



**HAWAI'I
ACCESS TO JUSTICE
COMMISSION**

ANNUAL REPORT FOR 2013



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I. HAWAI'I ACCESS TO JUSTICE COMMISSION

This report highlights the Hawai'i Access to Justice Commission's ("Commission") activities in 2013.

A. Commissioners

The Commission is comprised of 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 by separate appointing authorities:

- Chief Justice of the Hawai'i Supreme Court
- Hawaii State Bar Association ("HSBA")
- Hawaii Consortium of Legal Service Providers
- Hawaii Justice Foundation ("HJF")
- Williams S. Richardson School of Law
- Hawaii Paralegal Association
- 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 2013 are listed below:

	Name	Appointed By	Term Ends
1.	Hon. Daniel R. Foley (CHAIR as of June 30, 2010)	Chief Justice	12/31/15
2.	Jill M. Hasegawa (VICE-CHAIR)	Hawaii State Bar Association	12/31/14
3.	Hon. Simeon R. Acoba, Jr. (Former Chair from May 2008 until June 29, 2010)	Chief Justice	12/31/15
4.	Hon. Ronald Ibarra	Chief Justice	12/31/15
5.	Hon. Joseph Cardoza	Chief Justice	12/31/14
6.	Hon. Trudy Senda	Chief Justice	12/31/15
7.	Derek Kobayashi	Hawaii State Bar Association	12/31/13
8.	Darien W.L.C. Nagata	Hawaii State Bar Association	12/31/14
9.	Shannon L. Wack	Hawaii State Bar Association	12/31/13
10.	L. Dew Kaneshiro (Volunteer Legal Services of Hawai'i)	Hawai'i Consortium of Legal Services Providers	12/31/14



11.	M. Nalani Fujimori Kaina (Legal Aid Society of Hawai'i)	Hawai'i Consortium of Legal Services Providers	12/31/15
12.	Moses Haia (Native Hawaiian Legal Corporation)	Hawai'i Consortium of Legal Services Providers	12/31/13
13.	Nanci Kreidman (Domestic Violence Action Center)	Hawai'i Consortium of Legal Services Providers	12/31/13
14.	Jean Johnson (Non-attorney public representative)	Hawai'i Consortium of Legal Services Providers in consultation with Chief Justice	12/31/15
15.	Scott S. Morishige (Non-attorney public representative)	Hawai'i Consortium of Legal Services Providers in consultation with Chief Justice	12/31/14
16.	Gary M. Slovin	Hawaii Justice Foundation	12/31/15
17.	Dean Aviam Soifer	William S. Richardson School of Law	12/31/13
18.	R. Elton Johnson, III	Hawaii Paralegal Association	12/31/13
19.	Patricia McManaman	Governor	n/a
20.	Mary Anne Magnier	Attorney General	n/a
21.	Hon. Clayton Hee	Senate President	n/a
22.	Hon. Della Au Belatti	House Speaker	n/a

B. 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. (Chair), David Reber (Vice Chair), Associate Judge Daniel R. Foley, L. Dew Kaneshiro, Jill Hasegawa, Derek Kobayashi, Carol K. Muranaka, 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 in developing a budget for the Commission, including identifying potential sources of funding, and providing reports on the status of operations relative to budget
- Assist in providing administrative and logistical assistance to the Commission and its committees and task forces
- Coordinate the activities of volunteers in support of the Commission's initiatives

Annual Report Committee

[Jill Hasegawa (Chair), Judge Karen Nakasone (Vice Chair)]

- Assist in preparing an annual report of the activities of the Commission for filing with the Supreme Court in accordance with Rule 21(j)(1)

Committee on Education, Communications and Conference Planning

[Dean Aviam Soifer (Chair), Carol K. Muranaka (Vice Chair), Rep. Della Au Belatti, Sonny Ganaden, Sen. Clayton Hee, Brandon Ito, Mihoko Ito, Elton Johnson, Robert LeClair, Leila Rothwell Sullivan, Lorenn Walker]

- Assist in organizing an annual summit for the presentation of access to justice issues
- 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 low- and moderate-income people in Hawai'i face in gaining access to the civil justice system, including through informational briefings, communication campaigns, statewide conferences, testimony at hearings and other means
- Increase awareness of low- and moderate-income people's legal rights 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 *Hawaii Bar Journal* and other media

Committee on Funding of Civil Legal Services

[Gary M. Slovin (Chair), Rebecca Copeland, M. Nalani Fujimori Kaina, Robert LeClair, L. Dew Kaneshiro, Dean Aviam Soifer, Kanani M. Tamashiro, 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- and moderate-income individuals so that funding for such services may be stable and secure

- Make recommendations and provide advocacy in support of increased legislative funding of civil legal services providers
- 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 legal services providers 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 legal services providers, including additional amounts in years when such attorneys do not meet the aspirational pro bono goals of Rule 6.1 of the Hawaii Rules of Professional Conduct (HRPC)

Committee on Increasing Pro Bono Legal Services

[L. Dew Kaneshiro (Chair), Tracey Wiltgen (Vice Chair), Rebecca Copeland, Ramona Hussey, Linda Ichiyama, Derek Kobayashi, Kanani Michelle Tamashiro, Jan Tamura, Audrey Stanley, Jeanilou Torrado, 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, including developing effective recruitment campaigns
- Make recommendations concerning ways to develop a culture of commitment to pro bono service among Hawaii's lawyers
- Maintain a list of legal services providers and others that 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, such as by 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

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

Committee on Initiatives to Enhance Civil Justice

[Judge Ronald Ibarra (Chair), Kristin Shigemura (Vice Chair), Earl Aquino, Lincoln Ashida, Shawn Benton, Elizabeth Fujiwara, Ryan Hew, Mihoko Ito, Elton Johnson, Laura Ka'akua, Carol Kitaoka, Michelle Moorhead, George Zweibel]

