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## HOUSE RESOLUTION

REQUESTING THE HAWAII ACCESS TO JUSTICE COMMISSION TO ASSEMBLE  
VARIOUS STATE AND COMMUNITY ENTITIES TO DETERMINE WHICH  
AGENCY OR ORGANIZATION SHOULD ADMINISTER FUNDING FOR CIVIL  
LEGAL SERVICES TO THE LOW- AND MODERATE-INCOME.

1           WHEREAS, civil legal services can improve community well-  
2 being as a vital part of our social safety net which ensures  
3 that our keiki, kupuna, family care givers, and all members of a  
4 family are healthy and safety; and

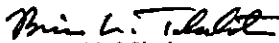
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6           WHEREAS, "The 2007 Assessment of Civil Legal Needs and  
7 Barriers of Low- and Moderate-Income People in Hawaii" found  
8 that only one in five people have their civil legal needs  
9 addressed and that only one in three people who contact a civil  
10 legal service provider is able to get assistance; and

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12           WHEREAS, one of the goals set forth in "The Community Wide  
13 Action Plan: Ten Action Steps to Increase Access to Justice in  
14 Hawaii by 2010" was that an appropriate home for funding civil  
15 legal services should be established to ensure stable state  
16 funding; and

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18           WHEREAS, access to civil legal services by the indigent is  
19 critical to providing access to justice for those who cannot  
20 afford an attorney; and

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22           WHEREAS, access to civil legal services results in costs  
23 savings to the State by way of recovery of federal public  
24 benefits (such as SSI and VA benefits), reduction of utilization  
25 of safety net services such as foster care by establishing  
26 guardianships for family caregivers, reduction of dependency on  
27 public assistance by securing child support and alimony, a  
28 decrease of instances of homelessness through housing  
29 representation, and an increase in state tax revenues  
30 through employment and re-employment related legal  
31 assistance; and  
32

I do hereby certify that the within document  
is a full, true and correct copy of the original  
on file in this office.

  
Chief Clerk  
House of Representatives  
State of Hawaii

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



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

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

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9 WHEREAS, the examination should require:

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

21  
22 BE IT RESOLVED by the House of Representatives of the  
23 Twenty-eighth Legislature of the State of Hawaii, Regular  
24 Session of 2015, that the Hawaii Access to Justice Commission is  
25 requested to assemble a working group of interested government  
26 agencies and community entities to conduct meetings to develop a  
27 plan for determining which agency or organization should  
28 administer funding for civil legal services; and

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

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

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- (6) The Department of Human Services;
- (7) The Department of Labor and Industrial Relations-Office of Community Services;
- (8) The Department of Budget and Finance;
- (9) The Department of Accounting and General Services;
- (10) The Hawaii Justice Foundation;
- (11) The Hawaii Access to Justice Commission;
- (12) Legal Aid Society of Hawaii; and
- (13) Volunteer Legal Services Hawaii; and

BE IT FURTHER RESOLVED, that the Access to Justice Commission may include any other organizations or stakeholders to participate in the working group that it deems necessary; and

BE IT FURTHER RESOLVED that the plan include a history of state funding of civil legal services and the issues historically faced by civil legal service providers in providing service to low- and moderate-income individuals; and

BE IT FURTHER RESOLVED that the plan include an analysis of the benefits and barriers to assigning the administration of funding for civil legal services to the Judiciary, Department of the Attorney General, Department of Human Services, Department of Labor and Industrial Relations-Office of Community Services, Department of Budget and Finance, Department of Accounting and General Services, and the Hawaii Justice Foundation; and

BE IT FURTHER RESOLVED that the plan include recommendations on which agency or organization should administer funding for civil legal services, levels of funding for civil legal services, and if enabling legislation is necessary, a proposal for such enabling legislation; and

1 BE IT FURTHER RESOLVED that the members of the working  
2 group should not be considered state employees based solely upon  
3 their participation in the working group; and  
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5 BE IT FURTHER RESOLVED that the Hawaii Access to Justice  
6 Commission is requested to submit the working group's plan to  
7 the legislature no later than twenty days prior to the convening  
8 of the Regular Session of 2016; and  
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10 BE IT FURTHER RESOLVED that the working group be dissolved  
11 on June 30, 2017; and  
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13 BE IT FURTHER RESOLVED that certified copies of this  
14 Resolution be transmitted to the Governor, President of the  
15 Senate, Speaker of the House of Representatives, Chief Justice  
16 of the Hawaii Supreme Court, Attorney General, Director of Human  
17 Services, Executive Director of the Department of Labor and  
18 Industrial Relations-Office of Community Services, Director of  
19 Finance, Comptroller, Executive Director of the Hawaii Justice  
20 Foundation, Chair of the Hawaii Access to Justice Commission,  
21 Executive Director of the Legal Aid Society of Hawaii, and  
22 Executive Director of Volunteer Legal Services of Hawaii.  
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