

PARTNERSHIP IN PRO BONO

*Providing opportunities
to serve.*

IF YOU ARE:

- **Licensed to practice law in Hawaii (including emeritus or inactive status),**
- **Seeking out opportunities to learn new skills and expand your practice areas,**
- **Interested in gaining courtroom experience,**
- **Looking for a way to stay active in the legal community while taking a break from full-time work or after retirement,**
- **In good standing with all bar associations with which you have been affiliated in the past 15 years...**

YOU ARE ELIGIBLE
FOR PARTNERSHIP
IN PRO BONO

CONTACT THE PRO BONO COORDINATOR TODAY:

Jeanilou Torrado
924 Bethel Street
Honolulu, HI 96813

(808) 527-8005
(808) 527-8088 fax
jetorra@lashaw.org

THE LEGAL AID SOCIETY OF HAWAII CREATED PARTNERSHIP IN PRO BONO TO PROVIDE HIGH-QUALITY, FULL REPRESENTATION IN CIVIL LEGAL MATTERS FREE OF CHARGE TO LOW INCOME AND UNDERSERVED INDIVIDUALS THROUGHOUT THE STATE OF HAWAII.

THE LEGAL AID SOCIETY OF HAWAII IS THE STATE'S OLDEST AND LARGEST NON-PROFIT LEGAL SERVICES PROVIDER. EACH YEAR, LEGAL AID ASSISTS OVER 18,000 CLIENTS WHO WOULD NOT OTHERWISE BE ABLE TO AFFORD REPRESENTATION WITH THEIR CIVIL LEGAL ISSUES. THROUGH PARTNERSHIP IN PRO BONO, WE AIM TO INCREASE THE NUMBER OF CLIENTS SERVED AS WELL AS TO INCREASE ACCESS TO FULL REPRESENTATION IN CIVIL LEGAL MATTERS FOR LOW-INCOME AND WORKING LOW INCOME INDIVIDUALS.

LEGAL AID SOCIETY OF HAWAII

924 Bethel Street
Honolulu, Hawaii 96813 USA

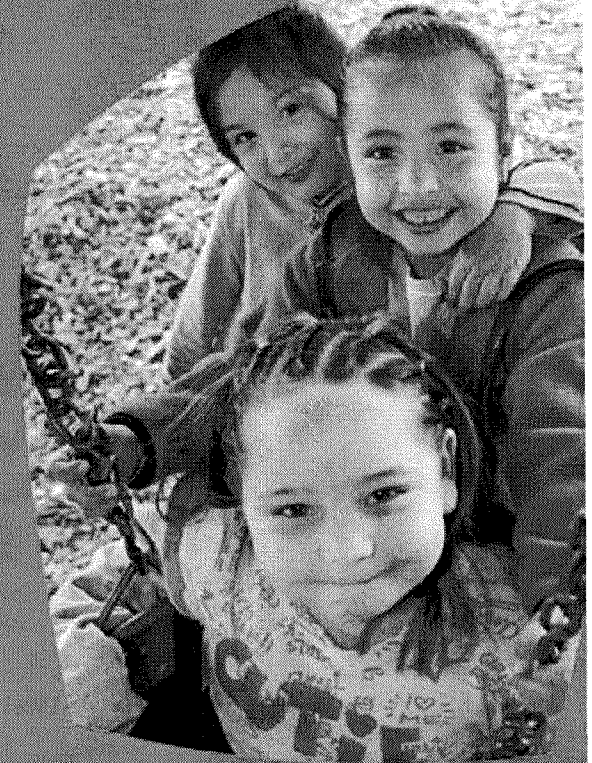
(808) 536-4302
(808) 527-8088 fax
www.legalaidhawaii.org

LEGAL AID SOCIETY OF HAWAII

Helping the people of Hawaii
since 1950

PARTNERSHIP IN PRO BONO

*Providing opportunities
to serve.*



Legal Aid is committed to providing the highest quality services to all of our clients. To this end, we will provide all volunteer attorneys with:

- Coverage under Legal Aid's \$1 million malpractice insurance policy.
- Training in substantive law and in other issues that are particular to our low-income client population.
- Mentoring and co-counsel relationships with experienced Legal Aid staff attorneys.
- Pre-screening of individual cases for merit and reasonable time commitment.
- Opportunities for professional growth through continual learning and the flexibility to practice new areas of law.
- Professional recognition and public acknowledgement of service

LEGAL AID
SOCIETY OF HAWAII

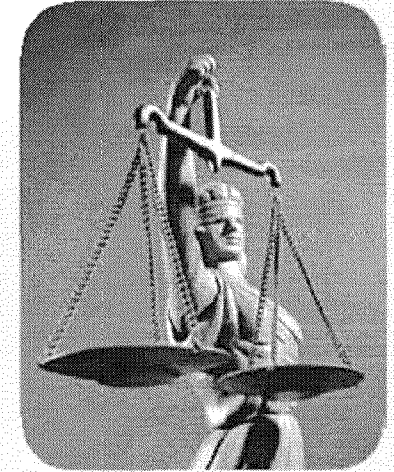
Please return completed form to:

Jeanilou Torrado

Legal Aid Society of Hawaii
924 Bethel Street
Honolulu, HI 96813
Telephone: (808) 527-8005
Fax: (808) 527-8088
jetorra@lashaw.org

PLEASE NOTE:

Submission of a completed form does not constitute a positive commitment to volunteer with Partnership in Pro Bono or any other project of the Legal Aid Society of Hawaii.



Volunteer Attorney Registration Form

Name _____

Firm/Employer _____

Bar Number _____

Email Address _____

Mailing Address _____

City/State/Zip _____

Phone _____

Fax _____

Current Practice Area(s) _____

Languages Spoken _____

Year of Bar Admission _____

Current HSBA Status (Active/Inactive/Emeritus/Law Student) _____

Interest Area(s) e.g. Guardian Ad Litem, Complex Advocacy, Family Law, Consumer Law, Public Benefits, Housing, Fair Housing _____

Other _____

Date _____

Volunteer Attorney Registration Form

Legal Aid Society of Hawaii

Name: _____
Firm/ Employer: _____
Address: _____
Phone: _____ Fax: _____
Bar #: _____ Email: _____
Year of Bar Admission: _____ Languages Spoken: _____
Current Practice Area: _____

Current HSBA Status: (Check box)

Active Inactive/Emeritus Law Student Paralegal

Interest Areas: (Check boxes)

Guardian Ad Litem

Consumer

- Bankruptcy
- Collection
- Predatory Lending
- Homeownership
- Mortgage/ Foreclosure

Family Law

- Divorce
- Custody
- Paternity
- Modification
- Adoption
- Guardianship
- Domestic Violence
- Child Abuse/ Neglect
- Other:

Estate Planning

- Simple Wills
- POA/AHCD

Complex Advocacy

- Appeals
- Class Action
- Attorneys Fees Litigation
- Other

Public Benefits

- Social Security
- Unemployment
- State Welfare
- Medical Benefits

Housing

- Landlord/ Tenant
- Section 8
- Public Housing

Hawaii Imigrant Justice Center

- Immigration
- Human Trafficking
- Family Reunification
- Other:

Other _____

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Jeanilou G. Torrado

Partnership in Pro Bono Project

Legal Aid Society of Hawaii

924 Bethel Street

Honolulu, HI 96813

Tel: 808-527-8005 Fax: 808-527-8088

jetorra@lashaw.org

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More than fifty people attended a training conference held at the William S. Richardson School of Law on Saturday, October 23, 2010, designed to educate attorneys and other professionals on the legal issues confronting victims of domestic violence. This all-day training seminar entitled "Protecting Survivors of Domestic Violence and their Children" was an effort between the private and non-profit sectors to boost the number of attorneys available to assist survivors of domestic violence and their children. A pro bono fair followed the training conference, giving participants the opportunity to put their newly learned knowledge to work by volunteering with agencies serving victims of intimate abuse. Both the training conference and pro bono fair were sponsored by Carlsmith Ball LLP, Legal Aid Society of Hawaii ("Legal Aid"), the Domestic Violence Action Center ("DVAC"), and Xerox Corporation.