- Develop and publish a strategic, integrated plan for statewide delivery of civil legal services to low- and moderate-income Hawai'i residents
- 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 nonprofit civil legal services providers in Hawai'i, which may include:
 - Establishment by the Hawai'i legislature of a student loan repayment assistance program to help full-time, nonprofit civil legal services attorneys pay back their student loans
 - 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 nonprofit civil legal service 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

Law School Liaison Committee

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

Make recommendations concerning ways to:

- 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- and moderate-income populations
- Emphasize, as part of the professional responsibilities curriculum, a lawyer's ethical duty under Rule 6.1 of the HRPC to perform pro bono legal services and the ways this obligation can be met



- Develop opportunities with legal services providers, and sources of additional funding, to support law students' efforts to meet the 60-hour pro bono graduation requirement in a manner consistent with addressing the needs of low- and moderate-income populations
- Encourage and recognize the involvement of faculty members in efforts to promote equal justice by, for example, testifying in support of access to justice legislation, accepting pro bono cases, serving on boards of organizations that serve the legal needs of low- and moderate-income populations, contributing financially to organizations that serve the legal needs of low- and moderate-income people 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- and moderate-income populations

Committee on Overcoming Barriers to Access to Justice

[Jean Johnson (Chair), Calvin Pang (Co-Vice Chair), Jennifer Rose (Co-Vice Chair), Russ Awakuni, Nanci Kreidman, Mary Anne Magnier, Kristina Toshikiyo]

- Make recommendations concerning ways to remove impediments to accessing the justice system due to language, cultural and other barriers, and make recommendations concerning what programs should be initiated to address this barrier, which may include:
 - 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 legal service providers
 - 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 ways to address them, such as through the provision of ancillary services, e.g., providing for child care during a court hearing or for necessary mental health services
- Seek to reduce barriers by recommending input on existing and proposed laws, court rules, regulations, procedures and policies that may affect meaningful access to justice for low- and moderate-income Hawai'i residents



Committee on the Right to Counsel in Certain Civil Proceedings

[Shannon Wack (Chair), Mary Anne Magnier, Brandon Ito, James Weisman, 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 the 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

Committee on Self Representation and Unbundling

[Derek Kobayashi (Chair), Sarah Courageous, Damien Elefante, Jerel Fonseca, Victor Geminiani, M. Nalani Fujimori Kaina, Victoria Kalman, Jo Kim, Jay Kimura, Justin Kollar, Daniel Pollard, Judge Trudy Senda, Kristina Toshikiyo, 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 ways to:

- Create, staff, and fund self-help centers that are connected to every courthouse in Hawai'i in order to provide real-time assistance to low- and moderate-income individuals
- Design programs to make courts more "user-friendly" to low- and moderate-income individuals
- Provide information to self-represented litigants on where they can receive legal assistance
- Reduce barriers encountered by self-represented litigants in the court system, e.g., by using plain English and 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, e.g., family, housing and landlord-tenant law
- Make changes to court rules in order 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





II. 2013 PRO BONO INITIATIVE PROGRAM

Approximately 150 people attended the Pro Bono Initiative Program on Thursday, February 21, 2013 in Ali'iolani Hale (Hawai'i Supreme Court building) sponsored by the Commission and supported by the HSBA.

Background

Discussions within the HSBA Committee on the Delivery of Legal Services to the Public and the Commission's Administration Committee led to creating a task force to plan an event to highlight volunteer opportunities not only at the Access to Justice Room at the Honolulu District Court, but other opportunities with the various nonprofit legal service entities. Chief Justice Mark Recktenwald was supportive of the collaboration of the various organizations coordinating such event.

The Commission approved the formation of the Pro Bono Initiative Task Force at its November 26, 2012 meeting, and the HSBA board followed with approval at its December 13, 2012 meeting and allocated \$1,000 for refreshment expenses for the event in February 2013.

Coordination of the Program

Over six meetings from November 2012 to February 2013, the Task Force discussed and coordinated the program planned for Thursday, February 21, 2013, 4:00 to 5:30 p.m. The Task Force worked on a broad list of potential invitees noting that the courtroom capacity was 150 people.

The Task Force members encouraged the various law offices to cover the entire year at the Access to Justice Room at the Honolulu District Court. The months that the law offices volunteered to serve are:

January: Ayabe Chong Nishimoto Sia & Nakamura

February: Cades Schutte

March: Other dedicated volunteers:

Kawena	Beaupre
John	Duchemin
Tred	Eyerly
Chris	Goodin
Beverly	Hiramatsu
Steven	Jacobson
Cheryl	Kinoshita



Andrew Odell
Caryn Okinaga
Marc Rousseau
Benedyne Stone

April: Carlsmith Ball
May: Goodsill Anderson Quinn & Stifel
June: Ashford & Wriston
July: Bronster Hoshibata and Hawaii Filipino Lawyers Association
August: Schlack Ito and James S. Burns Aloha Chapter, American Inns of Court IV
September: Alston Hunt Floyd & Ing
October: Office of the Public Defender, Honolulu
November: Damon Key Leong Kupchak Hastert
December: Kobayashi Sugita & Goda

It was decided that all of the volunteers in 2012 as noted below should also be acknowledged during the Program.

