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# **HAWAI'I ACCESS TO JUSTICE COMMISSION**

**ANNUAL REPORT FOR 2016**





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## I. HAWAI'I ACCESS TO JUSTICE COMMISSION

This report describes the activities of the Hawai'i Access to Justice Commission ("Commission") in 2016.<sup>1</sup>

### A. Commissioners

The Commission comprises 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*<sup>2</sup> by separate appointing authorities:

- Chief Justice of the Hawai'i Supreme Court
- Hawai'i State Bar Association ("HSBA")
- Hawai'i Consortium of Legal Service Providers
- Hawai'i Justice Foundation ("HJF")
- William S. Richardson School of Law
- Hawai'i 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 2016 are listed below:

|    | Name                                    | Appointed By                  | Term Ends |
|----|---|-------------------------------|-----------|
| 1. | Hon. Simeon R. Acoba, Jr. (ret) (Chair) | Chief Justice                 | 12/31/18  |
| 2. | Hon. Edmund D. Acoba, Jr.               | Chief Justice                 | 12/31/18  |
| 3. | Hon. Joseph Cardoza                     | Chief Justice                 | 12/31/17  |
| 4. | Hon. Ronald Ibarra                      | Chief Justice                 | 12/31/18  |
| 5. | Hon. Karen T. Nakasone                  | Chief Justice                 | 12/31/18  |
| 6. | Mark K. Murakami                        | Hawai'i State Bar Association | 12/31/17  |
| 7. | Derek Kobayashi (Vice Chair)            | Hawai'i State Bar Association | 12/31/16  |
| 8. | Carol K. Muranaka                       | Hawai'i State Bar Association | 12/31/17  |

<sup>1</sup> The Commission acknowledges the following persons who substantially contributed to the annual report: Elton Johnson, Carol Muranaka, Jean Johnson, and Rona Fukumoto with the assistance of Jill Hasegawa, David Reber, Judge Brian Costa, Derek Kobayashi, Tracey Wiltgen, and Justice Simeon Acoba (ret.).

<sup>2</sup> Rule 21 of the *Rules of the Supreme Court of the State of Hawai'i* is attached as Appendix A.



|     |   |   |          |
|-----|---|---|----------|
| 9.  | Tracy Jones   | Hawai'i State Bar Association   | 12/31/16 |
| 10. | Michelle Acosta<br>(Volunteer Legal Services of Hawai'i)                    | Hawai'i Consortium of Legal Services Providers                                    | 12/31/16 |
| 11. | M. Nalani Fujimori Kaina<br>(Legal Aid Society of Hawai'i)                  | Hawai'i Consortium of Legal Services Providers                                    | 12/31/18 |
| 12. | Moses Haia<br>(Native Hawaiian Legal Corporation)                           | Hawai'i Consortium of Legal Services Providers                                    | 12/31/16 |
| 13. | Victor Geminiani<br>(Hawai'i Appleseed Center for Law and Economic Justice) | Hawai'i Consortium of Legal Services Providers                                    | 12/31/16 |
| 14. | Jean Johnson<br>(Non-attorney public representative)                        | Hawai'i Consortium of Legal Services Providers in consultation with Chief Justice | 12/31/18 |
| 15. | Rona Fukumoto<br>(Non-attorney public representative)                       | Hawai'i Consortium of Legal Services Providers in consultation with Chief Justice | 12/31/17 |
| 16. | Gary M. Slovin  | Hawai'i Justice Foundation  | 12/31/18 |
| 17. | Dean Aviam Soifer   | William S. Richardson School of Law   | 12/31/16 |
| 18. | R. Elton Johnson, III   | Hawai'i Paralegal Association   | 12/31/16 |
| 19. | Diane T. Ono  | Governor  | n/a      |
| 20. | Marie M. Gavigan  | Attorney General  | n/a      |
| 21. | Hon. Gilbert Keith-Agaran   | Senate President  | n/a      |
| 22. | Hon. Della Au Belatti   | House Speaker   | n/a      |

## **B. Purpose**

Under Rule 21 of the *Rules of the Supreme Court of the State of Hawai'i*, the purpose of the Commission “shall be to substantially increase access to justice in civil legal matters for low- and moderate-income (together “low-income”) residents of Hawai'i.” To accomplish such purpose, “the Commission shall, along with such other actions as in its discretion it deems appropriate, endeavor to:

- (1) Provide ongoing leadership and to oversee efforts to expand and improve delivery of high quality civil legal services to low-income people in Hawai'i.
- (2) Develop and implement initiatives designed to expand access to civil justice in Hawai'i.
- (3) Develop and publish a strategic, integrated plan for statewide delivery of civil legal services to low-income Hawai'i residents.



- (4) Increase and stabilize long-term public and private funding and resources for delivery of civil legal services to low-income Hawai'i residents.
- (5) Maximize the efficient use of available resources by facilitating efforts to improve collaboration and coordination among civil legal services providers.
- (6) Increase pro bono contributions by Hawai'i attorneys through such things as rule changes, recruitment campaigns, increased judicial involvement, and increased recognition for contributors.
- (7) Reduce barriers to the civil justice system by developing resources to overcome language, cultural, and other barriers and by giving input on existing and proposed laws, court rules, regulations, procedures, and policies that may affect meaningful access to justice for low-income Hawai'i residents.
- (8) Encourage lawyers, judges, government officials, and other public and private leaders in Hawai'i to take a leadership role in expanding access to civil justice.
- (9) Educate governmental leaders and the public about the importance of equal access to justice and of the problems low-income people in Hawai'i face in gaining access to the civil justice system through informational briefings, communication campaigns, statewide conferences (including an annual summit to report on and consider the progress of efforts to increase access to justice), testimony at hearings, and other means, and increase awareness of low-income people's legal rights and where they can go when legal assistance is needed.
- (10) Increase effective utilization of paralegals and other non-lawyers in the delivery of civil legal services to low-income Hawai'i residents.
- (11) Increase support for self-represented litigants, such as through self-help centers at the courts.
- (12) Develop initiatives designed to enhance recruitment and retention of attorneys who work for nonprofit civil legal services providers in Hawai'i and to encourage law students to consider, when licensed, the practice of poverty law in Hawai'i.
- (13) Encourage the formation of a broad coalition of groups and individuals to address ways to alleviate poverty in Hawai'i.
- (14) Conduct a statewide assessment of unmet civil legal needs among low-income people in Hawai'i five years after the Commission holds its first meeting to measure the progress being made to increase access to justice.

### **C. 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. (ret.) (Chair), David Reber (Vice Chair), Judge Karen Nakasone, Michelle Acosta, Brian Costa, 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

### Summary of Actions Taken

The Committee considered and made recommendations to the Commission and other committees regarding the following:

- (1) Approved 20 applications for service on the Commission's committees and task forces, and made recommendations to the Commission and other committees.
- (2) Approved appointment of Judge Cardoza as Chair of the Task Force on Paralegals and Other Nonlawyers.
- (3) Approved appointment of Mark K. Murakami as Vice Chair of the Committee on Overcoming Barriers to Justice.
- (4) Reviewed the status of the Tennessee online project, ABA online project.
- (5) Reviewed the status of Hawaii's pro bono appellate project.
- (6) Reviewed the status of the unbundling project.





- (7) Approved preparation, submission, and posting of five-year summary report.
- (8) Coordinated attendance of the Commission lunch with Hawai'i Supreme Court.
- (9) Monitored planning of 2016 Access to Justice Conference by Committee on Education, Communication, and Conferences.
- (10) Solicited preparation of each committee's written planning report for 2016.
- (11) Monitored status of legislation regarding Indigent Legal Assistance Fund ("ILAF").<sup>3</sup>
- (12) Recommended approval of \$2,000 from Commission funds for the 2016 Pro Bono Celebration program in October 2016.
- (13) Recommended the formation of a RFP Review Task Force to make a recommendation to the Commission on the Justice for All planning grant.
- (14) Recommended approval of the grant proposal prepared in response to the Justice for All request for proposals (sponsored by the Public Welfare Foundation and the National Center for State Courts).
- (15) Recommended that the memorandum from the Commission's Task Force on Paralegals and Other Nonlawyers regarding different models (court navigator similar to New York's Court Navigator program; tenant advocate in the initial area of landlord-tenant cases; and a licensed paralegal practitioner) to assist in the needs of low- and moderate-income Hawai'i residents be considered by the Commission.
- (16) Proposed assignment of specific guidelines for judges in pro se cases to the Commission's Committee on Self Representation and Unbundling.
- (17) Proposed that a policy be developed regarding the Commission's logo.
- (18) Approved the coordination of providing Commission materials at the APIL Pro Bono Fair with Volunteer Legal Services Hawai'i ("Volunteer Legal").