The need for legal assistance exceeds the current number of pro bono attorneys available to assist domestic violence victims. Legal Aid receives about fifty calls a month from domestic violence survivors requesting legal assistance. This shortage of lawyers, along with the string of recent deadly domestic violence incidents, motivated Terri Ann Motosue, Managing Partner at Carlsmith Ball, into action. A former New York practicing lawyer with a history of pro bono work, Motosue had been involved with domestic violence prevention and advocacy since college. She organized the training conference along with Clara Javier, for-

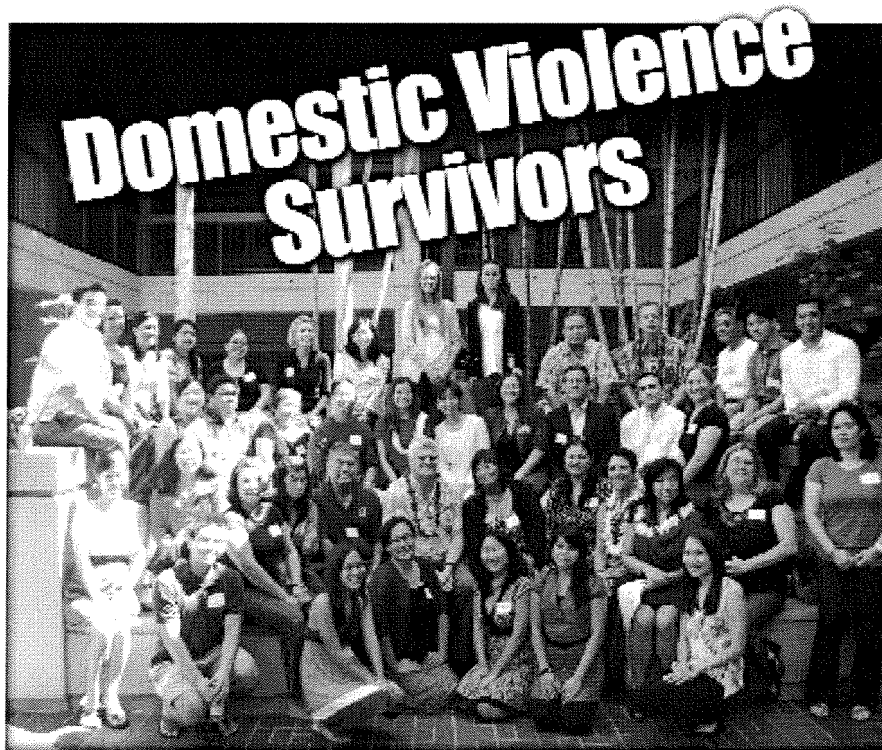
mer Pro Bono Coordinator at Legal Aid. Both organizers solicited the input from the Domestic Violence Action Center to plan the conference, and brought in Xerox Corporation as a financial sponsor.

Intermediate Court of Appeals Associate Judge Daniel Foley, who is also

Cindy Iannce Spencer, Vice President of Community and Capacity Building at the DVAC, educated attendees about the dynamics of control and abuse in domestic violence cases. Domestic violence "is like soul rape," described Spencer. "It is about a person

being in control and not about losing control." Spencer advised that if one just looked at who is hitting whom, then one becomes lost in the relationship. She outlined two belief systems of batterers: (i) hierarchy, meaning a belief of who is important and they have the right to make the rules and (ii) patriarchy, meaning a belief that men are at the top and that they have a right to be at the top and they need to punish those who do not give them that right.