Volunteers in 2012:

James Abraham	Regan Iwao
Michelle Agsalda	Steven Jacobson
James Ashford	Susan Jaworowski
Johnathan Bolton	Derek Kobayashi
David Brittin	Mark M. Murakami
Sharon Brooks	Cheryl Nakamura
Corlis Chang	Calvin Pang
Steven Chow	Lunsford Phillips
Nicholas Courson	Andrew Salenger
Arlette Harada	Benedyne Stone
Beverly Hiramatsu	Samuel Suen
Erin Hisano	Toshi Takata
Mihoko Ito	

Rep. Della Au Belatti prepared detailed certificates of recognition for the law offices and the individual volunteers.



Pro Bono Initiative Program

Justice Acoba welcomed the invitees to the event on a rainy Thursday afternoon on February 21, 2013. Chief Justice Recktenwald, as the keynote speaker, spoke about partnerships in justice, saying, "This is a time of great innovation and promise for the cause of access to justice in Hawai'i. Although the challenges are great, we have amazing people who have stepped up and worked together to meet the need. It is because of that dedication that we can continue to make significant strides forward."

Pro bono opportunities were succinctly described by the various legal service organizations:

- Gregory Kim, Business Law Corps
- Louis Erteschik, Hawaii Disability Rights Center
- Kanani Tamashiro, Domestic Violence Action Center
- Victor Geminiani, Hawai'i Appleseed Center for Law and Economic Justice
- Nalani Fujimori Kaina, Legal Aid Society of Hawai'i
- Dew Kaneshiro, Volunteer Legal Services of Hawai'i, Tracey Wiltgen, The Mediation Center of the Pacific
- Professor James Pietsch, U.H. Elder Law Clinic

Judge Richardson and Representative Belatti with Chief Justice Recktenwald handed the certificates of appreciation to the representatives of the law offices:

- ◆ Sidney Ayabe for Ayabe Chong Nishimoto Sia & Nakamura
- ◆ Kelly LaPorte for Cades Schutte
- ◆ Robert Strand for Carlsmith Ball
- ◆ Peter Kashiwa for Goodsill Anderson Quinn & Stifel
- ◆ Michael Gibson for Ashford & Wriston
- ◆ Margery Bronster for Bronster Hoshibata
- ◆ Wilfredo Tungol for the Hawaii Filipino Lawyers Association
- ◆ Carl Schlack for Schlack Ito
- ◆ Judge James Burns (ret.) for James S. Burns Aloha Chapter, American Inns of Court IV
- ◆ Louise Ing for Alston Hunt Floyd & Ing
- ◆ Jack Tonaki for the Office of the Public Defender
- ◆ Mark M. Murakami for Damon Key Leong Kupchak Hastert
- ◆ Sarah Moriarty for Kobayashi Sugita & Goda

Judge Daniel R. Foley, Commission Chair, provided the closing remarks for the formal part of the program. The Hawai'i Supreme Court then sat for the



picture taking with each of the respective law offices and with the volunteer attorneys in a final group photo.

The various legal service providers had set up tables to provide information and sign-up sheets for available pro bono opportunities. The refreshment tables were close by to allow for mingling and conversation.



III. 2013 ACCESS TO JUSTICE CONFERENCE

Over 260 individuals attended the fifth annual Access to Justice Conference held at the William S. Richardson School of Law, University of Hawai'i, on June 21, 2013. The theme of the 2013 conference was "Justice in Jeopardy: Expanding Access to Justice in Challenging Economic Times." Three mandatory continuing professional education ("MCPE") credits were available to Hawai'i attorneys for attending either three hours in the morning session or three hours in the afternoon session of the conference.¹

A. Morning Session

Hawai'i Supreme Court Chief Justice Mark E. Recktenwald provided the opening speech on "ATJ 2.0: Reimagining Access To Justice." He stated:

Justice for all is a noble ideal. But it takes hard work to make sure that ideal is a reality for every person in our community, whatever their background or economic condition. In Hawai'i, there are literally thousands of people who must represent themselves in civil cases in our courts each year. Here on Oahu, we had more than 4,000 divorce cases filed last year – in nearly 60% of them, neither party had an attorney, and in an additional 26%, only one part had legal counsel. Of the landlord-tenant claims filed last fiscal year throughout the state, in 96% of the cases at least one of the parties did not have an attorney.

Following Chief Justice Recktenwald's speech, there was a panel presentation moderated by Robert LeClair. The panelists, Hawai'i Access to Justice Commissioners: M. Nalani Fujimori Kaina, L. Dew Kaneshiro and Nanci Kriedman, who also serve as the Executive Directors of their respective legal service provider organizations, discussed "A Commissioner's Perspective" of the Access to Justice Commission.

The keynote address, "Sustaining the Struggle for Justice: Remembering and Renewing Abolitionist Advocacy" was given by Professor Charles R. Lawrence, III, Centennial Professor, William S. Richardson School of Law, University of Hawai'i at Mānoa. During his speech, Professor Lawrence challenged the audience to think of these issues:

¹ Of the approximately 260 individuals who attended the conference, 117 sought MCPE credits.



What do we know? What do we believe is right and wrong? How do we understand justice and injustice? When we speak of “access to justice” do we mean that our laws and institutions are just, that all we need do is insure that each individual can walk through the doors of our courts and legislatures to find that justice? Do we believe that the world our laws and institutions rationalize, and justify is a just world?

. . . .