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<sup>3</sup> See Haw. Rev. Stat. § 607-5.7.



- (19) Approved a revision of the application for committee membership to include language that the choice of committees is limited to three committees.

On October 7, 2016, Justice Simeon R. Acoba, Jr. (ret.) and Derek Kobayashi spoke at the “Equal Justice for All” session, which was part of the HSBA Leadership Institute.

### ***Annual Report Committee***

[R. Elton Johnson, III (Chair), Rona S. Y. Fukumoto, and Jean Johnson,]

- 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)

### **Summary of Actions Taken**

- (1) The Annual Report of the Commission’s activities for 2016 was compiled and composed, in preparation for printing and transmittal to the appointing authorities.
- (2) The Committee began collecting information for the Annual Report for 2017.

### ***Committee on Education, Communications and Conference Planning***

[Dean Aviam Soifer, Chair; Sergio Alcubilla, Rep. Della Au Belatti, Sonny Ganaden, Reyna Ramolete Hayashi, Mihoko Ito, R. Elton Johnson, III, Robert J. LeClair, Michelle Moorhead, Tammy Mori, Carol K. Muranaka, Teri-Ann Nagata, Diane T. Ono, Leila Rothwell Sullivan, and Lorenn Walker]

- Assist in organizing an annual conference 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 *Hawai'i Bar Journal* and other media

### Summary of Actions Taken

The Committee undertook the following:

- (1) Planned, recommended, and coordinated the 2016 Access to Justice Conference (“Pursuit of Meaningful Justice for All”) on Friday, June 24, 2016.<sup>4</sup>
- (2) Prepared a report to the Commission summarizing the 2016 Access to Justice Conference including expenses, evaluations, and suggestions.
- (3) Worked on possible topics for the 2017 Access to Justice Conference.
- (4) Prepared an application for approval of six CLE credits for Hawai'i-licensed attorneys attending the 2017 Access to Justice Conference. (Approval for the six CLE credits was ultimately received from the HSBA.)

### ***Committee on Funding of Civil Legal Services***

[Gary M. Slovin (Chair), Michelle Acosta, Rebecca Copeland, M. Nalani Fujimori Kaina, Robert LeClair, 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

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<sup>4</sup> Further discussion may be found at “II. 2016 HAWAI'I ACCESS TO JUSTICE CONFERENCE” in this report.



- 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 *Hawai'i Rules of Professional Conduct* ("HRPC")

### Summary of Actions Taken

- (1) Focused primarily on maintaining the ILAF funding, which now totals well more than \$1,000,000 a year.
- (2) When the Fund came under threat again during the 2016 legislative session, a significant amount of time was required both during and after the session to protect it. It is expected that much diligence will be required by both the committee and others in 2017.
- (3) With many others, assisted in the composition of the application for the Justice for All grant. Many participated in this successful application.

With involvement in the foregoing activities, there was not sufficient time or resources to pursue other funding. The committee cannot determine at this time whether it will be able to focus on such other resources during 2017.

### ***Committee on Increasing Pro Bono Legal Services***

[Michelle D. Acosta (Chair), Tracey Wiltgen (Vice Chair), Judge Edmund Acoba, Sergio Alcubilla, Rebecca Copeland, Gilbert Doles, Representative Linda Ichiyama, Gregory Kim, Derek Kobayashi, Catherine Taschner, and 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 Hawai'i'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

### Summary of Actions Taken

- (1) Identified current pro bono initiatives and assembled such information for the Commission.
- (2) Supported known ongoing pro bono initiatives implemented by various providers and groups.

### ***Committee on Initiatives to Enhance Civil Justice***

[Judge Ronald Ibarra (Chair), Kristin Shigemura (Vice Chair), Sergio Alcubilla, Earl Aquino, Lincoln Ashida, Elizabeth Fujiwara, Carol Kitaoka, Gregory Lui-Kwan, Michelle Moorhead, Reginald Yee, Jeffrey Ng, Dawn Henry, Judge Leslie Hayashi (ret.), and Charles Crumpton]

- 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

### Summary of Actions Taken

- (1) Researched the implementation of Tennessee online pro bono project.
- (2) Evaluated a potential Kohala Self-Help Center.
- (3) Worked on the self-help video project.
- (4) Prepared and presented a workshop on a possible court navigator project and other initiatives at the 2016 Hawai'i Access to Justice Conference.
- (5) Evaluated the ABA proposal regarding police brutality.
- (6) Worked on growing the committee membership and added four new members to the committee.

### ***Law School Liaison Committee***

[Moses Haia (Chair), Ashlee Berry, Katie Bennett, Jean Johnson, Linda Kreiger, Mary Anne Magnier, 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 HRPC Rule 6.1 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), Mark Murakami (Vice-Chair), Russell Awakuni, Patricia Cookson, Judge William M. Domingo, Nanci Kreidman, Mary Anne Magnier, Calvin Pang, Page Ogata, Jennifer Rose, Cynthia Tai, Malia Taum-Deenik, Kristina Toshikiyo, and Randall M. Wat]

- 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
- 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
- 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

### Summary of Actions Taken

- (1) Identified two main priority issues to be addressed during the year:
  - Linguistic and cultural access for migrants from Micronesia
  - Access issues for persons with disabilities



The first priority issue grew from concerns voiced during the workshop at the 2015 Hawai'i Access to Justice Conference. The concerns from the community included the following issues.

- Inaccurate written translations
  - Quality of oral interpretations
  - Continuing overt and implicit bias
  - Inadequate quality control in written and oral translations
  - Status of interpreter positions
  - Limited awareness of recognition of multiple languages within COFA nations
  - Lack of understanding of gender and class rules within island cultures
  - Migrants arriving unprepared for the difference in behavioral expectations between island and state cultures
- (2) Convened a well-attended initial meeting of the Roundtable in April, in which action steps were identified.
  - (3) Met with representatives of migrant communities (an action step identified in the April Roundtable meeting), which resulted in an enhanced understanding of what may be the most effective strategies for addressing their issues.
  - (4) Convened a second meeting of the Roundtable in October.
  - (5) Developed a workplan that included:
    - Addressing procurement issues with legislation
    - Submitting a request for a workshop in the 2017 Access to Justice Conference
    - Submitting an article to the *Hawaii Bar Journal* identifying both the successes in improving linguistic access as well as the barriers that remain
  - (6) Addressed the disability issues through a detailed presentation by attorney John Delera discussing the significant issues that remain, especially the ability of children to obtain a free and appropriate education under the *Individuals with Disabilities Education Act*.
  - (7) Composed a number of recommendations regarding disability issues, which await further action by the committee in 2017.





### ***Committee on the Right to Counsel in Certain Civil Proceedings***

[Tracy Jones (Chair),<sup>5</sup> Shannon Wack (Vice Chair), Jessica Freedman, Regina Gormley, Brandon Ito, Mary Anne Magnier, Wilfredo Tungol, James Weisman, Cheryl Yamaki, Marie Gavigan, and Judge Blaine Kobayashi]

- 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, Tracy Jones, 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:

- 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

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<sup>5</sup> On September 19, 2016, the Commission appointed Marie Gavigan as Chair after Tracy Jones resigned.





## II. 2016 HAWAI'I ACCESS TO JUSTICE CONFERENCE

Approximately 250 people attended the 2016 Hawai'i Access to Justice Conference, including 96 attorneys seeking CLE credits for attendance.

The Commissioners in attendance were: Associate Justice Simeon Acoba, Jr. (ret.), Chair, Commission; Judge Edmund Acoba, Judge Ronald Ibarra, Judge Karen Nakasone, Representative Della Au Belatti, Michelle Acosta, Rona Fukumoto, Victor Geminiani, R. Elton Johnson, Derek Kobayashi, M. Nalani Fujimori Kaina, Mary Anne Magnier, Mark K. Murakami, Carol K. Muranaka, Diane Ono, Gary Slovin, and Dean Aviam Soifer.

There were forty-one speakers or panelists. Dean Aviam Soifer and Robert LeClair served as co-emcees for the conference.

Hawai'i Supreme Court Chief Justice Mark E. Recktenwald noted, in his opening remarks, that about forty states and the District of Columbia have created Access to Justice Commissions. He observed:<sup>6</sup>

The work we are doing here in Hawai'i is being noticed across the country. Recently, Hawai'i was ranked number 3 in the nation by the National Center for Access to Justice's "Justice Index" for our performance in increasing ATJ for our citizens. Although we can take pride in this recognition, we have so much work left to do. There are literally thousands of people in Hawai'i who must represent themselves in civil cases in our courts each year because they cannot afford an attorney. Their cases involve fundamental human interests, from housing and health care to child custody. If their voices go unheard because they cannot effectively tell their side of the story, then we are not providing justice for all.