Law Firm Teams Up With LegalAid and DVAC to Address Lack of Pro Bono Lawyers Assisting



the Chair of the Hawaii Access to Justice Commission, kicked off the conference by emphasizing the importance of pro bono work. He recounted how his own pro bono work enriched his legal career, having assisted many grateful clients on a spectrum of legal issues during his practice in California, Hawaii, and Micronesia before becoming a judge. Judge Foley also thanked and recognized the commitment of the participants for sacrificing a Saturday to attend the training session.

M. Nalani Fujimori Kaina, Executive Director at Legal Aid, described the ever-increasing need for pro bono attorneys in this area, including the demand that she sees in her leadership position at her organization.

Spencer led the audience through an intriguing collection of historical statutes. For example —

- 1800 B.C. The Code of Hammurabi decreed that a wife was subservient to her husband and that he could inflict punishment on any member of the household for any transgression.

- The roman code of Paterfamilias reads: if you should take your wife in adultery, you may with impunity put her to death without a trial, but if you should commit adultery or indecency, she must not presume to lay a finger on you, nor does the law allow it.

- Medieval canon law encourages that wifely disobedience be punished publicly.

• Until 1871, the courts in the USA continued to uphold a man's right to punish his wife with violence.

One attendee said that he saw parallels of the laws to slavery; another pointed out that it is likely that men wrote the statutes, and consequently, the law favored them.

Chief Justice Mark Recktenwald of the Hawaii Supreme Court came to the training conference and spoke with attendees during the lunch break. He thanked the event coordinators and commented that the event could serve as a model for future programs, where private law firms can sponsor training sessions in cooperation with non-profit legal service providers.

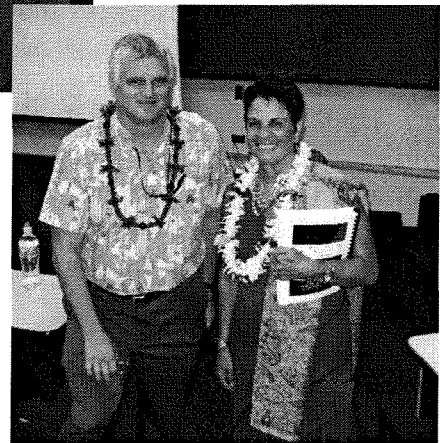
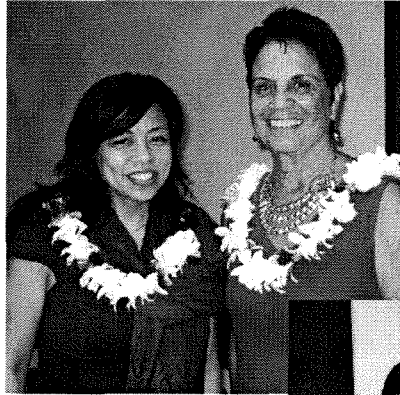
Jennifer Rose, Gender Equity Specialist at University of Hawaii - Manoa, and Steve Duck, Supervising Attorney of the Family Law Unit at Legal Aid, continued the training conference in the afternoon, focusing their presentation on protective orders and child custody and divorce law. In order to properly screen domestic violence cases, Rose and Duck explained that it must be determined whether or not domestic violence exists in an intimate relationship, and lawyers need to know the details of the relationship and the abuse (e.g., who is doing what to whom and with what impact). From their perspective, the goals of domestic violence lawyering are: (i) to practice client-centered lawyering, (ii) to incorporate an understanding of domestic violence through advocacy representation seeking justice and to restore self/autonomy, (iii) to take safety precautions, (iv) to have an awareness of agencies/bureaucracy, and (v) to note a possible lack of resources of the clients. They reaffirmed the points made by Spencer regarding the system of beliefs and the fundamental rules of the batterer:

- I make the rules.
- I am entitled to you, your obedi-

ence, services, affection, loyalty, fidelity, and undivided attention.

