

HAWAII ACCESS TO JUSTICE COMMISSION

On May 1, 2008, the Hawaii Supreme Court adopted Rule 21 of the Rules of the Supreme Court of the State of Hawaii, which provided for the creation and establishment of the Hawaii Access to Justice Commission (“Commission”). Rule 21 was the culmination of several years of work by the “Access to Justice Hui,” a group comprised of various legal services providers and other organizations, including the Hawaii Justice Foundation (“HJF”), the Hawaii State Bar Association (“HSBA”), the Judiciary, and the William S. Richardson School of Law (“WSRSL”). In the 2007 assessment of the needs of the low- and moderate- income people in Hawaii, certain findings were significant:

- Only one in five low- and moderate- income Hawaii residents have their civil legal needs met.
- Legal service providers are able to assist only one of three of those who seek help.
- Unmet civil legal needs include housing, family, domestic violence, and consumer issues.

The 24 Commissioners are working to fulfill the purpose of the newly created Commission, to substantially increase access to justice for low- and moderate-income residents of Hawaii. The focus of the Commission will be to, among other things: provide leadership to expand and improve delivery of high quality legal services to low-income people in Hawaii; to increase and stabilize long-term funding and resources for these services; to maximize the efficient use of available resources by improving collaboration among legal service providers; to increase pro bono contributions by Hawaii attorneys; to reduce language, cultural, and other barriers to the civil justice system; and to educate government leaders and the public about the importance of equal access to justice.

The Commission has had a very busy and productive first year. Currently under consideration by the Hawaii Supreme Court are a mortgage foreclosure mediation program, a model pro bono policy for the judiciary, and amendments to the pro bono guidelines for judges, all proposed by the Commission. The Commission passed multiple resolutions and submitted testimony before the Hawaii State Legislature in support of funding for legal service providers and increasing access to justice to the courts. Model pro bono policies for law firms and for government attorneys have been adopted by the Commission and endorsed by the HSBA Board.

Through the Commission’s energetic efforts to date, thirteen law firms and government offices have committed to meeting the aspirational

goal of fifty hours of pro bono legal services annually. The Commission continues to educate attorneys and the public about the need for legal services for the under served through meetings and articles published in the *Hawaii Bar Journal*, the official magazine of the HSBA.

On June 24, 2009, the Commission sponsored the first annual Access to Justice Summit at the UH William S. Richardson School of Law. Over 200 individuals attended this summit, which highlighted the legal issues and challenges facing the indigent community and legal service providers in these tough economic times. Panelists tackled questions such as: do desperate times require a re-evaluation of how legal services are provided? should non-traditional approaches to meeting civil legal needs be considered?

For more information on the Commission, please visit <http://www.hsba.org/accesstojustice.aspx> or contact Jill Hasegawa, Commission Vice-Chair, at (808) 539-0805 or jhasegawa@awlaw.com.

Why Pro Bono?

by Rai Saint Chu

The Hawaii State Bar Association has been giving 110% for 110 years. Since our formation in 1899, our leaders and members have provided counsel through all of Hawaii's major transitions, such as from a Territory to a State, the Great Depression, two World Wars, the Pearl Harbor attack and many other revolutionary changes during which Hawaii lawyers steadfastly promoted the rule of law, justice and serving the community.

Now more than ever, Hawaii lawyers must step up to assist those in our community that are most vulnerable. Statistics of the HSBA and ABA indicate a significant increase in the amount of voluntary legal services lawyers provide to deserving causes or individuals. An ABA study shows that more lawyers are devoting more hours than ever and lawyers perform pro bono at three times the rate that the general population does volunteer work. Nevertheless, ABA statistics show the disadvantaged still do not have the legal help they need 80% of the time.

Rule 6.1 of the Hawaii Rules of Professional Conduct provides that lawyers aspire to pro bono services to persons or organizations of limited means at no fee, as well as "activities for improving the law, the legal system or the legal profession" as part of an organized bar association or law related activity.

Our Access to Justice Commission chaired by Supreme Court Justice Simeon Acoba has united the legal services organizations and inspired lawyers to help those of limited means. Justice Acoba has visited many law firms and government offices and received commitments that the lawyers in those offices perform 60 hours of pro bono service each year.

Why pro bono? Our license to practice law is a privilege and a calling to promote justice. To whom much is given, much is expected. Public service defines our character, is the source of our confidence, our credibility and our creed because lawyers put life into liberty and justice.

Rai Saint Chu is the HSBA bar president for 2009.