Today, as lawyers, we, too often, equate what the law allows with justice. My title intentionally speaks of the Struggle for Justice because I believe in Fredrick Douglass’ admonition that we can never achieve justice without struggle.² As the young voices for freedom say today, “No Justice, no Peace.” My title also calls on us to remember and renew our role, and our responsibility, as lawyers, to be abolitionists, to be freedom fighters, to take sides in the struggle for justice. The Ante-bellum Abolitionists were outsiders. The legal, establishment considered them extremist and radical, but there were lawyers among their numbers. They believed that slavery was deeply unjust, that, despite its enshrinement in our Constitution and our laws, it was their duty to uphold the underlying meaning of that Constitution and its commitment to the equality of all people. They believed that they were obligated as citizens and human beings “to hold our reality up to us as unredeemed.”³

² Fredrick Douglass, *The Significance of Emancipation in the West Indies*, Canandaigua, New York, August 3, 1857 in THE FREDRICK DOUGLASS PAPERS 1, v. 3, 204 (John W. Blassingame ed., 1985) (“Those who profess to favor freedom and yet depreciate agitation, are people who want crops without ploughing the ground; they want rain without thunder and lightning; they want the ocean without the roar of its many waters. The struggle may be a moral one, or it may be a physical one, or it may be both. But it must be a struggle. Power concedes nothing without a demand. It never did and it never will.”)

³ Robert Cover, *Nomos and Narrative*, 97 Harv. L. Rev. 4, note 1 (1983).



The conference continued with a legislative panel, titled “Where is the Money?” Dean Aviam Soifer moderated the guest panelists: Senator Clayton Hee, Representative Karl Rhoads, and Representative Jessica Wooley.

B. Afternoon Workshops

There were four concurrent workshops for the first afternoon session:

“Restorative Justice in Civil Cases” with Judge Michael Town (ret.), Susan Serrano, Cheri Tarutani, and Lorenn Walker. There were 63 attendees who signed up for this workshop.

“Micronesians and Access to Justice” with Jocelyn Howard, Joakim, Peter, and Dina Shek. There were 36 attendees signed up for this workshop.

“Outside the Box” Thinking: Using Technology and Other Strategies with David Reber and Derek Kobayashi. There were 65 attendees who signed up for this workshop.

“Access to Justice in the Family Court” with Judge R. Mark Browning, Judge Catherine Remigio, and Thomas Crowley. There were 58 attendees who signed up for this workshop.

There were four concurrent workshops for the second part of the afternoon:

“Delivery of Legal Services through Limited Scope Representation” with Judge Barbara Richardson and Judge Trudy Senda. There were 67 attendees who signed up for this workshop.

“Mediation Effectiveness: When to Use It and How to Make It Work” with Judge Joel August (ret.), Judge Ronald Ibarra, Chuck Crumpton, and Tracey Wiltgen. There were 75 attendees who signed up for this workshop.

“Language Access to Your Clients” with Justice Sabrina S. McKenna, Christine Kubota, and Steven Silver. There were 46 attendees who signed up for this workshop.

“Responses to the Legal Problems Faced by Veterans” with Judge Edward Kubo, Colin Kippen, and Pamela Harms. There were 40 attendees who signed up for this workshop.



The closing panel focused on “Looking to the Future for Justice for All”. The panelists included: Chief Justice Recktenwald, Associate Justice Simeon R. Acoba, Associate Judge Daniel R. Foley, and Jill Hasegawa. Robert LeClair served as the panel’s moderator.



IV. SELF-HELP CENTERS

November 2013 saw the opening of a self-help center at the Kona courthouse, which joined the self-help centers previously opened in Hilo, Honolulu District Court, Maui courthouse, and Kapolei in 2012, and the Kauai self-help center, which opened in 2011. The self-help centers were started by and continue to be a collaboration of the Judiciary, the Commission, HSBA (in particular, the HSBA Committee on the Delivery of Legal Services to the Public), Legal Aid Society of Hawai'i, the AmeriCorps program, the county bar associations (East Hawaii Bar Association, Kauai County Bar Association, Maui County Bar Association, West Hawaii Bar Association) and the HSBA Family Law Section.

A. Hilo Self-Help Center

The Hilo Self-Help Center is located on the first floor of the Hilo courthouse, and is open twice a week (Monday and Friday) from 11:15 a.m. to 12:45 p.m.

In 2013, over 750 individuals sought and received assistance from volunteer attorneys who volunteered with the Hilo Self-Help Center. These individuals sought assistance in a variety of civil and family law matters. The most common issues addressed by the Hilo Self-Help Center volunteer attorneys included: divorce/custody issues, child support, landlord-tenant and foreclosure matters.

Volunteer attorneys for the Hilo Self-Help Center are coordinated by the East Hawaii Bar Association and include solo practitioners, law firm associates, and government attorneys. The Hilo Self-Help Center was also staffed by an AmeriCorp member, who in addition to providing participants with brochures and forms, also monitored the wait list for participants, collected intake information and aided volunteer attorneys in locating referral information and copying brochures and forms.

B. Maui Self-Help Center

The Maui Self-Help Center is located on the first floor of Hoapili Hale, and is open from 9:00 a.m. to noon on Thursdays. Residents on Molokai, Lanai, and in Hana will also be able to have access to the Center by cell phone.

Throughout 2013, over 600 individuals sought and received assistance from volunteer attorneys through the Maui Self-Help Center. The most common issues for which assistance was sought include: landlord-tenant, family/custody, small claims and foreclosure cases. The vast majority of



individuals who sought assistance through the Maui Self-Help Center were self-represented litigants.

C. Access to Justice Room at the Honolulu District Court

The Access to Justice Room (AJR) at the Honolulu District Court is located on the third floor of the Honolulu district court building at 1111 Alakea Street. It is staffed by volunteer attorneys on Mondays and Wednesdays, 9:00 a.m. to 1:00 p.m. and an AmeriCorps representative from 8:30 a.m. to 1:30 p.m. During 2013, additional Friday sessions were added. The AJR provides short-term legal advice to self-represented litigants on district court civil matters such as landlord-tenant, debt collection, and temporary restraining order and injunction against harassment (involving non-family members or parties who have not been in a dating relationship) issues.