- You cannot leave without my permission.
- You cannot tell anyone of the abuse.

Rose and Duck outlined the TRO procedures and the difference between the temporary restraining order (limit of 90 days) versus the longer term protective order. Duck reminded the attendees that a temporary restraining order is granted based only on the information in the petition, and there-



fore, attorneys need to ensure that the petition is accurate and complete. He explained that in cases where Legal Aid refers clients to pro bono attorneys it would conduct the initial screening of the cases, and that the volunteer lawyers would be assigned to the case prior to the initial TRO hearing.

Duck shared his own practice of working up a domestic violence case, including preparation of a trial plan with bullet points after a thorough interview with the client and gathering the facts of the case and then meeting again with the client to review the trial plan so that the client will feel comfortable about the process. Duck also suggested that the clients need to be informed of courtroom protocol.

Duck explained that in family court the rules of evidence have been flexible, and hearsay documents have been admitted. He gave some practical advice: to keep in mind that judges have strict

schedules and that attorneys must use his/her skills to know when to object and when to let the case proceed.

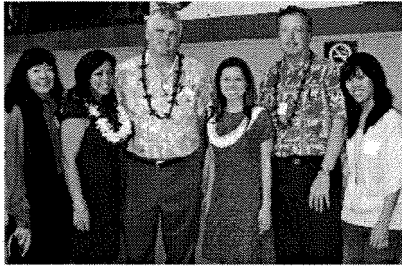
Rose suggested that if you have an immigrant client, then the attorney should determine whether an interpreter is needed. The court is required to provide interpreters for parties with limited English proficiency.

Former Judge Frances Wong gave her perspective on adjudicating domestic violence cases as a long-time judge in Family Court. She believes that there is a need to develop good lawyers on both sides and that respect is important. She noted the strain on the judicial system and on judges to adjudicate a high volume of cases with limited amounts of time that results in about twelve minutes of court time for each domestic abuse case. Consequently, in most cases, the result is that there are stipulations with no findings. She also offered a practice pointer: "Be careful of the remedies being sought and the process. The petitioner should be fair to the respondent."

Carle Richelieu, former Chief Disciplinary Counsel, provided an overview of the pertinent ethical rules in domestic violence cases. She reminded the participants that the first rule in ethics is communication. Attorneys should put their representation of the client in writing and have the client execute the engagement letter. The scope of the representation should be clear so that there will not be any miscommunication or

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Carol Muranaka, Jennifer Rose, Chief Justice Mark Recktenwald, Terri Ann Motosue, Stephen Duck, Michelle Ching

ambiguity as to the representation. Also, a means of communication should be set up. Although there may be an initial screening by Legal Aid if you take a case from that organization, she believes that the attorney should do his/her own screening to determine whether the attorney and client have the same goals. "You don't need to like the client, but you need to be able to work the case," she said.

With respect to confidentiality, she stated that in Hawaii, if a client commits a criminal act and the client is using you to continue it, then the attorney "shall disclose it." Not all jurisdictions have this rule.

She mentioned that she reviewed the materials for the training and noticed the intersection of domestic violence lawyering with different areas of the law. With that in mind, she cautioned that attorneys need to spot the issues. In addition, pro bono attorneys should be cognizant of their schedules in taking on pro bono cases. "Sometimes people don't think about being overloaded," she said. "It is not an excuse in ethics to say that you are too busy." An attorney should also check on any conflicts of interest as the attorney would do taking on any other case. She described the three types of conflict: actual conflict, concurrent conflict, and former client conflict.

The day ended with a pro bono fair filled with booths set up by organizations that service domestic violence victims, including Child & Family Service, Volunteer Legal Services of Hawaii, the Domestic Violence Action Center, and Hawaii Immigrant Justice Center. All of the organizations have needs for pro bono attorneys and spoke to participants about volunteering with their organization. ♦