

Access to Justice Commission  
c/o Hawaii State Bar Association  
1132 Bishop Street, Suite 906  
Honolulu, Hawaii 96813

February 1, 2009

Attn: House Committee on Judiciary  
Hearing Date: Tuesday, February 3, 2009  
Time: 2:00 p.m.

**HB 625 - Relating to Surcharge for Indigent Legal Services**

Dear Chair Karamatsu, Vice-Chair Ito, and Members of the House Committee on the Judiciary:

I am writing on behalf of the Access to Justice Commission (the "Commission"), which was created by Rule 21 of the Rules of the Supreme Court of Hawaii on May 1, 2008. The Commission was established with the purpose to substantially increase access to justice in civil legal matters for low- and moderate-income residents of Hawaii ("low income Hawaii residents"), including increasing and stabilizing long-term public and private funding and resources for delivery of civil legal services to low-income Hawaii residents.

The Commission was created in response to the 2007 Assessment of Civil Legal needs and Barriers of Low- and Moderate-Income People of Hawaii, which found that four out of five low income Hawaii residents do not have their legal needs met and that legal service providers are only able to assist one in three persons who contact them for assistance. The Commission recognizes that in order to increase delivery of legal services to low income Hawaii residents, more funding is essential to assist the legal service providers. One such potential source of increased funding has been identified as the Indigent Legal Assistance Fee.


The Commission supports HB 625, which amends HRS Section 607-5.7 to provide additional surcharge fees on various court filings in our Hawaii State Court system under the "Indigent Legal Assistance Fund" ("ILAF") set forth in HRS Section 607-5. HB 625 would provide sorely needed funds for meeting civil legal services needs, especially during a time when the legal need and number of low income Hawaii residents are increasing.

In addition, HB 625 would amend the allocation formula for the distribution of funds to provide that in addition to the current 70% pro rata distribution of funds under the formula, the remaining 30% of funds would be distributed equally to all organizations or programs meeting the qualifications for receipt of funds. The amendment would assure that each unique legal

service provider would have the necessary resources to meet its basic operational expenses.

Attached is a copy of “Resolution of Support by the Hawaii Access to Justice Commission for the Proposed Amendment of the Indigent Legal Assistance Fund (ILAF), H.R.S. Section(s) 607-5 and 607-5.7”, which was adopted by the Commission at its meeting on January 26, 2009.

On behalf of the Commission, I urge you to support the passage of HB 625. Thank you.

  
Jill M. Hasegawa, Esq.  
Vice-Chair  
Access to Justice Commission

Enclosure(s)