one year after approval of the establishment of the Volunteer Court Navigator program.

VOLUNTEER COURT NAVIGATOR PROGRAM

Second Judicial Circuit, State of Hawai'i

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Prospective Volunteer Court Navigator



Register at Communications and Community Relations Office under “Community Outreach” on the Judiciary Webpage:

<http://www.courts.state.hi.us/>



Volunteer Opportunities – Volunteer Court Navigator

Applicant reviews the responsibilities and completes the application.



Communications and Community Relations Office:

Receiving and screening applications and interviewing applicants.

Selected Volunteers will be provided:

- Training: an hour seminar (Lunch and Learn style). Training topics – (1) District Court civil matters overview and (2) Interviewing and communication skills
- Guidelines including frequently asked questions
- Identification badge – Volunteer Court Navigator

After the training is completed, the Volunteer Court Navigator will be assigned to the Second Circuit: Hoapili Hale, 2145 Main Street, Wailuku, Hawai‘i.



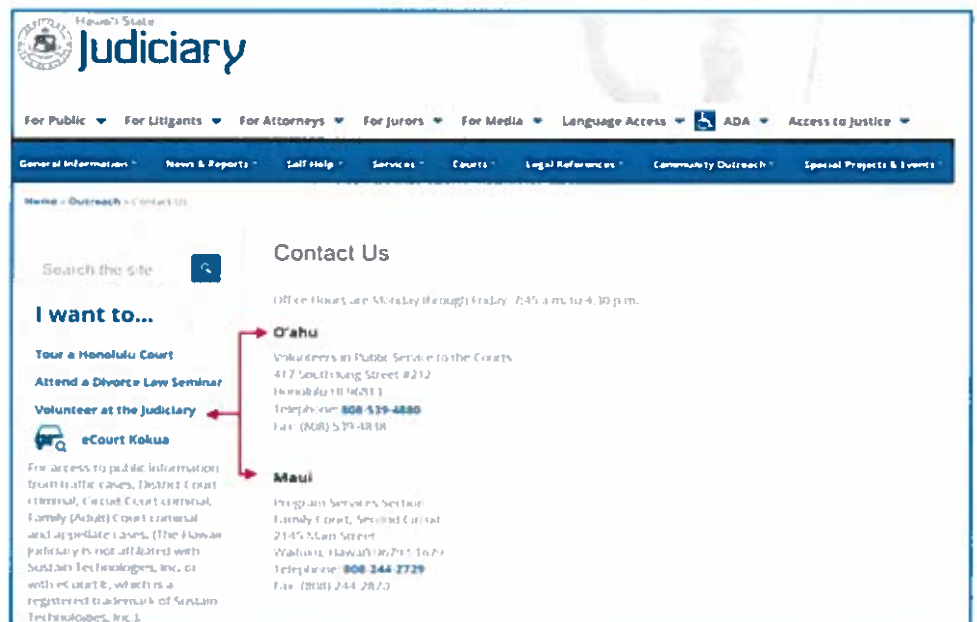
Special Services Branch, Second Circuit:

Under the supervision of the Court Administrator of the Second Circuit, the Volunteer Court Navigator will be assigned to the Special Services Branch for daily activities.

- The relevant division will provide on-the-job training, immediate guidance, and direction.
- A brochure on the Volunteer Court Navigator will be developed, and it will be provided to the unrepresented litigants when the assistance is needed.
- An activity log will be filled out by the Volunteer Court Navigator for the purpose of keeping track of the volunteer’s whereabouts.
- An evaluation form will be provided to the unrepresented litigants for feedback.

Registration

Application form is available at <http://www.courts.state.hi.us/>



Volunteer Court Navigator Opportunities

Volunteer Court Navigator

The Volunteer Court Navigator will assist self-represented litigants with landlord-tenant, debt collection, and temporary restraining orders (TROs – non-family) cases. These volunteers could include paralegals, law students, paralegal students and others. The Volunteer Court Navigators provide neither legal advice nor legal counseling. The role of the Volunteer Court Navigators would include the following types of assistance:

- Preliminary discussions with the litigants to listen to their concerns and explain the process.
- Help in using computers located in the courthouse to obtain information and to fill out court forms.
- Help in finding information about the law and how to find a lawyer.
- Help in finding resources in the courthouse and outside the court to assist in resolving their cases.
- Help in organizing documents needed for their cases.
- Description of courtroom protocol.
- Description of the various individuals in the court and their roles such as judge, court clerk, bailiff, and law clerk.
- Accompaniment of the litigants during hallway negotiations with opposing attorneys, solely for the purpose of taking notes and assisting with factual inquiries and scheduling.
- Accompaniment of the litigants during the mediation process, solely for the purpose of taking notes and observing the mediation discussions.
- Accompaniment to the court, including giving notes or reminders to the litigants about court proceedings, where and when necessary.
- Taking notes during any court conference or hearing to discuss with the litigants afterwards so that the litigants understand what has been said or decided and what the litigants must do to comply with any directions that they may have been given by the court.
- Statements of fact to the judge, but only if asked a direct factual question by the judge.
- If necessary, provide help with needed social services.