In 2013, over 700 individuals were referred to the AJR. Of those who were referred to the AJR, over 650 received assistance from the volunteer attorneys, with the remaining individuals served by AmeriCorps staff. In 2013, over 235 attorneys volunteered with the AJR. Through an initiative spearheaded by the Access to Justice Commission's Pro Bono Initiative Task Force, which included members: Carol K. Muranaka, Co-Chair; Associate Justice Simeon R. Acoba, Jr., Co-Chair; Rex Fujichaku, Jill Hasegawa, Judge Ronald Ibarra, Regan Iwao, Dew Kaneshiro, Judge Barbara Richardson, Kristin Shigemura, Audrey Stanley, and Tracey Wiltgen, various firms and lawyer organizations, and governmental entities adopted a month of staffing for the AJR.

The AJR was staffed by the following law firms, organizations, and governmental entities in 2013: January, Ayabe Chong Nishimoto Sia & Nakamura; February, Cades Schutte; April, Carlsmith Ball; May, Goodsill Anderson Quinn & Stifel; June, Ashford & Wriston; July, Bronster Hoshibata and Hawaii Filipino Lawyers Association; August, Schlack Ito and James S. Burns Aloha Chapter, American Inns of Court IV; October, Office of the Public Defender (Oahu); November, Damon Key Leong Kupchak Hastert; and December, Kobayashi Sugita & Goda. In the month of March 2013, individual attorneys volunteered to staff the AJR.

D. Access to Justice Room at the Kapolei Courthouse

The Access to Justice Room (KAJR) at the Kapolei Courthouse is open on the first and third Thursday of every month from 11:30 a.m. to 1:30 p.m. The KAJR issues are limited to family law issues, including: custody/visitation,



child support, divorce and paternity issues, family court temporary restraining orders/protective orders, guardianships, and adoptions.

In 2013, two family law volunteer attorneys staffed the KAJR. On May 18, 2013, this was expanded to three attorneys due to the high demand for assistance. During each volunteer period, an attorney is scheduled to have four appointments, each lasting approximately 30 minutes each.

Appointments are made for the clinic through the Ho`okele Self Help Desk on the first floor of the Kapolei Courthouse. Due to the high demand, even with the increase of an additional volunteer attorney, there was a waiting period of approximately one month for appointments.

Each volunteer attorney must attend a special KAJR training scheduled by Judge R. Mark Browning, Administrative Judge of the Family Court, First Circuit. As of 2013, over 30 attorneys from the Family Law Section received training and volunteered.

E. Kauai Self-Help Center

The Kauai Self-Help Center is open on Mondays and Fridays from 9:00 a.m. to noon. It is staffed by volunteer attorneys of the Kauai Bar Association and two Legal Aid Society of Hawaii attorneys.

In 2013, the Kauai Self-Help Center received an unsolicited grant from the Hawaii Community Foundation to help defray the costs of operation.

Over several hundred individuals have been assisted through the Kauai Self-Help Center on a variety of issues including: divorce, custody, child support, land-lord tenant, and small claims issues.

E. Kona Court Self Help Desk

The Kona Court Self Help Desk (KSHD) opened in November 2013. Many individuals who utilized the services of the KSHD found out about the program through newspaper articles regarding the program. Thereafter, most of the referrals came from the courts and the law librarian.

Several of the individuals who sought assistance from the KSHD travelled from as far as Waikoloa and Kohala, to receive services.

The KSHD was staffed by volunteer attorneys from the West Hawaii Bar Association, including solo practitioners, law firm associates, and government attorneys. An AmeriCorps member also staffed the KSHD and assisted users



with the intake process, prepared the consultation areas for attorneys, supervised the waiting areas, and conducted follow-up with requests from several individuals.



V. PRO BONO CELEBRATION

"The pursuit of equal justice for all is truly a noble endeavor."

*-- Hawai'i Intermediate Court of Appeals Associate Judge
Daniel R. Foley, Chair, Hawai'i Access to Commission*

The Pro Bono Celebration on October 24, 2013 at Aliiolani Hale recognized Hawai'i's outstanding pro bono attorneys for 2013. Approximately 100 people attended the event, which was sponsored by the Commission with support from the HSBA.

The Pro Bono Celebration was coordinated by the Access to Justice Commission's Pro Bono Initiative Task Force, which was co-chaired by: Hawai'i Supreme Court Justice Simeon R. Acoba, Jr. and Carol K. Muranaka. Other members of the Task Force include: Rex Fujichaku, Jill Hasegawa, Judge Ronald Ibarra, Regan Iwao, Dew Kaneshiro, Judge Barbara Richardson, Kristin Shigemura, Audrey Stanley, and Tracey Wiltgen.

This year's Pro Bono Celebration included an essay contest involving high school students. The essay contest was coordinated with the assistance of the HSBA's Committee on the Delivery of Service to the Public ("DLSP Committee"). Many of the members of the DLSP Committee overlapped with the members of the Task Force.⁴

The theme for the essay contest was "Meaningful Volunteering and What It Means to Me" with questions such as -- What have you done as a volunteer? Why is volunteering meaningful to you? Why is it important to volunteer? -- to be discussed in the student's essay. The contest was open to students in grades 10 to 12 and limited to 500 words or less.