Both here in Hawai'i and on a national level, it is appropriate to ask the question: Where do we go from here? How do we continue the momentum that has been developed through the work of our ATJ commissions? Last year, the Conference of State Chief Justices adopted Resolution 5, which encouraged each state ATJ Commission to develop a strategic plan with realistic and measurable outcomes, and set an ambitious overall goal of 100% access to justice provided through a continuum of meaningful and appropriate services. To be sure, this is a lofty goal. But it is a goal that Hawai'i can achieve, if we plan carefully, build upon our successes, use technology and innovate, and bring new partners into the effort.

In his opening remarks, Commission Chair Associate Justice Simeon R. Acoba, Jr. (ret.) emphasized four achievements, namely the launching of the pro bono appellate program, the preservation of the Indigent Legal Assistance Fund, the launching of the Hawai'i pro bono online project, and Hawai'i's ranking as

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<sup>6</sup> A copy of Chief Justice Mark E. Recktenwald's welcoming remarks at the 2016 Access to Justice Conference is attached as Appendix B.



the third in the nation in access to legal services for the underserved and underrepresented. He further stated:

The purpose of the Commission is to initiate, support, and evaluate efforts to attain equality of access and opportunity. While we often focus on the legal service providers whose primary function is to achieve this end, the commission's reach extends beyond that.

The premise of the Commission as reflected in the composition of its members is that equal access is an objective that can be truly realized only if our state community, including the three branches of government, share in common commitment to achieve it. As a Commission we must value and we must promote the involvement of the greater community toward this end.

In his keynote address, "Shifting the Landscape on Access to Justice," former New York Courts Chief Judge Jonathan Lippman (ret.) said:<sup>7</sup>

In speaking to you this morning about access to justice, I would start by making clear that I have been very much an advocate of judicial leaders playing a strong proactive role on access issues and reform of the justice system. A few years ago, the *New York Times* credited me with the national quote of the day, when I said that state courts are the emergency room for society's ailments. All of the societal issues of the day ultimately find their way into the courts and, as an institution, the Judiciary must be engaged in removing the barriers that confront those who seek access to our courts to resolve their most pressing problems.

For too long, access was limited to those with the financial resources to afford quality legal representation, while those without money in their pockets were left to fend for themselves. From the perspective, not of an activist judge--you know, that has certain connotations--but as a judge who is, I hope and believe, proactive in the pursuit of justice, it has been my focus to shift the landscape on access to justice to better serve the disadvantaged, the vulnerable, and those who just need a helping hand.

Shifting that landscape is about ensuring that the scales of lady justice are exquisitely balanced regardless of one's wealth or station in life. The pursuit of justice for all should and must be our mission, and we are the essential players in this endeavor.

To me, the greatest threat to the pursuit of justice today--and to the very legitimacy of the justice system--is the desperate need for legal services by the poor and people of modest means. Whether it be the homeless and downtrodden in Honolulu, or those evicted or foreclosed on in their homes in New York, people who are fighting for the necessities of life--the roof over their heads, their physical safety, their livelihoods, and the well-being of their families--literally are falling off the proverbial cliff because they cannot get, they cannot afford, legal representation.

There is a huge justice gap that exists between the desperate need for legal services by the poor and people of modest means, and the finite legal resources that are available. We have made

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<sup>7</sup> A copy of Chief Judge Jonathan Lippman's keynote address at the 2016 Hawai'i Access to Justice Conference is attached as Appendix C.



great strides over the last years, and how proud you should be that Hawai'i now ranks third in the country in the new Access To Justice Index. Yet the justice gap still manifests itself in so many different ways, as witnessed by the fact that in New York there are 1.8 million people who came into the courts last year who were unrepresented by a lawyer, and that 96% of defendants in landlord-tenant case here in Hawai'i are unrepresented, with 80% not having a lawyer in foreclosure proceedings.

Chief Judge Lippman (ret.) believes that the Judiciary has an important role and should be at the center of the efforts to effect change. Reflecting on the lessons that were learned in New York in access to justice, he said, "My belief was that the Judiciary should be at the center of this effort, because that is our Constitutional mission—to foster equal justice. That's what the Judiciary does, above everything else. Everybody gets equal justice, everybody gets their day in court." He said:

. . . I really believe that we are changing the priorities, that people are starting to understand that civil legal services for the poor are as important as schools, hospitals, and housing, and all the things that we hold dear in our society.

We're at the tipping point. I believe there's a revolution today in access to justice. The public is getting it. The person on the street has known for many years, since Gideon, that if your liberty is at stake, you get a lawyer. They watch television, they know about Miranda rights. They know that everyone gets a lawyer, if you may go to jail.

But what about if you asked, a few years ago, what would happen if your home was being foreclosed on, or you were being evicted—should you get a lawyer? Until recently, a very tiny percentage would have said yes. Go out in the street today, after the foreclosure crisis and the economic crisis in the country, and all of our efforts on access to justice in civil matters, and ask people if they think someone who is getting the roof over their head taken away from them should get a lawyer. Today you are going to have 80 to 90 percent say, absolutely! All the things that you are doing in Hawai'i is making that happen, and the same goes for the rest of the country.

So, the dialogue is changing. We really are getting to the point where we can have a right to counsel. We are building the foundation. We are shifting the landscape.

Can we really close the justice gap? We can and we will. It requires innovation, it requires leadership, it requires partnerships, and it requires being proactive in the pursuit of justice.

The Judiciary, again, is uniquely suited to make this happen, as the gatekeeper for bar admission, as the legal regulator, as the rule-maker. It's our Constitutional role. It is what we're supposed to do.

The profession? We are not a parochial profession, we can't be. We have to always remember the nobility, the values, and look at the example of the legal service providers, our heroes. Whatever we do, we must support them with pro bono work to help people.



And our legal educators must be value-driven. Being at law school is more than learning about the subjects we talked about—contracts, and all of the others. It's about learning what it means to be a lawyer, so that with the next generation of lawyers we are not going to worry about mandatory pro bono and the nose under the tent. They are going to meet their obligations as lawyers because it is in their DNA, it's what lawyers do.

Together, if we continue to think out of the box, if we are proactive in pursuing justice, if we truly are leaders in the Judiciary and the profession, if law schools teach new lawyers about values, and if you and other Access to Justice Commissions continue your groundbreaking work, we can and we will, one day in the not-so-distant future, make the ideal of equal justice a reality here in Hawai'i, in New York, and around this great country.

Chief Justice Recktenwald moderated the “Engaging the Community in Access to Justice” workshop with panelists Chief Judge Lippman, Representative Della Au Belatti, Morgan Evans, Director of New Organizing at UNITE HERE! Local 5, and John Komeiji, Chief Administrative Officer and General Counsel at Hawaiian Telcom. There were approximately 116 attendees who signed up for this workshop.

Judge Michael Tanigawa moderated the other morning workshop, “Landlord-Tenant Mediation: Working Together to Prevent Homelessness.” The panelists were David Chee, solo practitioner, Jan Harada, President and CEO of Helping Hands Hawai'i, Nalani Fujimori Kaina, Executive Director, Legal Aid Society of Hawai'i (“Legal Aid”), and Tracey Wiltgen, Executive Director, The Mediation Center of the Pacific. There were approximately 69 attendees who signed up for this workshop.

There were five concurrent workshops for the first afternoon session:

1. “Self-Help Center Attorney Training and Attorney Opportunities, Part 1” with Judge Hilary Gangnes, Judge Melanie May, Nalani Fujimori Kaina, Sheila Lippolt, Legal Aid staff attorney, David Chee, and Camille Fleming, AmeriCorps Advocate, Legal Aid. There were approximately 26 attendees who signed up for this workshop.
2. “Native Hawaiian Traditional and Customary Practices and Water Rights” with Moses Haia, Executive Director of Native Hawaiian Legal Corporation (“NHLC”), Sharla Manley, NHLC litigation director and staff attorney, and David Kopper, NHLC staff attorney. There were approximately 39 attendees who signed up for this workshop.
3. “Introduction and Training for Hawai'i Pro Bono Online” with Michelle Acosta, Executive Director, Volunteer Legal Services Hawai'i (“Volunteer Legal”) and Emily Briski, Volunteer Legal staff attorney. There were approximately 16 attendees who signed up for this workshop.