The Volunteer Court Navigators shall not give legal advice or get involved in negotiations or settlement conferences. The Volunteer Court Navigators shall not provide personal advice and shall not perform any service that constitutes the practice of law.

Volunteer Court Navigator Application

Name: ☐ Mr. ☐ Mrs. ☐ Ms. _____

Mailing Address: _____

Phone: Home: _____ Cellular: _____

Email: _____ Date of Birth: _____

Emergency Contact (Name): _____

Emergency Phone: Home: _____ Work: _____

Medical Plan Provider: _____ Telephone: _____

Primary Physician: _____ Telephone: _____

Position Preferences

Available Date: From _____ To _____

Times Available: Monday _____ To _____

Tuesday _____ To _____

Wednesday _____ To _____

Thursday _____ To _____

Friday _____ To _____

Have you volunteered before with the Judiciary? ☐ YES ☐ NO

Education/skills: _____

Confidentiality:

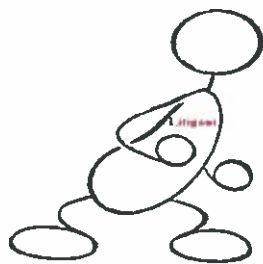
Volunteer work at the Judiciary requires you to respect confidential information.

Are you able to do this? ☐ YES ☐ NO _____

Any reservations about volunteering? ☐ YES ☐ NO

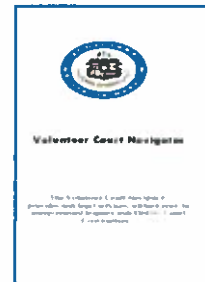
Volunteer Court Navigator (VCN) Workflow

(Scenario 1)



Informational Counter

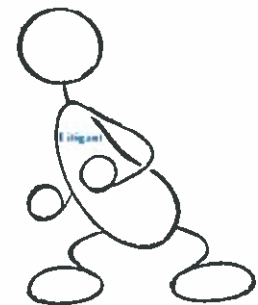
- Self-represented litigant seeks help at the Information Counter
- Staff presents the Volunteer Court Navigator brochure to the self-represented litigant
- Staff refers the self-represented litigant to Volunteer Court Navigator for assistance



(Scenario 2)

Service Center

- Litigant seeks help at the Service Center
- Staff presents the Volunteer Court Navigator brochure to the self-represented litigant
- Staff refers the self-represented litigant client to Volunteer Court Navigator for assistance



Volunteer Court Navigator



The Volunteer Court Navigator:

1. Meets the litigant.
2. Signs the activity log.

Date	VCN	Time Start	Client's Name	Location of the Activity	Time Complete	Outcome/Remarks
10/10/17	VCN #1	8:30am	Mr. Smith	10th	11:30am	Summary Possession case, mediation, agree to share house + move to 40 acres

3. Accompanies the litigant to court appearance.
4. Informs the litigant that Volunteer Court Navigator provides only non-legal services.
5. Listens to the litigant's questions.

6. After activity is finished, the VCN, gives an evaluation form to the litigant to fill out.

Fill up this evaluation form after the activity is completed.

Client's Name: _____ Date: _____

VCN's Name: _____

Location of the Activity: _____

Time Start: _____ Time Complete: _____

Outcome/Remarks: _____

VCN's Signature: _____

Client's Signature: _____

COPIES TO: JUDGE'S OFFICE (1), COURT CLERK (1), VCN (1)

7. Returns to the workplace and completes the activity log.

Date	VCN	Time Start	Client's Name	Location of the Activity	Time Complete	Outcome/Remarks
10/10/17	VCN #1	8:30am	Mr. Smith	10th	11:30am	Summary Possession case, mediation, agree to share house + move to 40 acres

Sample of the Brochure

Back
blank

Front
3 ½" x 8 ½"



Volunteer Court Navigator

The Volunteer Court Navigator
provides non-legal services, without cost, to
unrepresented litigants with District Court
Civil matters.

Inside

3 ½" x 8 ½" (after folded)

Volunteer Court Navigator

The Volunteer Court Navigator will assist self-represented litigants with landlord-tenant, debt collection, and temporary restraining orders (TROs – non-family) cases. These volunteers could include paralegals, law students, paralegal students and others.

The Volunteer Court Navigators neither provide legal advice nor legal counseling. The role of the Volunteer Court Navigators would include the following types of assistance:

- Preliminary discussions with the litigants to listen to their concerns and explain the process.
- Help in using computers located in the courthouse to obtain information and to fill out court forms.
- Help in finding information about the law and how to find a lawyer.

• Help in finding resources in the courthouse and outside the court to assist in resolving their cases.

• Help in organizing documents needed for their cases.

• Description of courtroom protocol.

• Description of the various individuals in the court and their roles such as judge, court clerk, bailiff, and law clerk.

• Accompaniment of the litigants during hallway negotiations with opposing attorneys.

• Accompaniment of the litigants during the mediation process.

• Accompaniment to the court, including giving notes or reminders to the litigants about court proceedings, where and when necessary.

• Taking notes during any court conference or hearing to discuss with the litigants afterwards so that the litigants understand what has been said or decided and what the litigants must do to comply with any directions that they may have been given by the court.