Over 200 essays were received from students throughout the State of Hawai'i. One essay winner was chosen from the islands of Kauai, Maui

⁴ Members of the DLSP Committee are: Regan Iwao (Chair), Christine Daleiden, Darien Nagata, David Brittin, Derek Kobayashi, Dew Kaneshiro, James Pietsch, Jennifer Oana, Jo Kim, Judge Barbara Richardson, Judge Catherine Remigio, Judge Greg Nakamura, Judge Joel August (ret.), Judge Rhonda Loo, Judge Ronald Ibarra, Nalani Fujimori Kaina, Naomi Kusachi, Rex Fujichaku, Rodney Maile, Russ Awakuni, Sergio Alcubilla, Shannon Wack, Tracey Wiltgen, Victor Geminiani, Carol K. Muranaka, Christopher Pan, Jessie Hall, Scott Shishido, Jennifer Zelko, Tracy Jones, Michelle Acosta, Emiko Meyer, Shauna Cahill, Elton Johnson, Carol Kitaoka, Joanna Sokolow, Jill Hasegawa, Pat Mau-Shimizu, Craig Wagnild.



(including Lanai and Molokai) and the Big Island, and three essay winners were chosen from the island of Oahu. A \$500 award was given to each recipient from six law firm sponsors: Case Lombardi & Pettit, Bays Lung Rose & Holma, Cades Schutte, Ashford & Wriston, Coates & Frey, and Goodsill Anderson Quinn & Stifel. Each of the awardees from the neighbor islands and his/her parent or guardian were also given a stipend to help defray the costs of airfare and ground transportation.

The following individuals served as preliminary judges for the essay contest: Judge Melanie Mito May, Judge Catherine Remigio, Judge Rhonda Loo (Maui), Derek Kobayashi, Peter Kashiwa, Darien Nagata (Hawaii), Tracey Wiltgen, Shannon Wack, Christine Daleiden, Emiko Meyers (Kauai), Shauna Cahill (Kauai), David Brittin, Jennifer Zelko (Hawaii), Jessi Hall, Keri Mehling (Maui), Roya Deyhim (Maui), Christopher Pan, Carol Kitaoka (Hawaii), Scott Morita, Scott Shishido, and Keith Yamada. The final judges were: Chief Justice Mark Recktenwald, HSBA president Craig Wagnild, and Jill Hasegawa, Vice Chair of the Commission.

Justice Simeon R. Acoba, Jr. welcomed the attendees. Following his welcome, Chief Justice Recktenwald and HSBA president Craig Wagnild provided brief opening remarks.

Essay Contest

Regan Iwao, DLSP Committee Chair and Task Force member described the essay contest and acknowledged the preliminary judges who winnowed over 200 essays to a “finalist” category so that the final judging could occur. The essay award recipients were:

- Tram Ha, 11th grade, Moanalua High School
- Christopher Kim, 11th grade, Maui High School
- Da Hea Kim, 11th grade, Mid Pacific Institute
- Zane Kunimura, 11th grade, Waiakea High School
- Casey Nakamura, 12th grade, Kapaa High School
- Benjamin Steeper, 11th grade, Aiea High School

Attorneys from each sponsoring law firm presented the cash awards to the students: Lauren Sharkey of Case Lombardi & Pettit; Ryan Engle of Bays Lung Rose & Holma; Kristin Shigemura of Cades Schutte; Kevin Herring of Ashford & Wriston; Greg Frey of Coates & Frey; and Peter Kashiwa of Goodsill Anderson Quinn & Stifel.



Volunteer Attorneys Recognized

Outstanding volunteers selected by several legal services providers were also recognized at the Pro Bono Celebration. The volunteers recognized were:

Jason Kim

On behalf of the Hawaii Disability Rights Center, Jennifer Patricio acknowledged Jason Kim for his excellent work in a class action case on behalf of disabled students between the ages of 20 and 22 the opportunity to continue their education until age 22.

Catherine Taschner

Gregory Kim of Business Law Corps acknowledged Catherine Taschner for being the driving force behind the launch of Business Law Corps, which helps entrepreneurs of limited means to create successful businesses and new jobs in our community.

David Reber

Victor Geminiani of Hawai'i Appleseed Center of Law and Economic Justice acknowledged David Reber for being the guiding spirit of Hawai'i Appleseed Center since its creation in 2002 in providing critical support, advice, direction to the nonprofit organization.

Carol Lockwood

Gerald Clay of The Mediation Center of the Pacific, Inc. acknowledged Carol Lockwood for serving as a pro bono mediator in complex family law matters, including divorce cases conducted via Skype for parties participating remotely, and mediating paternity cases onsite at the Family Court in Kapolei.

Samuel Suen

Sergio Alcubilla of Legal Aid Society of Hawai'i and Michelle Acosta of Volunteer Legal Services Hawai'i acknowledged Samuel Suen for his contributions to the economically disadvantaged in the community, from adult guardianships to adoptions and wills.

Judge Daniel R. Foley, Commission Chair, provided the closing remarks for the formal part of the program. Members of the Hawaii Supreme Court sat for photographs with each of the volunteer attorneys.

Refreshments were served and allowed an opportunity for mingling and conversation at the conclusion of the program.



News stories

Press releases were prepared and photos taken at the event, all of which were coordinated with the Judiciary's communications staff. The releases and photos were distributed to various newspapers on each of the islands.



VI. COMMUNITY BRIEFING

The Commission sponsored a community briefing at the Farrington High School Cafeteria on Thursday night, November 14, 2013, with Chief Justice Mark E. Recktenwald of the Hawai'i Supreme Court and Associate Judge Daniel R. Foley, Intermediate Court of Appeals, Chair of the Access to Justice Commission. Chief Justice Recktenwald discussed the Judiciary's efforts toward improving access to the judicial system, including self-help centers state-wide. "Our civil legal system provides justice for all, but it is compromised if one cannot meaningfully participate," said Chief Justice Recktenwald. He explained that the self-help centers provide access to the courts and that lawyers volunteer their time to help people understand the basics so they can navigate through the legal system.