4. “Affordable Housing Issues” with Gavin Thornton, Co-Executive Director of Hawai'i Applesseed Center for Law and Economic Justice, and Scott Fuji, Executive Director of PHOCUSED (Protecting Hawai'i's Ohana, Children, Underserved, Elderly, and Disabled). There were approximately 37 attendees who signed up for this workshop.
5. “Innovations in Expanding Access to Justice” with Judge Ronald Ibarra, Judge Randal Valenciano, Gregory Lui-Kwan, and Kristin Shigemura. (Both Mr. Lui-Kwan and Ms. Shigemura are members of the Commission's Committee on Initiatives to Enhance Civil Justice chaired by Judge Ibarra.) There were approximately 61 attendees who signed up for this workshop.

For the second part of the afternoon, there were another five concurrent workshops as follows:

6. “Self-Help Center Attorney Training and Attorney Opportunities, Part 2” with Judge Hilary Gangnes, Judge Melanie May, Nalani Fujimori Kaina, Daniel O'Meara, and Camille Fleming. There were approximately 26 attendees who signed up for this workshop.
7. “Hawai'i Law Related to Ceded Land and Quiet Title Actions” with Moses Haia, Sharla Manley, and David Kopper. There were approximately 28 attendees who signed up for this workshop.
8. “Problem-Solving Homelessness” with Daniel Gluck, Legal Director for the ACLU of Hawai'i, Representative Karl Rhoads, and Julie Ford, Special Assistant, Office of the Governor. There were approximately 44 attendees who signed up for this workshop.
9. “Implicit Bias and Access to Justice” with Associate Justice Simeon Acoba, Jr. (ret.), Judge Michael Town (ret.), Professor Charles Lawrence, and Professor Justin Levinson. There were approximately 52 attendees who signed up for this workshop.
10. “Divorce: Challenges for Access to Justice” with Judge R. Mark Browning, Judge Kevin Souza, and Jessi Hall. There were approximately 37 attendees who signed up for this workshop.

The closing panel focused on the theme, “Pursuit of Meaningful Justice for All” with Professor Calvin Pang as moderator, and with Michelle Acosta, Executive Director, VLSH, and Victor Geminiani, Co-Executive Director, Hawai'i Applesseed Center for Law and Economic Justice.







### III. INITIATIVES

#### **A. Online Pro Bono**

At its October 17, 2016 Commission meeting, Michelle Acosta and Emily Briski of Volunteer Legal gave commissioners a preview of the new legal service platform called Hawai'i Online Pro Bono ("HOP"). The new website, which is part of the American Bar Association Free Legal Answers project, was then launched during National Pro Bono Week. Income-qualifying residents may register at <http://hawaii.freelegalanswers.org> and post a legal question, for response by a volunteer Hawai'i attorney.

The goal of HOP is to provide an additional tool for individuals who cannot afford an attorney. Volunteer attorneys can log in any time, choose a question, and then respond. The service is accessible from any computer, including public library computers.

This type of online functionality for pro bono has been discussed at the Commission conferences and on Commission committees—in particular the Committee on Initiatives to Enhance Civil Justice. The online pro bono website developed and implemented by the Tennessee Alliance for Legal Services and the Tennessee Bar Association since 2011 has provided an efficient, low-cost template for a centralized national network of pro bono websites, under the administration of the American Bar Association. Hawai'i joined over forty jurisdictions now participating in this virtual walk-in clinic concept.

#### How the Portal Works

Through HOP, users can simply register at [Hawaii.FreeLegalAnswers.org](http://Hawaii.FreeLegalAnswers.org), and post a specific civil legal question. In order to qualify to use the service, users must meet income and asset qualifications. Specifically, a user cannot have an annual gross household income of over 250% of the federal poverty guidelines, and must have less than \$8,000 in liquid assets.

Once qualified, the user will be able to post her legal question via an email format, and upload any pictures or documents associated with her legal issue. Once posted, the question will be added to the bank of questions on the site which can only be viewed by registered volunteer attorneys.

Volunteer attorneys registered to use the portal may review the list of questions. They will have an opportunity to view the user's name, the opposing party's name for conflict checking, and a brief summary of the question. Once cleared of conflict, the volunteer attorney may open the question. The volunteer attorney has up to 3 days to answer. A volunteer attorney may at that point



decide to answer or return the question back to the pool. If the volunteer fails to answer the question within 3 days, the question is automatically withdrawn from that volunteer and returned to the pool.

Answers provided through the portal are sent to the user anonymously. The volunteer attorney may choose to reveal her name only if she wishes. In addition, the user and volunteer may continue the dialogue to allow for follow-up questions and answers. Once the volunteer attorney closes the question and answer queue, the dialogue ends.

For users who are not eligible for the service, they are provided with an email containing resources, including the Hawaii State Bar Association's Lawyer Referral and Information Service. In addition, for those who have had the opportunity to have their question answered, but need additional assistance, volunteers and Volunteer Legal will refer them to the appropriate organizations and/or agencies. For example, if full representation is deemed appropriate and the user is eligible for services at either the Legal Aid Society of Hawaii or Volunteer Legal, the user will be provided with such a referral.

### How to Volunteer

As site administrator, Volunteer Legal is responsible for the recruitment of volunteer attorneys. Registering as a volunteer is quick and easy at [Hawaii.FreeLegalAnswers.org](http://Hawaii.FreeLegalAnswers.org). Volunteers must be Hawaii-licensed attorneys and in good standing. Once registered, Volunteer Legal will provide an orientation and ask the volunteers adhere to a user agreement.

HOP is an opportunity for attorneys to provide limited assistance to those who are in need of legal guidance. The commitment is short term, and there is no expectation for representation beyond the answer and question format. Volunteers are provided professional liability insurance through the American Bar Association for pro bono activities provided through HOP.

HOP is intended to be an opportunity to engage more attorneys in providing pro bono service to those in our community who need it the most. The online nature of HOP makes it easy for both users and attorneys to connect with one another whenever and wherever it is most convenient for them.

### **B. Unbundling Rule**

Action Step 9.c of the 2007 *Community-Wide Action Plan* recommended that the Hawai'i Supreme Court "consider adopting rules providing for limited representation or 'unbundled' legal services" and "promote unbundling as a way to meet currently unmet legal needs," and Purpose 11 of Rule 21 of the *Rules*



of the Supreme Court of the State of Hawai'i affirms "[i]ncrease[d] support for self-represented litigants." Based on this mandate, members of the Commission's Self-Representation and Unbundling Committee have long endeavored to explicitly articulate an authorization for Hawai'i's attorneys to help self-represented claimants with discrete tasks short of full representation.

At first, the Committee's focus was especially on Rule 1.2 of the *Hawai'i Rules of Professional Conduct*, however, after feedback from Hawai'i attorneys the Committee decided to recommend permissive rather than mandatory disclosure of limited scope representation, and in recent years the emphasis has been on amendments to Rule 11 of the *Hawai'i Rules of Civil Procedure* ("HRCP"), the *District Court Rules of Civil Procedure* ("DCRCP"), and the *Family Court Rules* ("FCR"), as well as proposed new Rule 11.1 of the HRCP, DCRCP, and DCR, and associated forms.

The proposed amendments, which had been approved by the Commission at its November 15, 2015 meeting, were submitted to the Hawai'i Supreme Court for consideration. Comments in support were provided to the Court on behalf of the Commission in September 2016. Response from the Court is pending.

### **C. Hawai'i Appellate Pro Bono Pilot Project**

The Hawai'i Appellate Pro Bono Pilot Project was designed by a subcommittee of the Committee on Increasing Pro Bono Legal Services, to match eligible pro-se appellate litigants with volunteer appellate attorneys willing to provide pro bono legal services. The pilot project, which is administered with the assistance of Volunteer Legal, was established by the August 7, 2015 order of the Hawai'i Supreme Court and will expire on July 1, 2017, absent further order of the Court.

In May 2016, the Court ruled in favor of the Appellate Pro Bono Pilot Project client in *Gao v. State*, the first case orally argued through the pilot project. In July 2016, the Committee on Increasing Pro Bono Legal Services submitted a one-year report to the Supreme Court, as required by the order that established the project. At the July 2016 meeting of the Commission, Volunteer Legal reported that the Hawai'i Appellate Pro Bono Pilot Project had been able to match 7 of 13 applications received with pro bono attorneys.

The Hawai'i Appellate Pro Bono Pilot Project is currently limited to civil cases involving foreclosures, summary possessions, employment discrimination, worker's compensation, wrongful termination, denial of unemployment benefits, state tax appeals, probate matters, and paternity and non-married custody cases. Participants in the pilot project, who must meet



income level requirements, are responsible for any costs associated with the appeal, including filing, transcript, or other costs related to the preparation of the record on appeal and presentation of arguments in the appellate courts.