• Statements of fact to the judge, but only if asked a direct factual question by the judge.

• If necessary, provide help with needed social services.

The Volunteer Court Navigators shall not give legal advice or get involved in negotiations or settlement conferences.

The Volunteer Court Navigators shall not provide personal advice and shall not perform any service that constitutes the practice of law.

Volunteer Court Navigator (VCN) Activity Log

Date	VCN	Time Start:	Client's Name	Location of the Activity	Time Complete	Outcome/Remarks
10/10/17	VCN #1	8:03am	M. Smith	10B	8:55am	Summary Possession case, mediation, agree to continue 1 month to settle.
10/10/17	VCN #2	8:05am	J. Nagata	10B	8:15am	Landlord no show. Case dismissed.

The Volunteer Court Navigator Program

Evaluation Form

Date: _____

Time: _____

Please assist us in evaluating the quality of this program by completing this questionnaire. Fill in the bubble that best represents your views. Your feedback will be helpful in planning future programs.

Use the following scale to rate each item:

Poor

Excellent

①

②

③

④

⑤

Usefulness of the Volunteer Court Navigator

① ② ③ ④ ⑤

Comments:

Friendliness of the Volunteer Court Navigator

① ② ③ ④ ⑤

Comments:

The Volunteer Court Navigator's knowledge of courtroom protocol

① ② ③ ④ ⑤

Comments:

Overall Evaluation

① ② ③ ④ ⑤

Additional questions/suggestions for the Volunteer Court Navigator?

NAME and CONTACT NUMBER (optional):

THANK YOU!

**VOLUNTEER COURT NAVIGATOR ACKNOWLEDGMENT OF
THE LIMITATIONS OF THE SCOPE OF THE PROGRAM**

I, _____, hereby acknowledge that my role as Volunteer
[Name of Volunteer Court Navigator]

Court Navigator is limited to providing the *pro se* party to whom I am assigned information and guidance regarding the functioning of the judicial system and assisting in scheduling and attending court hearings and other proceedings. I hereby further acknowledge the fact I am not permitted under any circumstances to provide legal advice to the party, to advocate on the party's behalf, or to engage in negotiations, mediation, or other discussions on behalf of, or in partner with, the party, with regard to the party's legal case.

Signature of Volunteer Court Navigator

Date

**GUIDELINES AND BRIEFING MATERIALS
FOR THE VOLUNTEER COURT NAVIGATOR
Second Judicial Circuit, State of Hawai'i**

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II.	Who's Who in the Courtroom.....	4
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V.	List of Legal Service Providers and Mediation Services	19
VI.	Judiciary Website/Links.....	23

I. Role and Responsibilities of the Volunteer Court Navigator

The Volunteer Court Navigator will assist self-represented litigants when appearing in court. Here is a list of what a Volunteer Court Navigator must do and guidelines on what the Volunteer Court Navigator may do and shall not do.

What a Volunteer Court Navigator Must Do To Participate in the Program

- A Volunteer Court Navigator must read these guidelines and participate in the training.
- A Volunteer Court Navigator must come to court on time and on the dates he or she signed up for. If there is an emergency that prevents the Volunteer Court Navigator from coming to court, he or she must notify the appropriate person or persons.
- A Volunteer Court Navigator must fulfill the volunteer hours he or she has agreed to provide.
- A Volunteer Court Navigator must dress appropriately and professionally. A suit is not required, but no jeans, no shorts, no slippers are permitted.
- A Volunteer Court Navigator must wear an identification badge at all times in the courthouse. The identification badge must be returned before leaving the courthouse.
- A Volunteer Court Navigator must act professionally at all times. A Volunteer Court Navigator shall not be rude or hostile and shall not curse or use inappropriate language.

What a Volunteer Court Navigator May Do

A Volunteer Court Navigator can help self-represented litigants in the following ways:

- Have an initial discussion with the litigants to explain the process and listen to their concerns.
- Help in using computers located in the courthouse to obtain information and to fill out court forms.
- Help to find information about the law and about how to find a lawyer.
- Help in finding resources in the courthouse and outside the court to assist in resolving their cases.
- Help in organizing documents needed for their cases.
- Describe the courtroom protocol.

- Describe the various individuals in the court and their roles as judge, court clerk, bailiff, sheriff, and law clerk.
- Accompany the litigants during hallway negotiations with opposing attorneys, solely to assist in taking notes regarding the negotiations, answering the factual questions, and facilitating scheduling.
- Accompany the litigants during the mediation process, solely to assist in taking notes regarding the discussions.
- Accompany the litigants into the courtroom or conferences with the judge.
- Provide notes or reminders to litigants about court proceedings, where and when necessary.
- Take notes during any court conference or hearing to discuss with litigants afterwards so that the litigants understand what has been said or decided by the court and what the litigants must do to comply with any directions they may have been given.
- Respond to any questions by a judge asking for factual information on the case.
- If necessary, provide help with needed social services.