Judge Foley explained the Commission's role and its various initiatives. He explained that the Commission is a collaboration of lawyers, legislators, judiciary, and legal service providers in one purpose: to provide equal access to justice.

The following representatives also made presentations and met individually with interested members of the community: Michelle Acosta of Volunteer Legal Services Hawai'i; Ned Busch for The Mediation Center of the Pacific; Louis Erteschik of Hawai'i Disability Rights Center; Victor Geminiani of the Hawaii Appleseed Center for Law and Economic Justice; and Ryker Wada of Legal Aid Society of Hawai'i.





VI. OTHER ACTIVITIES

A. White House Forum on Increasing Access to Justice

On April 16, 2013, Hawai'i Supreme Court Chief Justice Mark Recktenwald and Associate Justice Simeon Acoba, former Commission Chair, attended the White House Forum on Increasing Access to Justice. The event was co-hosted by the Legal Services Corporation ("LSC") and the White House.

Justice Acoba reported that Vice President Joseph Biden gave an excellent speech and Attorney General Eric Holder had well-prepared remarks. There were approximately 150 people in attendance, and fewer than ten state jurisdictions represented. Justice Acoba noted that one of the benefits was the opportunity to meet people who are also involved in increasing access to justice.

The Forum featured two panels. The first panel was moderated by Harvard Law School Dean and LSC Vice Chair Martha Minow and focused on pro bono. The panelists included Laura Bellows, ABA president; Robert J. Grey, Jr., LSC board member and co-chair of the LSC Pro Bono Implementation Task Force; Heather Hodges, senior attorney at Neighborhood Legal Services Program of DC; Sheila Hubbard, executive director of the Volunteer Lawyers Project of the Boston Bar Association; Texas Supreme Court Chief Justice Wallace Jefferson; Laura Klein, pro bono program manager at the U.S. Department of Justice; Chief Judge Jonathan Lippman, New York Court of Appeals; Connecticut Supreme Court Chief Justice Chase Rogers.

The second panel, moderated by LSC President James J. Sandman, focused on the broader use of technology to help improve pro bono and to assist the self-represented litigants navigate the court system. The panelists were: Lisa Colpoys, executive director, Illinois Legal Aid Online; John Mayer, executive director, Center for Computer Assisted Legal Instruction; Judge Fern Fisher, deputy administrative judge for New York City courts; Nan Heald, executive director, Pine Tree Legal Assistance; Glenn Rawdon, LSC Program Counsel; and Haydee Alfonso, managing attorney, Bay Area Legal Aid.

B. Pro Bono Amendment to HRPC Rule 6.1

The Commission proposed that Rule 6.1, Pro Bono Service, of the Hawaii Rules of Professional Conduct ("HRPC") and its commentary be amended as follows:



Rule 6.1 Pro Bono Service

A lawyer should aspire to provide at least 50 hours of pro bono services per year. In fulfilling this responsibility, the lawyer should:

(a) provide at least 25 hours of legal services without fee or expectation of fee to:

(1) persons of limited means; or

(2) charitable, religious, civic, community, governmental and educational organizations in matters which are designed

primarily to address the needs of persons of limited means;

** * **

Comment [2]

Paragraphs (a)(1) and (2) recognize the critical need for legal services that exists among persons of limited means by providing that at least 25 hours of the legal services rendered annually to the disadvantaged be furnished without fee or expectation of fee. Legal services under these paragraphs consist of a full range of activities, including individual and class representation, the provision of legal advice or information under nonprofit or court-annexed programs such as court self help centers and access to justice rooms which are designed primarily to serve persons of limited means, legislative lobbying, administrative rule making, and the provision of free training or mentoring to those who represent persons of limited means. The variety of these activities should facilitate participation by government attorneys, even when restrictions exist on their engaging in the outside practice of law.

These proposed amendments were adopted in the Hawaii Rules of Professional Conduct, effective January 1, 2014.

C. ABA Access to Justice Commission Expansion Project

The Commission applied for a Phase II grant from the ABA Access to Justice Commission Expansion Project, which was “making grants to strengthen the Access to Justice commission movement nationally by facilitating development of new Access to Justice commissions and expanding agendas and promoting innovative initiatives in existing commissions.”⁵ The Phase II grants are to “promote innovation and to enable existing Access to

⁵ Notice of the grant application deadlines at
<http://www.americanbar.org/groups/legal_aid_indigent_defendants/initiatives/resource_



Justice Commissions to expand the scope of their activities and undertake initiatives in new areas beyond existing work.”⁶

With Hawaii Justice Foundation as the Commission’s fiscal sponsor, the ABA Access to Justice Commission Expansion Project awarded the Commission \$20,000 for three projects:

- Language services (which may include translation of informational brochures) to meet the needs of LEP self-represented litigants accessing the Self-Help Centers in each judicial circuit
- Seminars to educate lawyers about language access
- Conference to educate the courts about implicit bias

Members of the Commission’s Committee on Overcoming Barriers and the Roundtable participants were involved in the first two working groups mentioned below.

1. Enhancement of Language Services for Self-Represented Litigants

The Working Group re-assessed the greatest needs around language access in the Judiciary and decided to address the fact that there is no uniformity in the different courtrooms on how to request an interpreter when one is needed. A clear protocol would be helpful in this area.