#### **D. Proposal to Increase Effective Utilization of Paralegals and Other Nonlawyers**

In the *2007 Community-Wide Action Plan* the Access to Justice Hui recommended, at Action Step 6.a, that “[t]he Hawai'i Supreme Court should consider amending relevant ethics and procedural rules, and the Hawai'i Supreme Court and the Hawai'i Access to Justice Commission, or equivalent entity, should consider taking such other actions as may be necessary to encourage the training and regulation of paralegals and paralegal practice in appropriate roles to meet particular types of unmet needs for legal services.” The *Community-Wide Action Plan Commentary* on this Action Step read in part: “The delivery of certain identified types of legal services by regulated paralegals, in more evolved supervised and unsupervised adjunct roles, would help. Lawyers and paralegals as primary and adjunct providers could complement one another far more effectively than they now do, were adjunct provider roles permitted their natural evolution in the public interest.”

In 2008, Rule 21 of the *Rules of the Supreme Court of the State of Hawai'i* identified “[i]ncrease [in] the effective utilization of paralegals and other non-lawyers in the delivery of civil legal services to low-income Hawai'i residents” as one of the means to fulfill the purpose of the Hawai'i Access to Justice Commission to “substantially increase access to justice in civil legal matters for low- and moderate-income (together “low-income”) residents of Hawai'i.”

The Commission's Task Force on Paralegals and Other Non-lawyers met regularly, sometimes more than once per month, during 2016. Judge Joseph Cardoza, Chair of this Task Force, and Task Force members Gilbert Doles, Rona Fukumoto, Victor Geminiani, Susan Jaworowski, Elton Johnson, Jean Johnson, Tracy Jones, Carol Muranaka, and Diane Ono, discussed main areas of unmet civil legal need in the low- and moderate- income population, and reviewed available models to help address such need.

The Task Force identified areas of greatest unmet need, and recommended the concurrent development of a court-sponsored volunteer Court Navigator program, a dedicated paralegal Tenant Advocate, and a regulated Licensed Paralegal Practitioner to help address substantiated unmet need in housing, family, domestic violence, consumer, health, public benefits, and special education areas. These three models were proposed in order to provide “a spectrum of legal services to supplement existing lawyer pro bono and nonprofit legal service agencies to help address substantiated longstanding



unmet need of Hawai'i's low-and moderate-income people pursuant to our mandate.” The Task Force proposal mentioned New York state precedent for the Court Navigator program, and for the Licensed Paralegal Practitioner model, the proposal mentioned Washington State precedent, and the possible implementation in other states including Utah and Oregon.

At its October 17, 2016 meeting, the Commission voted to “support the efforts of the Task Force and to send the Task Force report to the Supreme Court for its information and to await response from the Court;” by letter dated October 24, 2016, Commission Chair Simeon Acoba transmitted the Task Force Proposal “for the Court’s information.” In a letter to Justice Acoba dated December 23, 2016, on behalf of the Supreme Court Chief Justice Mark E. Recktenwald expressed openness to the Commission’s proposal for a Volunteer Court Navigator program, as well as the proposal for an Advocate pilot program to help with not only evictions but also certain family law cases (with the limitation that such Advocates be employees of legal services providers). However, the Court was not inclined to pursue the proposed Licensed Paralegal Practitioner program at this time. The Task Force will continue to work within the parameters articulated by the Court and the Commission.

### **E. Self-Help Centers**

The self-help centers were started by and continue to be a collaboration of the Hawai'i State Judiciary, the Commission, the HSBA (in particular, the Committee on the Delivery of Legal Services to the Public), Legal Aid, the AmeriCorps program, the county bar associations (East Hawai'i Bar Association, Kauai County Bar Association, Maui County Bar Association, West Hawai'i Bar Association), and the HSBA Family Law Section. There are now self-help centers in each courthouse in each state judicial circuit.

#### ***Hilo Self-Help Center***

The Hilo Self-Help Center is located on the first floor of the Hilo courthouse (Hale Kaulike, 777 Kilauea Avenue, Hilo, Hawai'i 96720) and is open twice a week (Tuesday and Friday) from 11:15 a.m. to 12:45 p.m.

The volunteer attorneys provide limited legal information to self-represented litigants on civil matters. According to AmeriCorps staff, the individual attorneys who volunteered at the Hilo Self-Help Center in 2016 are: Albert Thompson, Jennifer Wharton, Joy San Buenaventura, Kenneth Goodenow, Lauren Martin, Melody Parker, Michael Kagami, Ray Hasegawa, and Zachary Wingert.



### ***Maui Self-Help Center***

The Maui Self-Help Center is located on the first floor of Ho‘apili Hale (2145 Main Street, Wailuku, HI), and is open on Thursdays from 9:00 a.m. to noon. Residents on Molokai, Lanai, and in Hana will also be able to have access to the Center by telephone when the Center is open.

The volunteer attorneys provide limited legal information to self-represented litigants on civil matters. The most common issues for which assistance was sought included: landlord-tenant, family/custody, small claims, and foreclosure cases. According to AmeriCorps staff, the individual attorneys who volunteered at the Maui Self-Help Center in 2016 are: Aisha Hill, Allison Mileur, Ben Acob, Brianne Wong Leong, Caroline Belsom, Danielle Sears, David Cain, David Raatz, Gary Murai, Graham Mottola, Judy Neustadter Naone, Keri Mehling, Kevin Jenkins, Kyle Coffman, Lauren Akitake, Loren Tilley, Mary Blaine Johnston, Nicole Forelli, Patty Cookson, Sam Shnider, Sonya Toma, Timothy P. McNulty, Tracy Jones, and Yukari Murakami.

### ***Access to Justice Room at the Honolulu District Court***

The Access to Justice Room 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. The Access to Justice Room is also open on the first and third Fridays from 9:00 a.m. to 1:00 p.m. The Access to Justice Room 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.

Through an initiative by the Access to Justice Commission’s Pro Bono Initiatives Task Force, which includes members Associate Justice Simeon R. Acoba, Jr. (ret.) (Chair), Tracey Wiltgen (Vice Chair), Michelle Acosta, Judge Brian A. Costa, Rex Fujichaku, Marie M. Gavigan, Jill Hasegawa, Judge Ronald Ibarra, Regan Iwao, Judge Melanie Mito May, Audrey Stanley, Kristen Shigemura, and Associate Justice Michael Wilson, various law firms and offices adopted a month of staffing for the Access to Justice Room in 2016, and individual attorneys volunteered to cover the month of February 2016.



The Access to Justice Room was staffed by the following law firms, organizations, and governmental entities in 2016:

January: Ayabe Chong Nishimoto Sia Nakamura  
February: Individual volunteers  
March: Office of the Public Defender (Honolulu) / Chun Kerr  
April: Carlsmith Ball  
May: Cades Schutte  
June: Goodsill Anderson Quinn & Stifel  
July: Hawai'i Filipino Lawyers Association / Bronster  
Fujichaku Robbins  
August: Schlack Ito / Starn O'Toole Marcus & Fisher  
September: Alston Hunt Floyd & Ing  
October: "Consortium of banks and friends"  
November: Damon Key Leong Kupchak Hastert  
December: Marr Jones Wang / Yamamoto Caliboso

The individual attorneys who staffed the Honolulu Access to Justice Room in 2016 are: Aaron Stewart, Adrienne Yoshihara, Alana Peacott-Ricardos, Alison Davidson, Allison Mizuo Lee, Anderson L. Meyer, Andrea Ushijima, Andrew Michaels, Angela Jacso, Anna H. Oshiro, Arlette Harada, Arsima Muller, Beverly Sameshima, Blaine Rogers, Bob Strand, Brandon Mikala Kimura, Brett Tobin, Bruce Paige, Bryant Zane, Calli Chinen, Carlito P. Caliboso, Catherine Aubuchon, Catherine Gutierrez, Cheryl Nakamura, Cheryl Park, Chris Goodin, Christina Ohira, Christine Terada, Christopher Leong, Chrystn Eads, Clare M. Hanusz, Connie Liu, Corlis Chang, Dan O'Meara, Daniel Cheng, Daniel Kim, David Gruebner, David Hoftiezer, David Wong, Deborah Ng-Furuhashi, Derek Kobayashi, Donna Marron, Douglas C. Smith, Douglas Codiga, E. Kumau Pineda-Akiona, Eileen C. Zorc, Elijah Yip, Erika Lewis, Gary S. Miyamoto, Gregory W. Kugle, Harry Oda, Henry Ting, Ian Sandison, Ikaika B. Rawlins, Imran Naeemullah, Jack Tonaki, Jacquelyn Esser, Jae Park, James Abraham, Jasmine Fisher, Jefferson Willard, Jennifer Chin, Jenny Nakamoto, Jessica Y.K. Wong, Jodi S. Yamamoto, John Duchemin, John S. Nishimoto, John S. Rhee, Johnathan Bolton, Judith A. Schevtchuk, Judith Ann Pavey, Justin Brackett, Kainani Collins, Kee Campbell, Keith Yamada, Kelly Higa, Kelly LaPorte, Kelly Y. Uwayne, Kenneth T. Goya, Keoni Shultz, Kimberly Van Horn, Kimi Ide-Foster, Kirk Neste, Kristie Chang, Kristin Shigemura, Kukui Claydon, Kurt Kagawa, Laura Lucas, Leroy Colombe, Lianna Figueroa, Lindsay McAneeley, Lindsay Orman, Lisa Tellio, Loren A. Seehase, Lynda Arakawa, Lynne T. Toyofuku, Madeleine M. V. Young, Maile Osika, Marc Rousseau, Marie Gavigan, Mark Ito, Mark M. Murakami, Mateo Caballero, Matthew T. Evans, Megan L.M. Lim, Megumi Honami, Melissa Lambert, Michael A. Yoshida, Michael J. Van Dyke, Michelle N. Comeau, Miriah Holden, Morgan Early, Natalie S. Hiu, Nathaniel Higa, Nickolas Kacprowski, Onaona Thoene, Pamela Macer, Patricia Fujii, Radji Tolentino, Regan Iwao, Robert A. Chong,