What a Volunteer Court Navigator Shall Not Do

- A Volunteer Court Navigator shall not provide legal advice to an unrepresented person.
- A Volunteer Court Navigator shall not be involved in negotiations or settlement conferences.
- A Volunteer Court Navigator shall not give an unrepresented person personal advice.
- A Volunteer Court Navigator shall not give an unrepresented person or any attorney his or her personal contact information.
- A Volunteer Court Navigator shall not hold himself or herself out as a court employee.
- A Volunteer Court Navigator shall not interpret for the opposing side or in the courtroom.
- A Volunteer Court Navigator shall not participate or interfere in a settlement negotiation.
- A Volunteer Court Navigator shall not act in a hostile or rude manner to anyone in the courthouse.
- A Volunteer Court Navigator shall not disclose health information provided by an unrepresented person.

- A Volunteer Court Navigator shall not provide information to a judge unless directly asked a factual question by the judge.

II. Who's Who in the Courtroom

Judge

A person who is appointed to hear and decide cases in the courtroom.

Court Clerk

A Judiciary employee who files the documents of the parties, including pleadings, motions, judgments, and orders and keeps records of evidence of the court proceedings.

Bailiff

A Judiciary employee who maintains order in the courtroom and has custody of the jury and the prisoners. The bailiff announces the opening and closing of court, calls witnesses, and maintains security for the judge and court staff.

Court Reporter

A person who documents all testimony during court proceedings or at trial or at related proceedings such as pre-motions and depositions.

Plaintiff

A person or party who brings a legal action or files a complaint, for the purpose of obtaining a legal remedy.

Defendant

A person or party being sued.

Plaintiff's Attorney

An attorney who represents and acts in the plaintiff's best legal interest.

Defendant's Attorney

An attorney who represents and acts in the defendant's best legal interest.

Witness

A person who takes an oath to tell the truth and then answers questions about the case. Witnesses may be asked about what they saw, heard, or know. They may also be asked to identify pictures, documents, or other exhibits entered in the trial.

Observers

Most trials are open to observers. Generally, the people that attend a trial have an interest in the case -- either in the people involved or if they care about the issues raised. Courtroom decorum is important for those watching. They can be asked to leave if they are not respectful of the court.

III. Glossary of Legal Terms

A

action: a civil judicial proceeding in which one party sues another for a wrong done or for protection of a right or prevention of a wrong; requires service of process on the adversary party or potentially adversary party.

adjournment: a temporary postponement of the proceedings of a case until a specified future time.

adjudicate: to make a judicial determination resolving a dispute.

adversary: an opponent. The defendant is the plaintiff's adversary.

affiant: one who swears to an affidavit; deponent.

affidavit: a sworn or affirmed statement made in writing and signed; if sworn, it is notarized.

affirm: make firm, confirm, establish.

allegation: the assertion, declaration, or statement of a party to an action, setting out what the party expects to prove.

allege: to assert a fact.

amend: to change.

answer: a paper filed in court and sent to the plaintiff by the defendant, admitting or denying the statements in the plaintiff's complaint, and briefly stating why the plaintiff's claims are incorrect and why the defendant is not responsible for the plaintiff's injury or loss. It may contain a general denial, any legal or equitable defenses, and any counterclaim.

appear/appearance: the participation in the proceedings by a party summoned in an action, either in person or through an attorney.

argument: a reason given in proof or rebuttal of an issue involved in the action.

assumpsit: an agreement where one person assumes or promises to do an act or pay an amount to another person.

attachment: the taking of property into legal custody by an enforcement officer.

B

brief: a written or printed document prepared by the lawyers on each side of a dispute and submitted to the court in support of their arguments - a brief includes the points of law that the lawyer wishes to establish, the arguments the lawyer uses, and the legal authorities on which the lawyer rests his/her conclusions.

C

calendar: a schedule of matters to be heard in court.

caption: in a pleading, or other paper connected with a case in court, it is the heading or introductory clause which shows the names of the parties, name of the court, and number of the case.

cashier: a court employee in the clerk's office authorized to accept payment for various court services.

cause of action: grounds on which a legal action may be brought (e.g., property damage, personal injury, breach of contract.)

certified copy: a document which contains a court seal that establishes the document as genuine, as a true copy.

certificate of service: a sworn statement made in writing certifying the delivery of copies of legal documents to the correct person or entity. Also referred to as "return of service."

change of venue: the removal of a suit begun in one division to another division within the judicial circuit.

civil contempt: a failure to comply with a court order.

complaint: a paper filed in court stating the plaintiff's claims against the defendant.

constructive eviction: this occurs when the landlord's wrongful acts keep the tenant from the use of a dwelling, such as a house, an apartment, or a room. In a constructive eviction a tenant, though not physically barred from the apartment or room in question, the tenant is unable to use the whole dwelling for the purpose intended.

costs: litigation expenses set out in statutes and court rules that a judge can order a losing party to reimburse to the prevailing party.

counterclaim: a legal claim by the defendant against the plaintiff or the respondent against the petitioner.

court record: a documentary account of what happened in the action or proceeding, which includes the court file, exhibits, clerk's minutes, and transcripts.

court reporter: a person who transcribes by shorthand or stenographically takes down testimony during court proceedings.

crossclaim: claim litigated by co-defendants or co-plaintiffs against each other and not against a party on the opposite side of the litigation.

cross-examination: questioning by a party, or by the party's attorney, of an adverse party or a witness called by an adverse party.

