

Hawaii Access to Justice Commission

**2016 Access to Justice Conference**

Friday, June 24, 2016

**Workshop: “Engaging the Community in Access to Justice”**

Presenters: Chief Judge Jonathan Lippman (ret.), Rep. Della Au Belatti, Morgan Evans from Local 5 Union, John Komeiji from Hawaiian Telcom, Chief Justice Mark Recktenwald (moderator)

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Chief Justice Recktenwald opened the discussion by saying that while we can have a vision of what we hope to achieve in terms of access to justice for all, we will need the support of the broader community in order to attain our goals. How do we reach out to the community?

Judge Lippman shared what was done in New York by going to different parts of the state and into the local communities. Public hearings were held which brought out people from the various local communities to testify and tell their stories. They utilized the local community newspapers to publicize the hearings as well as to tell the human interest stories that come from average citizens. It is important for the ATJ commission to represent the broader community including but not limited to the faith community and those in healthcare. Often people will go to their church or to a medical clinic and present their problems that actually point to some legal need. Judge Lippman explained how the hearings brought out a wide breadth of people from the various communities and in the process, people became engaged in seeing the need for access to justice.

From the legislative perspective, Representative Belatti said it is constituents who matter to lawmakers. Who are the beneficiaries of the services of the providers such as Legal Aid Society? The lawmakers need to hear from the constituents or beneficiaries and have them take on a role as advocates. Because the legislature is getting messaging from various points of view, such as Appleseed and Legal Aid, for instance, and priorities are then set accordingly. It is important for the groups to have consensus and to speak with one voice in their messaging. In her opinion, civil legal services do not presently have strong advocacy.

John Komeiji, from the business perspective, indicated that in general the business community supports nonprofits. However, business people tend not to like lawyers and they view lawyers as impeding things. So the challenge with

engaging the business community about access to justice for all is largely one of awareness.

Komeiji suggested creating a video so that the business community can understand what the problem is. He sees the process as creating awareness, getting commitment and having these entities become champions. He mentioned that his company is doing a wellness program. He said wellness is multi-faceted to include health, social relationships as well as financial status. Komeiji thinks access to justice can and should be worked into their program. Judge Lippman added that it is important for business people to see why access to justice matters to them. We are talking about the wellness to the human being in all regards. If people are good citizens, then they can be good workers. This is beneficial to the business community.

Rep. Belatti says that homelessness is a flash point. It actually hits the financial pockets of the businesses so it is in their interest to resolve homelessness.

The panel touched on whether having economic studies would be persuasive to businesses. Judge Lippman felt that if statistics are available then one can't argue with the good that's been done because the businesses' bottom line has been helped. Komeiji felt that studies and statistics may be helpful for policy arguments but Hawaii is different. We live in a small big city and we have a commitment by our business community to take care of each other. He feels the appeal to the idea of access to justice is that we have to take care of each other.

Morgan Evans said there is a lot of common ground between the goals of access to justice for all and what the unions are doing. She has found that it means a lot to union members to achieve a sense of justice. The unions have shop stewards do much of the legal work and they are doing it on the clock. Very popular among union members is learning about the family leave law. They want to know how to help other members as well as themselves. Housing and unemployment benefits are other key issues for union members.

Unions in essence are preventative medicine in the way they are able to reach their members with training and education. One idea would be for employers to pay two cents per hour per worker for access to justice. This would be a partnership opportunity for local businesses since there is a hunger for information from union membership. Local 5 has a program called Union Plus which provides up to 30 minutes of free legal counseling and discounts to attorneys in the community.

Chief Justice Recktenwald recalled that historically, some union lawyers performed pro bono work for union members. Judge Lippman said that the New York unions have in-house counsel to provide such services to the membership.

Evans said that in her opinion the biggest threat to access to justice is the decline in unions since today there is only 12 percent unionization in our country. The unions make it their job to address all the needs of working people.

What are the contributions business can make to access to justice?

Komeiji went back to his idea of needing a champion within the company. Businesses would have to choose access to justice over giving to a traditional charity like the Ronald McDonald House. He said what is lacking is awareness about the need for access to justice. Judge Lippman said this champion within the company is needed to tell the company why access to justice is crucial. An important synergy can take place between the lawyer and his or her firm together with their clients in the business world. All of them working together can be very powerful.

What are businesses' community contributions? What is their contribution to access to justice? Financial institutions have an obligation to do work for the community.

Rep. Belatti said the Affordable Care Act ties hospital investments to community needs. The state legislature can begin to look at the intersection of legal and medical needs. In order to improve medical care, there may be legal problems stemming from a social problem in, say, housing. Kokua Kalihi Valley ("KKV") doctors are handing off patients to lawyers right in their clinic so that legal problems can be handled.

The need for partnerships in the community was discussed. Besides the example of KKV, Queen's Medical Center is providing some housing for homeless patients that they see cycling in and out of their medical center. They need to keep their readmission rates down because high readmission rates affect the hospital's reimbursements under ACA. We need to have evidence based, effective strategies, fund them, and stick with them with follow through.

It was noted that New York has had a great increase in state funding for access to justice. Judge Lippman said they made it unfashionable for a politician to be against access to justice. The legislature will keep asking why the funds are necessary but if you have people come out to testify to say that their life changed from night to day with the legal services provided and with the business community and unions also supporting access to justice, it is difficult for the legislature to look unfavorably upon funding, especially in election years. The man on the street believes that he needs to be represented in court when he's losing his home.

The discussion moved to the growing discontent in the world today of the average working person saying who is looking out for me. The discontent is actually an opportunity for things to be turned around. This is a time of

upheaval. There is a general feeling of alienation and being not economically well off as well as disenfranchised. The 2018 ConCon is not that far away and will need to address universal healthcare, paid family leave as well as the need to fund civil legal services for the poor with higher taxes.

The importance of reaching out to the community is important. There are lots of organizational structures like the churches and Hawaiian civic clubs. The unions should make their membership aware of the self help centers. This is an opportunity for collaboration going forward. Identifying some business champions will be key.

Judge Lippman emphasized that access to justice is the centerpiece. We need to change the idea that it is unimportant that people get legal help. If poor people and those with modest means get the things in life that we all want, then this rises everyone's boat. Access to justice becomes the unifying piece.

From the business perspective, it is a matter of employee engagement. Workers need to feel that they belong. People feel that they do not have a voice in the courts and political arena. People want a fair opportunity to present their side in the courtroom.

Chief Justice Recktenwald complimented the panel for being quite amazing in understanding the potential to make some big change in Hawaii. This is a unique opportunity because people are hungry for change. The self help centers are a start where people are feeling that they will be listened to. There are incredible partners in the community. We have a bar willing to help and supportive legislators.

### Questions and Answers

Use of conflict resolution – With the great tradition of ADR in Hawaii, we need to find ways to resolve conflicts before they become a crisis in the courts.

Societal pressure to make the Judiciary more responsive to the community with such things as courts after hours. With use of mediation, maybe some matters would not even get to court.

The need to revitalize the National Legal Services Organization was discussed. Because of Washington gridlock, the solution is at the state level. Hawaii can't wait for Washington.