Rodd Yano, Ronald T. Michioka, Rowena Somerville, Rozelle Agag, Ryan I. Inouye, Sam Yee, Scott Boone, Scott G. Morita, Scott Shishido, Shannon Wack, Sharon Alice Lim, Sharon V. Lovejoy, Stacey Djou, Steven L. Goto, Sunny Lee, Susan Arnett, T. J. Quan, Teri-Ann Nagata, Terri O'Connell, Tim Lui-Kwan, Timothy Irons, Timothy Partelow, Toby Yamashiro, Tom Roesser, Travis Agustin, Tred Eyerly, Trisha Akagi, Trisha Akagi, Trisha Gibo, Tyler Tsukazaki, V. R. Ikaika Jobe, Veronica Nordyke, Voltaire Gansit, Wil Yamamoto, Zach DiIunno, and Zale T. Okazaki.

The Pro Bono Initiatives Task Force has recruited firms, offices, and individual volunteers to staff the Access to Justice Room for the entire calendar year of 2017.

### ***Access to Justice Room at the Kapolei Courthouse***

The Access to Justice Room at the Kapolei Courthouse, 4675 Kapolei Parkway, Kapolei, HI 96707 is open on the first and third Thursday of every month from 11:30 a.m. to 1:30 p.m. The Kapolei Access to Justice Room 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.

Appointments are made through the Ho'okele Self Help Desk on the first floor of the Kapolei Courthouse for 30-minute sessions.

### ***Kaua'i Self-Help Center***

The Kaua'i Self-Help Center located at Pu'uhonua Kaulike, 3970 Kaana Street, Lihue, HI 96766 is open on Mondays through Thursdays from 9:00 a.m. to noon, staffed by the Legal Aid Society of Hawai'i. On Fridays, it is open from 9:00 a.m. until noon, provided there are volunteer attorneys available to staff it.

The volunteer attorneys provide limited legal information to self-represented litigants on civil matters. According to AmeriCorps staff, the individual attorneys who volunteered at the Kaua'i Self-Help Center in 2016 are: Emiko Meyers, Katherine Caswell, Laura Barzilai, Laura Loo, Linda Lach, Margaret Hanson, Margaret Sueoka, Ryan Jimenez, Sara Silverman, and Sherman Shiraishi.



***Kona Court Self-Help Desk***

The Kona Court Self Help Desk is located at the Kona Courthouse, Keakealani Building, 79-1020 Haukapila Street, Kealahou, HI 96750. It is open on Wednesdays from 11:00 a.m. to 1:00 p.m.

The volunteer attorneys provide limited legal information to self-represented litigants on civil matters. According to AmeriCorps staff, the individual attorneys who volunteered at the Hilo Self-Help Center in 2016 are: Aaron Masser, Andrew Kennedy, Andrew Odell, Ann Datta, Bob Kim, Bob Olson, Brit Barker, Carol Kitaoka, Catherine Gibson, Charles McCreary, Charles Murray, Chris Eggert, Daniel Peters, Dawn Henry, Dean Kauka, Donna Payesko, Edward Fetzer, Fred Giannini, Frederick Macapinlac, James Biven, Jennifer Heimgartner, Jerry Garcia, Joanna Sokolow, John Olson, Katherine Deleon, Kauano Jackson, Kimberly Taniyama, Mark Van Pernis, Peter Olson, Porter DeVries, R. Hermann Heimgartner, Rebecca Colvin, Robert Triantos, Susan Kim, and Wendy DeWeese.





## IV. METRICS

### **A. Statewide Assessment Report**

Rule 21(b)(14) provides that the Commission shall “[c]onduct a statewide assessment of unmet civil legal needs among low-income people in Hawai'i five years after the Commission holds its first meeting to measure the progress being made to increase access to justice.”

A summary report titled “Progress Toward Increasing Access to Justice and Summary of Unmet Civil Legal Needs Pursuant to Hawai'i's Supreme Court Rule 21(b)(14),” was prepared in 2016 with Commissioner Jean Johnson taking the lead for this work. The resulting report covered the five years through May 2013 as required by Rule 21, as well as subsequent years; it also identifies challenges and forecasts associated with the Commission's efforts on behalf of Hawai'i's low- and moderate-income people.

The report was transmitted to the Hawai'i Supreme Court, and posted on the Commission page on the HJF website.<sup>8</sup>

### **B. 2016 Findings, The Justice Index**

The Justice Index's “2016 Findings,” released by the National Center for Access to Justice at Fordham Law School, ranked Hawai'i among the top three states in the country for practices aimed at making access to justice a reality for all people. The report measures the accessibility of each state's justice system in four categories: attorney access for low-income litigants; support for self-represented litigants; support for litigants with limited language proficiency; and support for people with disabilities.

Hawai'i was ranked first in the country for providing support for people with limited English proficiency (“LEP”). The State Judiciary's Office on Equality and Access to the Courts (“OEAC”) has improved and increased the services available to Hawai'i's growing LEP population. The Judiciary annually provides interpreting services for LEP clients in as many as 45 different languages. OEAC also conducts statewide mandatory staff training on language access services for all Judiciary staff, so that the Judiciary can uphold the highest standard of service.

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<sup>8</sup> A copy of the February 29, 2016 report titled “Progress Toward Increasing Access to Justice and Summary of Unmet Civil Legal Needs Pursuant to Hawai'i's Supreme Court Rule 21(b)(14)” is attached at Appendix D.



Hawai'i ranked in the top five for providing support to self-represented litigants. The Hawai'i State Judiciary together with the Commission and various community partners opened Self Help Centers in every circuit in the state, where parties who cannot afford an attorney for their civil legal cases can get information from volunteer attorneys. The Judiciary has worked with the Bar organizations on each island to increase the hours of operation and number of volunteers available to assist individuals who cannot afford an attorney. Since the first self-help center opened in 2011, volunteer attorneys and AmeriCorps Advocates have assisted more than 12,000 people, at almost no cost to the public.

The Hawai'i State Judiciary also partnered with Legal Aid and the HSBA to make self-help interactive court forms available online. Twenty-three of the most frequently used civil legal forms are now available online, accompanied by state-of-the-art software. This software takes users through a step-by-step question and answer process to help complete the forms easily and correctly. For those who do not own a personal computer or have Internet access, the Hawai'i State Public Library System provides access to these "A2J" (Access to Justice) self-help forms at locations statewide.

Hawai'i ranked in the top seven for providing support for people with disabilities. The Hawai'i State Judiciary is recognized for providing website information on how to request an accommodation, using only certified sign language interpreters in court, and providing information on how to file a complaint for anyone who has difficulty accessing court facilities or services because of a disability. Accommodations covered by the courts may include, but are not limited to, modifications to schedules to assist those with disabilities, the cost of providing sign language interpreters or computer assisted real-time transcription for persons who are Deaf or have a hearing impairment.

See [www.justiceindex.org](http://www.justiceindex.org) for more information about the Justice Index findings.



## V. FUNDING

### **A. Primary Funding Developments**

On March 28, 2016, the Commission submitted testimony in support of House Bill 2121, HD 3, SD 1, which did pass the 2016 Legislative Session with a \$750,000 appropriation for the Judiciary's efforts on behalf of low- and moderate-income people for fiscal year 2016 - 2017. About \$600,000 of that amount will maintain service contracts administered by the Judiciary.