D

decision: the determination reached by a court in any judicial proceeding, which is the basis of the judgment.

default: a "default" occurs when a party fails to plead or otherwise defend within the time allowed or fails to appear at a court appearance.

default judgment: a judgment against a defendant as a result of his/her failure to appear or submit papers at an appointed time during a legal proceeding.

defendant: the one being sued. This party is called the "respondent" in a summary proceeding.

defenses: the defendant's, or the respondent's, or legal reasons why the plaintiff or petitioner has no valid case against the defendant or respondent.

direct examination: the interrogation of a witness by the party on whose behalf the witness is called.

disbursements (or costs): out of pocket expenses awarded to the winner in a judgment.

discovery: the efforts of a party to a lawsuit to get information about the other party's contentions and evidence before trial. During discovery in regular claims cases, a party may: (1) demand that the other party produce documents or other physical evidence, (2) request answers under oath to written interrogatories, which are written questions, and (3) ask the court for permission to take depositions, which involve an in-person session at which one party has the opportunity to ask oral questions of the other party or his or her witnesses under oath before a court reporter. Formal discovery is not usually required or permitted in small claims cases.

dismissal: termination of a case or proceeding for a procedural reason.

dismissal with prejudice: action dismissed on the merits that prevents renewal of the same claim or cause of action.

dismissal without prejudice: action dismissed, not on the merits, which means the action may be re-instituted.

disposition: the result of a judicial proceeding by withdrawal, settlement, order, judgment or sentence.

disprove: to show to be false.

E

entry of judgment: in order to start enforcing a judgment, the judgment must be "entered." Entry occurs when the judgment is signed by the judge and is filed by a clerk.

eviction: removal of the tenant and his or her personal property from a residential or non-residential premises. Also referred to as “summary possession.”

eviction proceeding: any proceeding that could result in the eviction of a respondent, such as a holdover (where the tenant continues to occupy the dwelling after expiration of the lease) or nonpayment proceeding. Also referred to as “summary possession proceeding.”

evidence: a form of proof of an issue through the use of witnesses, records, or other documents, legally presented at the trial by one of the parties.

execution: (1) the performance of all acts necessary to render a written instrument complete, such as signing, sealing, acknowledging, and delivering the instruments, or (2) supplementary proceedings to enforce a judgment, which, if monetary, involves a direction to the sheriff to take the necessary steps to collect the judgment.

execution of the writ of possession: when an authorized person (e.g., a sheriff's deputy) evicts the occupants of a premises listed on the writ of possession and puts the landlord in possession.

exhibit: a paper, document or other item marked for identification (with a number or letter) during a trial or hearing which, on being accepted by the court, is admitted in evidence.

ex parte: a proceeding, order, motion, application, request, submission etc., made by or granted for the benefit of one party only; done for, in behalf of, or on application of one party only without notice to the other parties.

G

garnish/garnishment: a legal proceeding to take a portion of the wages or other property of a debtor to repay the debt. The garnishing party notifies a third party, such as a bank or an employer, to retain something it has belonging to the defendant-debtor, to make disclosure to the court concerning it, and to dispose of it as the court shall direct.

general denial: a defendant's or respondent's denial of the claims in the complaint.

I

interpreter: a person sworn at a judicial proceeding to simultaneously or consecutively interpret oral testimony or sight translate a written document from one language to another.

interrogatories: written questions asked by one party and served on the opposing party, who must provide written answers to the questions under oath.

J

judgment: the final decision of the judge. It is a determination of the rights and obligations of the parties. In a given lawsuit, a judgment may direct a dismissal of the lawsuit, order payment of a money amount or direct one or more of the parties to do an act.

jurisdiction: the court's authority to hear and decide a case. It is based upon the geographical, subject matter and monetary limitations of a court. To hear and decide a case a court must have both "personal jurisdiction" and "subject matter" jurisdiction. Personal jurisdiction refers to the court's power over the parties involved in the lawsuit. Subject matter jurisdiction refers to the court's power over the type or category of the lawsuit.

L

lessee: a person who has signed a lease to rent real property.

levy: to take or seize property in execution of a judgment.

liability: an obligation to do or to eventually do something; money owed; or according to law one's responsibility for his/her conduct; or one's responsibility for causing an injury.

lien: a claim on specific property for payment of a debt.

litigant: party to a lawsuit.

M

mediation: a discussion led by an impartial third party to facilitate a settlement of the lawsuit. The results of mediation are not binding unless the parties have signed a settlement agreement or placed their agreement on the record.

mediator: an impartial third party who intervenes in a dispute. Mediators help parties define issues, improve communication, find alternative solutions and reach agreements.

minutes: notes of what happened in the courtroom.

money judgment: a judgment for an amount of money.

motion: a request to the court, usually in writing, for relief before the trial on the parties' claims, or for different or additional relief after the trial decision.

motion to reconsider: a request that seeks to persuade a judge that the decision/order rendered is incorrect, because the judge has misapprehended the facts or the applicable law, or because new evidence has become available that would change the prior decision and there is a good reason why the evidence was not presented earlier.

moving party: the party who is requesting the court for relief.

