



STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96809-0339

February 18, 2019

TO: The Honorable Representative Sylvia Luke, Chair
House Committee on Finance

FROM: Pankaj Bhanot, Director

SUBJECT: **HB 1452 - RELATING TO CIVIL LEGAL SERVICES**

Hearing: February 21, 2019, 1:30 p.m.
Conference Room 308, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services supports this bill, provides comments, requests amendments regarding membership and quorum requirements, and requests an appropriation provided that it does not supplant budget requests prioritized in the Executive Budget.

Low income residents often require free civil legal services to address legal barriers that hamper stability and efforts to improve family income and well-being. Legal representation may include assistance in obtaining government issued identification, obtaining government benefits, family law matters, consumer or credit related issues, or other housing related representation.

As the Legislature's intent appears to be to create a permanent civil legal services coordinating program within Chapter 346, Hawaii Revised Statutes, DHS requests an appropriation of \$100,000 and the establishment of one permanent exempt full-time position (salary estimate at \$75,000 to \$80,000) to perform the described activities, and for administrative costs, such as IT support, data analytics, training, travel, and other related costs. Further, DHS requests an appropriation of \$45,000 for additional secretarial support

in the Director's office, and the establishment of one permanent full-time civil service secretary position.

DHS proposes that the Roundtable also include a member of the Commission on Access to Justice, a representative from the Hawaii State Bar Association Committee on the Delivery of Legal Services to the Public or like committee, and a faculty member of the University of Hawaii, William S. Richardson School of Law.

To facilitate decision making, DHS further requests that a majority of members or member designees present at an open meeting of the Roundtable constitute a quorum for purposes of decision making per Chapter 92, Hawaii Revised Statutes.

DHS supports the appropriation of funds to the Judiciary to purchase civil legal services.

PURPOSE: The purpose of this bill is to establish and appropriate funds for the Hawaii Legal Aid Interagency Roundtable to facilitate cooperation between various state agencies regarding civil legal services and access to justice. Appropriates funds for the Judiciary to purchase civil legal services for low- and moderate-income persons.

Thank you for the opportunity to provide testimony on this measure.



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Joanne Lo Grimes, Esq.
President, Board of Directors

M. Nalani Fujimori Kaina, Esq.
Executive Director

TESTIMONY IN SUPPORT OF HB1452 – RELATING TO CIVIL LEGAL SERVICES

Committee on Finance – Room 308

Representative Sylvia Luke, Chair
Representative Ty J. K. Cullen, Vice-Chair

February 21, 2019 at 1:30 p.m.

The Legal Aid Society of Hawaii submits testimony in strong support of HB1452 – Relating to Civil Legal Services.

This funding would go to ensure that coordination occurs at a state level to maximize federal funds and other funding opportunities for civil legal services as well as provide important general revenue funding for civil legal services is available. Civil legal services are critical in that they can provide real world solutions to help families in crisis find stability and hope. Both aspects of this bill are important in that coordination at a state level can help to increase access to justice and general revenue funding can provide much needed matching funds for federal grants as well as fill gaps where funding is not available in areas of need for civil legal services.

We are in strong support of the proposed funding level of \$800,000.

Over the years, the Legal Aid Society of Hawai'i has received general funds from the state which has enabled us to provide key civil legal services across the state. The Legal Aid Society of Hawai'i has provided civil legal services to the community for almost 70 years and we are the only legal services organization in the state to have offices on each of the major Hawaiian islands, including four offices on Oahu (Bethel Street, Chinatown, Waianae and Kaneohe) and two on Hawai'i Island (Kona and Hilo). Our staff regularly assist residents of Hawai'i to navigate and solve basic issues which require legal interventions. In 2018, our staff closed over 6,500 cases in legal areas ranging from family, housing, consumer, foreclosure, public benefits, elder law, homelessness, immigration, language access, and child welfare.

Thank you for this opportunity to provide testimony.

Sincerely,

M. Nalani Fujimori Kaina
Executive Director

Angela Lovitt
Deputy Director

Sergio Alcubilla
Director of External Relations

Trever Asam
Board President

Angela Kuo Min
Executive Director



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**TESTIMONY IN SUPPORT OF H.B. 1452
RELATING TO CIVIL LEGAL SERVICES
Committee on Finance - February 21, 2019 - Conference Room 308**

CHAIR LUKE, VICE CHAIR CULLEN, AND MEMBERS OF THE COMMITTEE ON FINANCE:

Volunteer Legal Services Hawaii strongly supports the passage of H.B. No. 1452 and the recommendation to appropriate funding for civil legal services to low- and moderate- income individuals in Hawaii.