The Judiciary administration of funds reflects the recommendations of the working group of state and community entities assembled pursuant to 2015 Senate Resolution No. 6 and House Resolution No. 12, which requested that the Commission assemble interested government agencies and community entities to develop a plan for determining which agency or organization should administer funding for civil legal services.

At its April 18, 2016 meeting, the Commission also discussed a concern about a recommendation being considered at the Legislature that the ILAF monies be transferred to the State's General Fund. However, that transfer did not proceed, and the ILAF funds, which are critical for maintenance of civil legal services for Hawaii's most vulnerable, appear to be secure for the coming year.

### **B. "Justice For All" Grant**

In November 2016, the National Center for State Courts and the Public Welfare Foundation announced that Hawai'i is one of the seven among the 25 applying states to be awarded a grant of nearly \$100,000 to support efforts to enhance access to justice for all of Hawai'i's citizens. The Justice for All grant was distributed in December 2016. The HJF will supplement the \$99,520 grant with an additional \$10,000.

The Justice for All project is supported by the Public Welfare Foundation and administered by the National Center for State Courts. The project will support efforts by the states to include all relevant stakeholders in the civil justice community in a partnership to better understand, adopt, and move toward implementation of Resolution 5, "Reaffirming the Commitment to Meaningful Access to Justice for All," by the Conference of Chief Justices and Conference of State Court Administrators.<sup>9</sup> Resolution 5 supports "the goal of

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<sup>9</sup> A copy of Resolution 5, "Reaffirming the Commitment to Meaningful Access to Justice for All," by the Conference of Chief Justices and Conference of State Court Administrators, is attached at Appendix F.



100 percent access through a continuum of meaningful and appropriate services.”

The application by the Hawai'i State Judiciary, the Commission, and the HJF involved nearly two dozen local leaders in access to justice, including judges, legislators, executive directors of civil legal service providers, the State Law Librarian, nine commissioners of the Commission, and directors of HJF.

The Justice for All grant will be used over the course of twelve months to develop an inventory of resources, assessment of needs, and strategic action planning. A Justice for All Committee was formed to help facilitate support from current and potential new stakeholders. Community meetings will be held across the state, and a statewide meeting will be convened as well.

At the end of the twelve-month period, it is expected that Hawai'i will apply for another grant to begin implementing the strategic action plan. The HJF has also committed additional funds to supplement the implementation phase.

More information about the Justice for All project may be found at <http://www.ncsc.org/jfap>.

### **C. Cy Pres Awards**

On June 14, 2016, the law firms Perkins & Faria and Bickerton Dang with the agreement of American Savings Bank presented over \$107,000 each in cy pres funds to the non-profit legal service providers Volunteer Legal Services Hawai'i and Legal Aid Society of Hawai'i. Both law firms also designated the same amount of cy pres funds to nonprofit organizations Junior Achievement and Hawai'i Council for Economic Education. These residual funds come from a class action lawsuit filed by the two firms against American Savings Bank.

Cy pres is a legal doctrine originally developed to ensure the fair distribution of a trust fund. Its original meaning, from French “as near as possible,” refers to use of a trust fund for its “next best use” should its original purpose fail. Today, cy pres refers primarily to residual funds left over from a class action lawsuit, but it can also refer to funds from restitution, settlements, or penalties.

On January 27, 2011, the Hawai'i State Supreme Court amended Rule 23(f) (effective July 1, 2011) of the *Hawai'i Rules of Civil Procedure* to provide that the residual funds from a class action may be distributed to nonprofit tax exempt organizations that provide civil legal assistance to low income Hawai'i



residents or to the Hawai'i Justice Foundation for distribution to one or more such organizations. The amended Rule 23 provided that it would be within the discretion of the court to approve the timing and method of the distribution of the residual funds as agreed to by the parties. Previously, Rule 23 was silent as to the distribution of such residual funds. The Hawai'i Access to Justice Commission in May 2010 recommended the proposed amendment in order to provide increased funding to organizations that promote access to justice.

Volunteer Legal, established in 1981, provides legal assistance to the community through education, legal advice clinics, brief services, and referrals to pro bono attorneys for direct representation. Services cover a broad range of civil legal matters affecting an individual's basic living needs such as housing, employment, debt relief, and caring for family members. The \$107,000 distribution to Volunteer Legal will help make possible the provision of services to individuals least able to exercise their legal rights.

The Legal Aid, established in 1950, provides civil legal help to the most vulnerable in our community. Legal Aid has ten offices statewide and over 100 staff members dedicated to achieving Legal Aid's vision of "Building a Just Society." The \$107,000 distribution to the Legal Aid Society of Hawai'i will be used to help launch a workers' rights enforcement program.

A cy pres toolkit created by the Commission to assist attorneys who are interested in providing a distribution of residual funds to nonprofit tax exempt organizations that provide legal services to the indigent may be found here: <http://www.Hawaiijustice.org/Hawaii-access-to-justice-commission/what-is-cy-pres>. The toolkit provides sample documents including orders and stipulations.







## VI. OTHER ACTIVITIES

### **A. Pro Bono Celebration**

*By celebrating acts of charity, generosity, sharing, and sacrifice, we encourage discussion by young people about volunteering to help others, and we endorse the valuable contributions our colleagues make to those in need.*

*-- Hon. Simeon R. Acoba (ret.), Chair, Hawai'i Access to Justice Commission*

Rule 6.1 of the *Hawai'i Rules of Professional Conduct* states that pro bono service is the individual ethical commitment of each member of the HSBA and that all members of the bar are to aspire to perform at least 50 hours of direct pro bono services annually.

Nearly 140 people attended the 2016 Pro Bono Celebration on October 27, 2016, in the Supreme Court Courtroom at Ali'iolani Hale, an event designed to highlight the responsibility to increase access to justice in our community, and to recognize outstanding pro bono volunteers. Remarks by Associate Justice Simeon R. Acoba (ret.), Chief Justice Mark E. Recktenwald, HSBA President Jodi Kimura Yi, and Hawai'i State Bar Foundation President Rai Saint Chu acknowledged and celebrated the important work of those who provide pro bono services to those in need.

"There is a growing number of people who cannot afford representation in civil legal cases, which poses a significant problem for our justice system, both nationally and in Hawai'i," observed Chief Justice Recktenwald. "For this reason, I am grateful to the many attorneys who have volunteered their time and expertise to those in our community who need it the most. These attorneys are helping us to fulfill our mission of providing justice for all." Associate Justice Acoba put our efforts in current context: "Today, unfortunately, we see examples of public discourse across our nation that have seemingly sunk to new lows in civility. And violations of the law that beget retaliatory violations. In this environment, acts of charity, of generosity, of sharing, of sacrifice become all the more important and valuable."

### ***Student Essay Contest***

Judge Melanie May introduced what is always one of the most heartwarming parts of the program at the annual Pro Bono Celebration event: Six high school students were recognized for their volunteerism and for their winning essays on the 2016 topic "What you've done as a volunteer and how do



you encourage others to volunteer.” In 2016, the contest attracted more than 120 essays from high school students in grades 10 through 12 throughout the State.

The essay award recipients were: Mahealani Sims-Tulba, Sacred Hearts Academy; Kiana Anderson, Waiakea High School; Sydnie Ito, Punahou School; Charlene Tan, Kauai High School; Chad Schuler, Trinity Christian School; and Aimee Nathan, Maui High School.

Chief Justice Mark Recktenwald, Judge Ronald Ibarra, and HSBA President Jodi Yi expressed appreciation to the students for their inspiring essays and for actively engaging in volunteerism. Each student who wrote a winning essay was presented with a certificate from the Commission and a \$500 check. The awards were donated by American Savings Bank, Starn O’Toole Marcus & Fisher, Alston Hunt Floyd & Ing, Damon Key Leong Kupchak Hastert, Chong Nishimoto Sia Nakamura & Goya, LLP, and Carlsmith Ball. The final judges of the essay contest were Chief Justice Recktenwald, Judge Ronald Ibarra, and 2016 HSBA President Yi.