N

notarize: to have a notary public attest to the authenticity of a signature on a document by signing the document and affixing his/her own stamp.

notary public: a person authorized by the State of Hawai'i to administer oaths, certify documents, and attest to the authenticity of signatures.

notice of motion: a notice informing the court and the opposing party when and where a motion will be heard, which lists the relief requested, the grounds for that relief, and provides a list of the supporting papers upon which the motion is based.

nunc pro tunc: meaning "now for then," used to indicate something is presently considered as if occurring at an earlier date; effective retroactively.

O

order: an oral or written command or direction from a judge.

order to show cause: a written direction by the court, sometimes prepared by one of the parties, directing one or both of the parties to provide the court,

within a limited time frame, with any argument as to why the court should not take a particular proposed action either on the court's own initiative or in response to a motion filed with the court; the order may also direct the parties to refrain from some specific activity until the court hears the motion.

P

party: a person having a direct interest in a legal matter, transaction or proceeding.

personal service: when the notice of eviction or other document is given to the respondent by in-hand delivery.

petition: in special or summary proceedings, a complaint filed in court and delivered to the respondents, stating what the petitioner requests from the court and the respondents.

petitioner: in a special or summary proceeding, one who commences a formal action, requesting some action or relief, addressed to a court for determination. Also known as a plaintiff in a civil action.

plaintiff: the one suing.

possession: the right to occupy a premises.

proceeding: a type of lawsuit.

proof of service: documentation filed in court as evidence that a person or entity in a lawsuit was properly served. This consists of an affidavit of service by the person who served the court papers, as well as any supporting documentation, such as receipts from the post office and/or the signature of a person receiving such papers.

pro se: a party who does not retain a lawyer and appears for him/herself in court.

R

record: a permanent written account of some act, court proceeding or transaction that is drawn up by a proper officer and designated to remain as permanent evidence of what has been done in a lawsuit.

relevant: logically connected and tending to prove or disprove a matter at issue.

relief: a remedy that is sought by a party.

replevin: an action brought for the owner of items to recover possession of those items when those items were wrongfully taken or are being wrongfully kept.

reply: a plaintiff's response to a defendant's answer, prompted when the defendant's answer contains a counterclaim directed against the plaintiff.

respondent: one who formally answers the allegations stated in a petition that has been filed with the court. Also known as a defendant in a civil action.

restore/reinstate to calendar: to reinstate the action to active status within a court's calendar.

S

seizure: the process by which a person authorized under the law to do so takes into custody the property, real property or personal property, of a person against whom a judgment has been issued or might be issued. The seized property may be held to guarantee a judgment is paid or may be sold to satisfy a judgment.

self-represented litigant: a party who does not retain a lawyer and appears for himself/herself in court. Also known as a pro se or unrepresented litigant.

service of process: the delivery of copies of legal documents to the defendant or other person to whom the documents are directed. Legal documents that must be served include, but are not limited to, a summons, complaints, petitions, orders to show cause, subpoenas, and notices to quit the premises. The procedure for service of process is specifically set out in statutes.

sever: to remove an issue or claim from a lawsuit or a counterclaim, with the ability to re-institute it at another time in another court proceeding.

sheriff: a county's top law enforcement officer, responsible for, among other duties, management of the county jail, providing bailiffs for protection at the courts, and such civil activities as serving summonses, subpoenas, and writs, conducting judgment sales, and fulfilling various functions ordered by the courts.

standing: the right to make a legal claim or to seek judicial enforcement of a duty or a right.

stay: the postponement or halting of a proceeding, action, or enforcement of an order or judgment

settlement: a formal agreement between litigants and/or their attorneys resolving their dispute.

subpoena: a court document used to compel a witness to testify at the hearing or to produce records.

sum certain: damages easily computed based upon the terms of a contract, promissory note, or law.

summary judgment: a determination of an action based upon the law, on the grounds that there is no genuine issue of fact in dispute.

summary possession: a remedy sought by a landlord to secure the repossession of a rental property based upon a failure by the tenant to pay the rent or due to other violations of the lease.

summons: a plaintiff's written notice, in a specific form, delivered to the parties being sued, that they must answer the plaintiff's attached complaint within a specific time or appear in court on a specific date.

T

testimony: an oral declaration made by a witness or party under oath.

transcript: the written, word-for-word record of all legal proceedings, including testimony at trial, hearings, or depositions. A copy of the transcript may be ordered for a fee from the court reporter.

trial: the formal examination of a legal controversy in court so as to determine the issues.

V

vacate: to cancel or invalidate.

venue: the physical location or place within the court's jurisdiction where a lawsuit will be decided.

verification: confirmation of the correctness, truth or authenticity of a pleading, account, or other paper by an affidavit or oath.

voir dire: a questioning of prospective jurors by the attorney and, on application of any party, by the judge, to determine if any of the prospective jurors should be disqualified or removed by challenge or examination.