In the last thirty-seven years, Volunteer Legal Services Hawaii has partnered with volunteer attorneys in the provision of civil legal assistance to individuals and families of Hawaii. While Volunteer Legal Services Hawaii's only office is on Oahu, we service residents of Hawaii statewide. In 2018, with only a staff of 7, Volunteer Legal Services Hawaii qualified over 2,000 individuals. Volunteer Legal Services provided over 1,800 services in legal checkups, educational presentations, clinics, brief services and/or full representations. Twenty-Nine percent (29%) of those helped are homeless or at the risk of being homeless, 19% of those helped suffer from domestic violence, 9% of those helped were veterans, 25% of those helped are disabled, and 20% of those helped are seniors. If not for Volunteer Legal Services, these individuals would have otherwise gone without legal help.

Additionally, 61% of Volunteer Legal Services Hawaii's clients fall below the 125% federal poverty line, making just enough money to get by in Hawaii and definitely not enough money to hire a private attorney. Volunteer Legal Services Hawaii is honored that its pool of pro bono attorneys ranges from large law firm partners, associates, solo practitioners, public and private agency attorneys who are leaders in their areas of practice. With the 200+ attorneys we have volunteering their time through Volunteer Legal Services Hawaii, we were able to provide legal assistance to Hawaii residents in family law (divorce, child custody, child visitation, adoption, guardianship), estate planning (will, power of attorney, health care directive), Chapter 7 bankruptcy, collections, landlord-tenant, district court matters and veteran benefits issues.

In 2018, over 2,800 hours were donated by our pro bono attorneys, with services valued at over \$667,000.00 to our seniors, veterans, the homeless, children, and the community. Volunteer Legal Services Hawaii plays a critical role in facilitating the administrative support for volunteers to engage in meaningful pro bono service to meet community needs. Funding would restore and support general revenue funding for civil legal services in Hawaii statewide. Civil legal assistance, when used effectively can help reduce dependency on costly social services. Funding for civil legal aid services is an investment that not only provides our community with an important resource but makes fiscal sense.

We respectfully request your passage of H.B. No. 1452 in support of civil legal assistance for Hawaii residents. Thank you for this opportunity to provide testimony.

Sincerely,
Angela Kuo Min, Executive Director

HB-1452

Submitted on: 2/19/2019 12:17:43 PM

Testimony for FIN on 2/21/2019 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Joanne Hoe	Volunteer Legal Services Hawaii	Support	No

Comments:

Rep. Sylvia Luke, Chair

Rep. Ty J.K. Cullen, Vice Chair

I am in support of HB 1452 to fund civil legal services. I am the treasurer of VLSH, and has been working with this organization for over 10 years. The organization provided legal services to the indigent people, which is very needed in our community.

Thank you.

Joanne Hoe

Treasurer of VLSH

HSBA – DELIVERY OF LEGAL SERVICES TO THE PUBLIC COMMITTEE*

February 19, 2019

The Honorable Sylvia Luke, Chair
The Honorable Ty Cullen, Vice Chair
House Committee on Finance
Hawaii State Capitol
415 South Beretania Street
Honolulu, HI 96813

***Re: Testimony in SUPPORT of H.B. No. 1452
Hearing: Thursday, February 21, 2019 at 1:30 p.m.***

Dear Chair Luke, Vice Chair Cullen, and members of the House Committee on Finance:

The Delivery of Legal Services to the Public Committee (“DLSP”) of the Hawaii State Bar Association submits this testimony in **SUPPORT of House Bill No. 1452**, which establishes and appropriates funds for the Hawaii Legal Aid Interagency Roundtable and **appropriates \$800,000 for civil legal services**.

DLSP is organized within the HSBA “[t]o increase the availability of quality legal services to all who need them,” and, to achieve this goal, “[d]evelops and promotes programs designed to make legal services more readily available in the community, works with other organizations to increase services, coordinates participation of the HSBA membership in such programs, and provides a forum for exchange of ideas and information.” HSBA Goal No. 5.