### ***Pro Bono Honorees***

Hawai'i Supreme Court Associate Justice Michael Wilson recognized the pro bono attorneys honored by the legal service providers. The honorees received certificates from Governor David Ige’s office and legislative certificates presented by Representative Della Au Belatti. These honorees included:

- Kristin Holland and Nick Kacprowski of Alston Hunt Floyd & Ing, were recognized by the American Civil Liberties Union of Hawai'i for serving as pro bono counsel litigating Martin v. City & County of Honolulu, a class action lawsuit in federal court on behalf of homeless families and individuals. The landmark lawsuit resulted in a court order prohibiting the summary destruction of property; establishing systemic changes to the ways that the City conducts "sweeps" of homeless individuals; and requiring that City documents be translated into multiple languages as required by federal and state law.
- Judi Morris, currently Of Counsel for Oceanit, was recognized by the Domestic Violence Action Center (“DVAC”) for being reliable, generous, and innovative in her support of the Center. As Chair of the Fund Development Committee, Ms. Morris never gives up. She has brought community and personal allies to service, and is thoughtful in her approach to problem solving, opportunities and discussion. No task is too small or too large for her. She brings friends, talent and enthusiasm to DVAC’s Board meetings, organization events, and agency endeavors.



- Jennifer F. Chin, an associate at the Goodsill Anderson Quinn & Stifel law firm, was recognized by the Hawai'i Appleseed Center for Law and Economic Justice for spending in excess of 125 hours since last Fall to finalize a report on the effects evictions on the lives of the seven thousand tenants being evicted each year here in Hawai'i, and the significant impact those evictions have on our community. The report is based on 230 eviction return hearings which were observed in the various Oahu District courts. The observational study found that 70% of landlords were represented in the process while only 4% of tenants had an advocate.
- Arlette Harada, Of Counsel for the law firm of Ekimoto & Morris, was recognized by the Legal Aid Society of Hawai'i for volunteering the most shifts at the Honolulu District Court Access to Justice Room. Over the past four years, she volunteered fifty-four times. Taking about two shifts per month since September 2012, Ms. Harada has almost double the hours of the person with the second highest in volunteer hours at the Access to Justice Room.
- Howard K. K. Luke was recognized by the Native Hawaiian Legal Corporation for joining their legal team in the Davis v. Sakai case in 2014. The Davis case is a federal class action about the rights of inmates at Saguaro Correctional Center to engage in Native Hawaiian spiritual practices. Mr. Luke is the team's trial specialist. He was instrumental in obtaining certain concessions from the Defendants. As a result of his participation in the case, a settlement proposal from the Defendants is being considered for approval by the court.
- Erika Ireland, a private attorney and mediator, was recognized by The Mediation Center of the Pacific for mediating hundreds of hours of pro bono, as well as assisting the Mediation Center with outreach, education and training. Ms. Ireland never hesitates to say "yes" when asked to mediate high contention divorce, custody and visitation or family matters. She has also served pro bono as a facilitator for complex family conferences that assist families caring for an elder member, in developing plans that support the needs of the elder member. Ms. Ireland is one of the "go-to" mediators who work with the most vulnerable clients in the most challenging cases.
- Dyan Mitsuyama, a family law attorney and a partner at Mitsuyama & Rebman, was recognized by Volunteer Legal for her many years of volunteer work with, and advocacy for the organization. As a volunteer, Ms. Mitsuyama has provided legal advice, limited scope services, and full representation cases on pro bono basis. Her volunteer work has assisted



a great number of individuals and families undergoing a legal crisis to navigate the judicial system in Hawai'i. In 2015 and again this year, Ms. Mitsuyama helped raise thousands of dollars during Volunteer Legal's Taste of Justice fundraiser in support of civil legal services to the low and moderate income people in the state.

### ***Access to Justice Room Volunteers***

Judge Melanie May and Judge Brian Costa recognized individuals, groups, and law firms who volunteered at the Honolulu District Court Access to Justice Room, including: Justin Bracket, Miriah Holden, Mateo Caballero, Jefferson Willard, Bruce Paige, Connie Liu, Arlette Harada, Stacey Djou, Tred Eyerly, Catherine Gutierrez, Kurt Kagawa, Sharon Lim, Cheryl Nakamura, Shannon Wack, Sam Yee, Dan O'Meara, Chrystn Eads, Alana Peacott-Ricardos, and Elton Johnson. The law firms and groups included: Chong Nishimoto Sia Nakamura & Goya, LLP, Office of the Public Defender (Honolulu), Chun Kerr, Carlsmith Ball, Cades Schutte, Goodsill Anderson Quinn & Stifel, Hawai'i Filipino Lawyers Association, Bronster Fujichaku Robbins, Schlack Ito, Starn O'Toole Marcus & Fisher, Alston Hunt Floyd & Ing, "Consortium of banks and friends," Damon Key Leong Kupchak Hastert, Marr Jones Wang, and Yamamoto Caliboso.

Judge Mark Browning recognized individuals who volunteered at the Family Court Access to Justice Room, including: Ann Isobe, Carol Tribbey, Dyan Mitsuyama, Elizabeth Paek-Harris, Ellen Politano, Erin Kobayashi, Evans Smith, Gemma-Rose Poland Soon, Greg Frey, Jackie Thurston, Jessi Hall, Jill Hasegawa, John Bryant, Jr., John Hughes, Juan Montalbano, Lynnae Lee, Marianita Lopez, Mei Nakamoto, Michelle Moorhead, Sandra Young, Seth Harris, Stephen Hioki, Tom Tanimoto.

For more complete lists of volunteers at the Honolulu Access to Justice Room and at each neighbor island self-help center, please see the preceding section of this report, titled "III. Self-Help Centers."

### ***Behind the Scenes***

The 2016 Pro Bono Celebration was organized by the Pro Bono Initiatives Task Force and funded through the HSBA (\$2,000), the Hawai'i State Bar Foundation (\$1,500), and the above-mentioned donations of \$500 each from local law firms to the six student essay contest awardees.



## **B. National Conferences**

### ***ABA Equal Justice Conference***

There was a strong Hawai'i contingent in attendance at the 2016 national ABA Equal Justice Conference from May 12 to 14 in Chicago. There were more than 85 sessions and pre-conference sessions in 2016, covering various aspects of numerous topics, including:

- Pro bono
- Community-based partnerships
- Medical-legal partnerships
- Eviction diversion
- Social impact bonds
- Metrics
- Civil Gideon
- Rural outreach
- Debt defense
- Domestic violence survivor safety
- Continuum of services
- State legislative funding
- Holistic legal services
- Cy pres
- Limited License Legal Technician program
- Veteran needs
- Technology
- Meaningful access to justice
- Immigrant needs
- Language access

### ***National Meeting of State Access to Justice Chairs***

Hawai'i was also well represented at the 2016 National Meeting of State Access to Justice Chairs on May 13 and 14, 2016. The first day included breakout sessions for commission chairs, commission staff, and judges, and a panel presentation on Meaningful Access to Justice for All as affirmed by the important 2015 Resolution 5 of the Conference of Chief Justices and the Conference of State Court Administrators. Resolution 5 challenged states to meet the “aspirational goal of 100 percent access to effective assistance for essential legal needs” and to deliver “a continuum of meaningful and appropriate services” to all who need legal help to protect their families, their homes, and their livelihoods in the civil justice system.



On the second day of this conference, Lisa Foster of the Department of Justice Office for Access to Justice gave the keynote presentation, and the Hon. Lora Livingston gave the closing remarks. Presentations and discussions during the day emphasized capacity building and were focused on these areas:

- Communications and messaging
- Self-help services and courtroom innovation
- Private funding for legal aid
- Networking activities

### **C. Luncheon with the Supreme Court**

On February 29, 2016, most of the commissioners on the Commission enjoyed an informal luncheon with the Justices of the Supreme Court in the courtroom at Ali'iolani Hale.

This luncheon, which was arranged by the Commission Chair, Associate Justice Simeon R. Acoba (ret.), was a gracious gesture of appreciation by the Court and an opportunity to briefly discuss some of the work of the Commission with Court members and with other Commissioners, outside of the usual official Commission meeting format.<sup>10</sup>

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<sup>10</sup> A copy of a photo at the commissioners' luncheon with the Hawai'i Supreme Court on February 29, 2016 is attached at Appendix F.

**APPENDICES**

- Appendix A: Rule 21 of the *Rules of the Supreme Court of the State of Hawai'i*
- Appendix B: Chief Justice Mark E. Recktenwald, welcoming remarks at the Hawai'i Access to Justice Conference, June 24, 2016
- Appendix C: Chief Judge Jonathan Lippman, keynote address titled "Shifting the Landscape on Access to Justice," at the Hawai'i Access to Justice Conference, June 24, 2016
- Appendix D: "Progress Toward Increasing Access to Justice and Summary of Unmet Civil Legal Needs Pursuant to Hawai'i's Supreme Court Rule 21(b)(14)," February 29, 2016
- Appendix E: Resolution 5, "Reaffirming the Commitment to Meaningful Access to Justice for All," Conference of Chief Justices and Conference of State Court Administrators, 2015
- Appendix F: Photo, commissioners' luncheon with the Hawai'i Supreme Court, February 29, 2016