W

writ of execution: a document that authorizes the seizure of personal property of the judgment debtor and for the personal property to be sold to satisfy the judgment rendered against the judgment debtor.

writ of possession: a document that authorizes an eviction of a party from a premises after a judgment has been awarded against that party. It describes the premises and directs the sheriff or other authorized officer to remove all such persons from those premises and to put the opposing party, to whom the judgment was awarded, in possession.

writ of replevin: a document that authorizes the sheriff or other authorized officer to repossess certain items from the defendant and give the items to the plaintiff.

waste: permanent harm to real property.

witness: one who testifies to what he/she has seen, heard, or otherwise perceived.

IV. Steps to Avoid Eviction ("STAE")

The Hawaii State Judiciary is a participant in a grassroots effort called STAE – Steps to Avoid Eviction. STAE's mission is to find ways to ensure that landlords get paid the rent they are owed and tenants are not evicted, by encouraging tenants and landlords to use available resources in a more timely and effective manner.

For more information about STAE, go to:

http://www.courts.state.hi.us/special_projects/stae.

For a list of all of the current organizations providing the services listed below, call Aloha United Way at 211 or (808) 543-2262, or go to: www.legalaidhawaii.org.

ASSISTANCE PROGRAMS	WHAT ARE THEY	HOW CAN THEY HELP?
<i>EMERGENCY FINANCIAL RENTAL ASSISTANCE</i>	Emergency financial rental assistance programs provide individuals/families with money to pay rent and/or utilities.	These programs can help you stay in your rental if you lose your job and can no longer afford to pay rent. Many programs require you to show that you can/will pay your rent in future months.
<i>MEDIATION SERVICES</i>	Mediators are trained professional who assist in resolving landlord-tenant disputes. Mediators will talk with you and your landlord about the problem and help you reach an agreement that is fair for both sides.	If you don't feel comfortable negotiating with your landlord or you cannot reach an agreement with your landlord, getting help from a mediator can be a fast, inexpensive approach to finding a solution.
<i>FINANCIAL COUNSELING</i>	A financial counseling agency can help you become a better money manager by getting you back on track with your budget – and your bills – or help you cope with unexpected setbacks, such as unemployment, divorce or medical emergencies.	Financial counselors will explain your rights and responsibilities, and can guide you through creating a budget that works in real life. This includes a plan to help you deal with your debt, start saving for emergencies, and improve your credit for the future.

LEGAL COUNSELING	Legal counseling agencies provide legal advice to help you understand your rights as a tenant.	Legal counseling can help you understand the rules in your rental agreement, what is expected of you, how to prevent problems, and/or what to do when problems occur.
INCOME ASSISTANCE	Income assistance refers to those programs offering monthly benefits, or employment assistance, such as skills training, education, or help finding a job.	If you're worried that you're not making enough money, or you want to make more money by getting another job, income assistance programs can help you achieve financial stability.
OTHER ASSISTANCE	Other assistance refers to programs that help individuals/families with basic needs, such as food, clothing, shelter, or health care.	These assistance programs can help you reduce your costs of living, so that you can afford to pay rent each month while also providing for yourself/your family.

V. List of Legal Service Providers and Mediation Services

American Civil Liberties Union of Hawai'i

(808) 522-5900

<http://acluhi.org/need-legal-help/>

Protects individual freedoms guaranteed by the constitution (including freedom of speech/religion, due process, and protection from unlawful searches and seizures). We are a private, non-profit, non-partisan agency; we accept no government funds and we do not charge for our legal services. Contact us at office@acluhawaii.org; U.S. Mail (P.O. Box 3410, Honolulu, HI 96801); or fax (808-522-5909).

Domestic Violence Action Center

(808) 531-3771 (1-800-690-6200)

www.domesticviolenceactioncenter.org

Provides civil legal representation in Family Court and client advocacy (for a year or longer) for survivors of abuse in the interest of safety and self-sufficiency. Additional services include legal helpline, on-site court assistance, services to diverse populations, education, training and technical assistance. Staff works in court and in the community on Oahu. Teen Alert provides outreach education about healthy relationships, safety planning and outreach statewide for public and private schools, youth serving organizations and community events. Helpline assistance is statewide. Bi-lingual and bi-cultural assistance is available for Filipino, Japanese, Hawaiian, and Chinese communities. Policy advocacy and system reform initiatives are aimed at statewide improvements.

Hawai'i Appleseed Center for Law & Economic Justice

(808) 578-7605

www.hiappleseed.org

The Hawai'i Appleseed Center for Law & Economic Justice advocates on behalf of low-income and marginalized people in Hawai'i through the use of class-action litigation, advocacy with the legislature and other government entities, and research and report writing. Hawai'i Appleseed typically does not provide individual representation or services, and instead focuses on situations that affect hundreds or thousands of people, for example, where the government is trying to terminate public benefits for a particular ethnic group, or where conditions at a housing project are unsafe and unhealthy for residents.

Hawai'i Disability Rights Center
(808) 949-2922 (1-800-882-1057)

www.hawaiidisabilityrights.org

The Hawai'i Disability Rights Center is the protection and advocacy system for people with disabilities providing outreach, education, training, individual case advocacy and legal representation. We protect the legal, civil and human rights of persons with disabilities. There are no financial eligibility requirements, but the legal issue must be based upon the person's disability.