DLSP strongly supports the passage of this bill as being in accord with the committee’s mandate by providing services and appropriating general revenue funding for civil legal services for low and moderate income persons. Civil legal service providers ensure access to justice for thousands of individuals and families in critical legal areas such as housing, child welfare, elder law, domestic violence protection, and immigration. This bill provides crucial funding to continue these critical services for Hawaii’s most vulnerable residents who would not otherwise have any legal assistance. Accordingly, DLSP respectfully urges your Committee on Finance to pass this measure.

Thank you for the opportunity to testify.

Respectfully submitted,

/s/ LYNDA ARAKAWA
LYNDA ARAKAWA
HSBA – Delivery of Legal Services
to the Public Committee

* This testimony is submitted by and on behalf of the Delivery of Legal Services to the Public Committee and not by or on behalf of the Hawaii State Bar Association.

TESTIMONY OF THOMAS D. FARRELL
Regarding HB 1452, Relating to Civil Legal Services
Committee on Finance
Representative Sylvia Luke, Chair/Representative Ty J.K. Cullen, Vice Chair
Thursday, February 21, 2019 1:30 p.m.
Conference Room 308, State Capitol

Good afternoon Representative Luke and Members of the Committee:

I strongly support part II of the bill, which would provide an appropriation for civil legal services.

Just so there is no misunderstanding, this is not a bill to put money in the pockets of lawyers in private practice. As in the past, these funds will be expended through non-profit providers such as Volunteer Legal Services Hawaii (VLSH) and the Legal Aid Society.

I run a small law firm concentrating in Family Law. All of us are volunteer attorneys with VLSH. We see, first hand, the need for civil legal services to be provided to those who would otherwise have no access to justice.

Last year, I finished up a divorce case for VLSH. My client started out living in her car. We were able to get her a share of her husband's retirement payments, and get direct payment to her from the plan administrator. That got her off the streets.

Before that, I recall handing an adoption for a woman who had been in casual possession of a seven year old girl for some five years. The child's mother had been in and out of prison, and the father was unknown. My client needed to have the legal authority to act as a parent, and also to make sure that mom didn't demand the return of this child in a drug induced moment. The paperwork for an adoption is daunting, even for lawyers. My client---who made about \$1,500/month---would never be able to afford to hire me at \$325/hour. Typically, these cases run from \$5,000 to \$15,000. She got her adoption done through VLSH at no charge. And, by the way, the taxpayers of Hawaii benefitted too. This child will remain in a safe and loving home, and will not be one of those who are in our CPS system and in foster care at public expense.

These are two examples of why civil legal services are vital, but they aren't free. My time may be free, but it takes an organization like VLSH to screen the cases, recruit the attorney volunteers, and match clients to lawyers. VLSH's annual budget runs some \$600,000. It will

Divorce ♦ Paternity ♦ Custody ♦ Child Support ♦ TROs ♦ Arbitration
also handling national security cases involving revocation or denial of security clearances

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*Certified by the National Board of Trial Advocacy. The Supreme Court of Hawaii grants Hawaii certification only to lawyers in good standing who have successfully completed a specialty program accredited by the American Bar Association.

Testimony of Thomas D. Farrell
HB 1452
February 21, 2019
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only get a share of the amount that you appropriate---based on past experience, that will be less than 25% of what it needs to survive. So, I urge this committee not to cut the amount in the bill by some arbitrary amount.

I don't have the detailed knowledge of statistics for other legal service providers, but I can tell you that in 2018, VLSH handled 2,088 intakes, over 1,800 of whom were provided a range of services from advice and consultation to full representation. Many of these clients were homeless or disabled, or both. I was one of some 200 volunteer attorneys who, collectively, donated over 2,800 hours of their time.

No doubt, my colleagues from other legal services providers have equally compelling stories to tell, and they deserve your support, too.

So I commend to you making a commitment to justice for all. HB 1452 represents a modest investment that can do a great deal of good---not just for the people that whose cases we take, but also for the taxpayers of Hawaii.

HB-1452

Submitted on: 2/20/2019 12:51:46 PM

Testimony for FIN on 2/21/2019 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments:

HB-1452

Submitted on: 2/19/2019 12:50:31 PM

Testimony for FIN on 2/21/2019 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Tred Eyerly	Individual	Support	No

Comments:

I respectfully urge your support of HB1452, which would provide desperately needed funds for less fortunate individuals to have access to the legal system.