

I. INTRODUCTION TO THE COMMISSION

On May 1, 2008, the Hawai`i Supreme Court adopted Rule 21 of the Rules of the Supreme Court of the State of Hawai`i, which provided for the establishment of the Hawai`i Access to Justice Commission (“Commission”).¹ Rule 21 was the culmination of several years of work by the Access to Justice Hui, a collaborative group comprised of various legal services providers and other organizations, including the:

Hawai`i Justice Foundation
Hawai`i State Bar Association
Judiciary of the State of Hawai`i
American Civil Liberties Union of Hawai`i
Domestic Violence Action Center
Legal Aid Society of Hawai`i
Hawai`i Immigrant Justice Center (formerly known as Na Loio
Immigrant Rights and Public Policy Center)
Native Hawai`ian Legal Corporation
University of Hawai`i Elder Law Program
Volunteer Legal Services of Hawai`i
William S. Richardson School of Law.

The purpose of the newly created Access to Justice Commission is to substantially increase access to justice in civil legal matters for low- and moderate-income residents of Hawai`i. These needs were explicitly addressed in the *Achieving Access to Justice for Hawaii’s People: The 2007 Assessment of Civil Legal Needs and Barriers to Low- and Moderate-Income People in Hawai`i Report* (“Hui Report”), which was distributed in the fall of 2008. In the Hui Report, certain findings were significant:

- Only one in five low- and moderate- income Hawai`i residents have their civil legal needs met.
- Legal service providers are able to assist only one of three of those who seek help.
- Unmet civil legal needs include housing, family, domestic violence, and consumer issues.

The Access to Justice Commission is tasked with, among other things: providing ongoing leadership to oversee efforts to expand and improve

¹ Supreme Court Rule 21 enumerates the objectives to be undertaken by the Commission to accomplish the purpose of substantially increasing access to justice for low- and moderate-income Hawai`i residents. See Appendix “A.”

delivery of high quality legal services to low-income people in Hawai'i; developing and implementing initiatives designed to expand access to civil justice in Hawai'i; developing and publishing a strategic, integrated plan for statewide delivery of civil legal services; increasing and stabilizing long-term public and private funding and resources for these services; maximizing the efficient use of available resources by improving collaboration and coordination among civil legal service providers; increasing pro bono contributions by Hawai'i attorneys; reducing barriers to the civil justice system (i.e. language, cultural and other barriers); encouraging people to take a leadership role in expanding access to justice; and educating government leaders and the public on the importance of equal access to justice and the problems faced.²

The Commission has had a busy and productive first year. Currently under consideration by the Hawai'i Supreme Court are a mortgage foreclosure mediation program, a model pro bono policy for the judiciary, Judicial Guidelines for Pro Bono Service, and amendments to the Code of Judicial Conduct, all proposed by the Commission. Model pro bono policies for law firms and for government attorneys have been adopted by the Commission and endorsed by the Hawaii State Bar Association ("HSBA") Board of Directors. The Commission obtained access to justice components in the new mandatory continuing legal education rule for the Hawai'i bar.

The Commission passed multiple resolutions³ and submitted testimony⁴ before the Hawai'i State Legislature in support of funding for legal service providers and increasing access to the courts. Through the Commission's energetic efforts to date, sixteen law firms and government offices have committed to meeting the aspirational goal of fifty hours of pro bono legal services, annually. The Commission continues to educate attorneys and the public about the need for legal services for the underserved through meetings with law firms, government agencies, and legal service providers and articles published in the *Hawai'i Bar Journal*, the official magazine of the HSBA and a bar publication, a radio interview with Hawaii Public Radio, and productions on the Olelo TV channel.

² Supreme Court Rule 21 enumerates the objectives to be undertaken by the Commission to accomplish the purpose of substantially increasing access to justice for low- and moderate-income Hawai'i residents. See Appendix "A."

³ See Appendix N for resolutions passed by the Commission.

⁴ See Appendix O to R, inclusive, for the written testimony presented before the 2009 State of Hawai'i legislature. Duplicate copies of Supreme Court Rule 21 and a roster of the Commissioners have been deleted although these documents were presented at the time of the written testimonies.

The Chair of the Commission attended the Access to Justice Symposium at Stanford Law School on March 27, 2009 and the Chair and other members of the Commission attended the ABA-sponsored annual national meeting of State Access to Justice Chairs on May 16, 2009.

On June 24, 2009, the Commission sponsored the first annual Access to Justice Summit Conference at the William S. Richardson School of Law. Over 200 individuals attended this summit, which highlighted the legal issues and challenges facing the indigent community and legal service providers in these difficult economic times. Panelists tackled questions such as: Do desperate times require a re-evaluation of how legal services are provided to low- and moderate- income clients? Should non-traditional approaches to meeting civil legal needs be considered?