Hawai'i State Bar Association
(808) 537-1868

www.hawaiilawyerreferral.com

The Hawai'i State Bar Association's lawyer referral line can provide the name of three lawyers who may be able to assist you for a reduced fee. Every Wednesday night from 6:00 p.m.- 7:00 p.m. the Hawai'i State Bar Association also runs a Legal Line which provides legal information by volunteer lawyers.

Kauai Economic Opportunity
(808) 245-4077

www.keoinc.org

On Kauai, provides mediation and dispute resolution services that are affordable and accessible to resolve all types of matters including but not limited to: divorce, custody and visitation; landlord/tenant; workplace; civil rights; special education and more.

Ku'ikahi Mediation Center
(808) 935-7844

www.hawaiimediation.org

In East Hawai'i, provides mediation and dispute resolution services that are affordable and accessible to resolve all types of matters including but not limited to: divorce, custody and visitation; landlord/tenant; workplace; civil rights; consumer/merchant; foreclosure; and more.

Legal Aid Society of Hawai'i
(808) 536-4302 (1-800-499-4302)

www.legalaidthawaii.org

Provides statewide legal assistance for low-income clients in areas, including, but not limited to family, housing and housing discrimination, public benefits, consumer, tax, and immigration. Most services require that clients be under 125% of the federal poverty guidelines (\$2,905/month for a family of four) to qualify. Services available, regardless of income, include legal assistance for seniors on neighbor islands, fair housing, and foreclosure assistance. Intake

hours are 9:00 a.m. – 11:30 a.m. and 1:30 p.m. – 3:30 p.m. every day. Eligible callers will receive legal advice immediately and when necessary referral to one of ten offices for assistance or representation.

Maui Mediation Services
(808) 244-5744

www.mauimmediation.org

Providing mediation and dispute resolution services for the islands of Maui, Molokai and Lanai. Offering a wide variety of services in cases where individuals or businesses would like assistance in solving conflict in a professional and respectful way.

The Mediation Center of the Pacific
(808) 521-6767

www.mediatehawaii.org

Provides mediation and dispute resolution services that are affordable and accessible to resolve all types of matters including but not limited to: divorce, custody and visitation; landlord/tenant; workplace; civil rights; family; elder issue; special education and more.

Native Hawaiian Legal Corporation
(808) 521-2302

www.nhlchi.org

The Native Hawaiian Legal Corporation (NHLHC), a 501(c)(3) non-profit, public interest law firm which asserts, protects and defends Native Hawaiian rights to land, natural resources, and related entitlements, offers direct legal representation in substantive areas encompassing quiet title to land, natural resources, customary and traditional practices, public trust land entitlements and related areas. Services also include: information and referral, counseling, land title research and genealogical research.

University of Hawai'i Elder Law Program
(808) 956-6544

<http://www.hawaii.edu/uhelp/>

The University of Hawai'i Elder Law Program (UHELP) is located at the William S. Richardson School of Law and provides limited civil legal services and counseling on the island of Oahu to socially and economically needy older persons who are 60 years of age or older. It also provides counseling and legal information to caregivers of older persons on Oahu. UHELP does not handle criminal or traffic violation cases, commercial or income producing cases, nor does it handle personal injury, malpractice or other fee-generating cases.

Volunteer Legal Services Hawai'i

Oahu: (808) 528-7046 Big Island: (808) 313-8210 Maui: (808) 727-8210

Kauai: (808) 698-8210

www.vlsh.org

Provides free or reduced cost civil legal services, with volunteer attorneys, for low- and moderate-income individuals and families. Applicants must have incomes below 250% of the federal poverty guidelines (\$5,810/month for a family of four) to qualify for free legal assistance. Intake hours via phone are from 9:00 a.m. to 4:00 p.m. Monday to Friday. Walk-ins are welcome at our Kaka'ako office from 9:00 a.m. to 12:00 noon Monday to Friday. Services are for non-criminal legal issues and include legal advice, help with completing court forms, and referrals to pro bono attorneys for direct representation.

West Hawai'i Mediation Center

(808) 885-5525/(808) 326-2666

www.whmediation.org

Serving West Hawai'i, providing mediation and dispute resolution services that are affordable and accessible to resolve all types of matters including but not limited to: divorce, custody and visitation; landlord/tenant; workplace; civil rights; consumer/merchant; foreclosure; and more.

VI. Judiciary Website/Links

Hawai'i State Judiciary: <http://www.courts.state.hi.us>

Search engine for cases: <http://hoohiki.courts.hawaii.gov/#/search>
(Judiciary's public access to court information)

Judiciary History Center: <http://www.jhchawaii.net>

Hawai'i Legal Services Portal:

<http://www.courts.state.hi.us/you-are-leaving-the-hawaii-state-judiciary-website>¹ (Under tab at Judiciary website "Access to Justice")
or at: www.lawhelp.org/hi/portal

¹ The current list of legal issues that can be searched by the self-represented litigant are: family, abuse and harassment, housing, public benefits, discrimination, money and debt, individual rights, Native Hawaiian rights, seniors and life planning, immigration, government records and documents, and veterans. No criminal or personal injury issues can be searched.