

Access to Justice opening speech June 16, 2017 (Simeon Acoba)

Aloha everyone and welcome to the 9th annual access to justice conference.

We are honored to have with us today the Honorable David Ige, Governor of the State of Hawaii. Governor Ige wrote in support of our Justice for All grant request that I will mention later and he has attended our pro bono celebration at the Supreme court courtroom. We are very appreciative of his assistance in providing access to justice for all.

We are fortunate to hear today from Dean Kellye Testy, Dean of the University of Washington Law School. We welcome her to our state and to this conference and we look forward to her remarks.

As with our previous conferences this conference is intended to be informative and instructive—the program includes subjects such as partnerships for equal justice, programs to improve access to low-income clients in family court, pro bono representation in immigration cases, and resolution of bench warrants that pose a barrier to employment opportunities.

We are grateful to the Commission’s education, communication and conferencing committee for organizing the program—especially Dean Avi Soifer, the chair, and Carol Muranaka, the vice chair of the committee.

I want to briefly mention four matters of some significance from the commission’s perspective – up to June of this year.

First is the award of the Justice for All grant from the Public Welfare Foundation that was received by only seven states. The grant was an outgrowth of the resolution of the conference of Chief Justices that called for providing access to legal remedies for all persons in need. Hawaii received a grant in the amount of \$100,000 to retain consultants and to cover expenses for the purpose of assessing needs in the state, of identifying resources, and of creating a plan to address such

needs by the end of this year. The grant process is now in the stage of planning community meetings throughout the state to obtain input from affected and interested parties.

Second, in May of this year the commission forwarded to the Hawaii supreme court a proposal for a volunteer court navigator pilot program in the first and second circuit district courts. The navigators would consist primarily of lay volunteers, paralegal assistants, and law school and paralegal college students. They would provide assistance to unrepresented litigants especially in housing, consumer debt, and civil temporary restraining order cases. The assistance would not include legal advice but would cover guidance about the legal process and court protocol, accompaniment of unrepresented litigants during discussions with opposing attorneys, during any mediation process or during court proceedings to allay concerns and to answer factual questions.

Third, the commission received approval by the supreme court of a substantial part of a proposal for an “unbundling” project. The project would permit attorneys to engage in limited representation of an unrepresented litigant, such as by writing a brief or arguing a motion. After the commission completes clarification of a part of the proposal, we hope to have full approval of this initiative by the supreme court by the end of the year.

Fourth for some updates, last year we spoke of the launching of a pilot pro bono appellate program. This program matches lawyers willing to do pro bono appellate representation-- including the possibility of oral argument—in cases presenting substantial legal issues. This was a joint project of the appellate section of the Hawaii Bar Association, and the access to justice commission. We are happy to say that the supreme court recently issued an order making the program permanent.

We also mentioned the proposed Hawaii pro bono online project initiated by the commission and taken up by Volunteer Legal Services Hawaii in affiliation with the American Bar Association. That project enables attorneys and participants to overcome barriers of geography and time by allowing legal advice to be

communicated over the internet at times convenient to both participants and attorneys. That program is now off and running.

Finally, we note again, Hawaii's 2016 ranking as the third leading state in the nation in the provision of services for those underserved and underrepresented. This Justice Index ranking recognizes the continuing work of the judiciary led by Chief Justice Recktenwald, with the assistance of the commission, of legal service providers, of the bar association, and of supporting agencies—to afford equal access to the legal system.

The conference theme is “Fulfilling the Promise of Equal Justice”, a theme that seems especially relevant in today's current milieu.

Today, we see examples of public discourse across our nation that have seemingly sunk to new lows in civility and the seeming abandonment of assistance to those who are most in need.

In this environment, what we can do through personal and collective acts of charity, of generosity, of sharing, of sacrifice becomes all the more important and valuable.

We can stand for such virtues--by encouraging public support of assistance to others and by endorsing the valuable contributions our colleagues make in this respect-- especially in our legal system.

In closing, on behalf of the commissioners, we thank the Hawaii Justice Foundation and its executive director, Bob LeClair; the Cades Foundation and Gunnar Schull; the bar and its executive director Pat Mau Shimizu; and the Richardson School of Law for their support of this conference.

Again, we hope you find this conference enlightening, energizing, and inspiring.

Thank you.