According to the Hawaii State Judiciary, the 15 high demand interpreted languages (based on the number of cases in fiscal year 2012) are:

1. Chuukese
2. Ilokano
3. Korean
4. Marshallese
5. Spanish
6. Vietnamese
7. Japanese
8. Tongan
9. Tagalog
10. American Sign Language
11. Samoan
12. Cantonese
13. Pohnpeian
14. Mandarin
15. Kosraean

⁶ *Id.*



The group developed (1) an “Interpreter Request” court form, and (2) a brochure explaining how to request an interpreter for limited English proficient (“LEP”) court users in Hawai'i. Court forms from Pennsylvania, Wisconsin, Maryland, Connecticut, Utah, and New Jersey were reviewed. The form was then worked on to ensure plain language and to meet the needs of those with LEP in Hawai'i. The draft form was transmitted to the Judiciary Administration.

The brochure explained how to request an interpreter and provides tips on preparing for and going to court. The brochure will be translated into the following six languages frequently encountered in the Hawai'i state courts: Chuukese, Ilokano, Korean, Marshallese, Spanish, and Vietnamese, using best practices translation and review processes. Copies of these multilingual brochures will be provided when available.

Additional translated materials were prepared. Chief Family Court Judge R. Mark Browning in the State of Hawaii First Circuit (Oahu) provided a one-page Information Sheet about the Kapolei Access to Justice Room (self-help center), which document was translated into Spanish and Japanese, two popular languages in Family Court on Oahu.

Two other documents were translated: “Frequently Asked Divorce-Related Questions” and “Landlord and Tenant Law in the State of Hawaii.” The landlord-tenant document was facilitated by Honolulu District Court Judges Leslie Hayashi and Hilary Gangnes and translated into Ilokano and Spanish. The divorce FAQs document was provided by the Family Court of the First Circuit and translated into Chuukese and Spanish. Copies of these documents are in the “Materials” section.

2. Language Access Seminars for Neighbor Island Attorneys

The proposed objectives for the neighbor island seminars were to:

- (1) Introduce and discuss legal and ethical bases for providing meaningful access for LEP persons.
- (2) Identify responsibilities of attorneys to ensure meaningful access to LEP persons.
- (3) Share practical considerations and tips for working effectively with immigrant and LEP clients.
- (4) Work effectively with interpreters and understand their roles.

The Working Group developed a three-hour seminar entitled, “Working Effectively with Limited English Proficient Clients.” The Commission sought and obtained approval to offer three mandatory continuing professional



education credits to Hawaii-licensed attorneys for this seminar. The seminar was presented in Kona, Island of Hawaii, in the courtroom of Circuit Court Judge Ronald Ibarra, who is a member of the Commission, on Monday, August 5, 2013.

Judge Ibarra provided the opening and closing remarks for the seminar and Justice McKenna, Jennifer Rose, and Debi Tulang-De Silva were the panelists for the August 5 seminar. The seminar covered the federal and state laws related to language access; language access services provided in the Judiciary and requests for a court interpreter; an attorney's ethical responsibility to LEP clients; ABA Standards for Language Access in the Courts; considerations in working with LEP individuals; practice pointers in working effectively with interpreters; and resources related to language access services.

The seminar was attended by approximately 40 attorneys, and all attendees who submitted an evaluation about the seminar rated it highly.

3. Judicial Conference on Implicit Bias

Chief Justice Mark Recktenwald approved an all-day training session for all state judges. The judicial conference on implicit bias occurred on Friday, November 1, 2013 in the morning session. The Hawaii State Judiciary's Judicial Education Committee used the afternoon for other topics.

Specific objectives of this presentation were:

- (1) Understanding how implicit bias may influence a judge's decisions.
- (2) Understanding the different scenarios or trial stages that could raise possible bias.
- (3) Understanding the different techniques that may help change stereotypical perceptions

Chief Justice Recktenwald opened the conference with a brief statement about the ABA grant for this judicial conference on implicit bias. Approximately 80 judges were provided materials, which included the items described later in this report. Justice Acoba introduced Professors Charles Lawrence and Linda Krieger who provided foundational concepts to set the stage for the breakout discussions. The judges were assigned to ten groups "to think creatively about what affirmative steps we might take to mitigate the effects of implicit bias in our courts and in the larger decision making process that culminates in a final



adjudication outcome.” Professors Lawrence and Krieger then responded to questions from the judges.

The session closed with a panel discussion with Justice Acoba, as moderator, setting the stage with three definitions of implicit bias. Judge Virginia Crandall, Judge Ronald Ibarra, Judge Catherine Remigio, Judge Glenn Kim, and Mr. Gerald Sekiya fielded questions such as: Do you think that judges should take the Implicit Association Test (“IAT”)? Is implicit bias prohibited by Hawaii’s Revised Code of Judicial Conduct? Should preemptory challenges be abolished because their use is often based on stereotypes or biases? Would jury instructions informing jurors that they cannot base their verdict on biases alleviate the impact of implicit bias in jury decision-making? All presenting and panel participants donated their time and materials.

The judges highly rated the conference on implicit bias. A few indicated that two days were needed to discuss this topic.

D. Pro Bono Appellate Pilot Project

A subcommittee of the Access to Justice Commission's Committee on Increasing Pro Bono Legal Services continued its work on the Pro Bono Appellate Pilot Project. The Subcommittee's Co-Chairs are Rebecca A. Copeland, of the HSBA Appellate Section, and Michelle Acosta, Executive Director of Volunteer Legal Services of Hawaii (“VLSH”). Other subcommittee members include former Hawai'i Supreme Court Associate Justice Simeon Acoba and Intermediate Court of Appeals Chief Judge Craig Nakamura.

The pro bono program is a partnership between the Appellate Section and VLSH that will match eligible pro-se appellate litigants with volunteer appellate attorneys willing to provide pro bono legal services. The subcommittee's additional planning in 2013 included further defining the role of the program for cases in the Intermediate Court of Appeals, and expansion of the program in the Hawai'i Supreme Court. The subcommittee's planning continues in 2014.