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HAWAI'I

ACCESS TO JUSTICE COMMISSION

ANNUAL REPORT FOR 2018

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Appendix A: Rule 21 of the Rules of the Supreme Court of the State of Hawai'i

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Appendix C: "Order Establishing a Volunteer Court Navigator Pilot Program in the First Circuit," SCMF-17-0000814 (1CC), November 20, 2018

The Commission acknowledges and expresses appreciation to the members of the Annual Report Committee (Rona S.Y. Fukumoto (Chair), Justice Simeon R. Acoba, Jr. (ret), Della Au Belatti, Jill Hasegawa, Jean Johnson, Mark Murakami, Mary Anne Magnier, and Tracey Wiltgen) and to Carol K. Muranaka, Angela Kuo Min, David Reber, Derek Kobayashi, Sergio Alcubilla, Jenny Silbiger, Daylin Rose Heather, Robert Johnson, and Leslie Dorman.



I. HAWAI'I ACCESS TO JUSTICE COMMISSION

The following summary highlights activities the Hawai'i Access to Justice Commission ("Commission") initiated, carried out, supported, or recognized in 2018. They are more fully described throughout the report.

- A Justice for All Implementation Grant, administered through the National Center for State Courts, was awarded to Hawai'i. Two projects were adopted under the grant: The Hawai'i Legal Aid Interagency Roundtable Project and the Community Navigator Project. The Interagency Roundtable Project recruited a consultant and held planning meetings in 2018 with key stakeholders, scheduling the first meeting of the Roundtable for January 2019. The Community Navigator Project developed its curriculum and trained the first eight Community Navigators. The grantee under the grant is the Hawai'i Justice Foundation, working in conjunction with the Judiciary and the Commission's Committee on the Justice for All grant.
- More than 300 people attended the 10th Annual Access to Justice Conference sponsored by the Commission. This was the highest attendance ever! Keynote speaker was Chief Judge Robert Katzmann of the United States Court of Appeals for the Second Circuit
- The Commission's October 2018 Pro Bono celebration in Honolulu had the largest attendance to date. High school students submitted 130 essays and videos for judging. Nine attorneys were honored for their volunteer service to legal service providers. Sixty-six attorneys, law firms, and groups were honored for services in the Hawai'i First Circuit and Appellate Pro Bono Program.
- During the Kaua'i pro bono celebration, the AmeriCorps Advocate was honored by the Chief Justice. Her work with the Kaua'i Self-Help Center for the past four years enabled the Center to be open five days a week in 2018.
- Also, in 2018, Hawai'i began developing the Legal Navigator initiative, hoping to create a scalable platform that can be adopted by other states. Also, many of the tools and processes the initiative is developing continue to serve as learning opportunities on how the use of technology can move the legal community towards "the aspirational goal of 100 percent access to effective assistance for essential civil legal needs."



- On November 20, 2018, based on a proposal submitted by the Commission, the Hawai'i Supreme Court issued an order establishing the Volunteer Court Navigator Pilot Program in the Second Circuit as a permanent program and issued another order extending the pilot program another year in the First Circuit. In the Second Circuit, 18 volunteer navigators were trained and were providing services at the Court.
- In 2018, more than 70 attorneys registered to provide online pro bono services through the Hawai'i Online Pro Bono Project ("HOP"). A total of 281.1 hours was provided through this program to pro se clients across the state.
- Under the Hawai'i Appellate Project, four cases have been heard; in all cases the client prevailed. Seven cases are currently pending under the Project.
- Important activity occurred regarding the proposed unbundling rule. Following approval by the Commission on November 21, 2018, the Commission submitted to the Hawai'i Supreme Court the Proposal to Amend Rule 11 and to Adopt Rule 11.1 of the District Court Rules of Civil Procedure ("DCRCP"), Hawai'i Rules of Civil Procedure, and the Hawai'i Family Court Rules. The Commission submitted the proposed amendments to Rule 11 and a proposed Rule 11.1 of the DCRCP and related forms. Depending on the response from the Supreme Court, the Committee on Self-Representation and Unbundling intends to follow up on corresponding amendments to the Hawai'i Rules of Civil Procedure, the Hawai'i Family Court Rules, and corresponding forms.
- The Self-Help Centers and Access to Justice Rooms continue to offer free consultations to meet the needs of self-represented litigants.

A. Commissioners

The Commission consists of 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*¹ by the following separate appointing authorities.

- Chief Justice of the Hawai'i Supreme Court (five appointees)
- Hawai'i State Bar Association ("HSBA") (four appointees)

¹ Rule 21 of the *Rules of the Supreme Court of the State of Hawai'i* is attached as Appendix A.



- Hawai'i Consortium of Legal Service Providers (four appointees)
- Hawai'i Consortium of Legal Service Providers in consultation with the Chief Justice (two non-attorney appointees)
- Hawai'i Justice Foundation ("HJF") (one appointee)
- William S. Richardson School of Law (one appointee)
- Hawai'i Paralegal Association (one appointee)
- Governor of the State of Hawai'i (one appointee)
- Attorney General of the State of Hawai'i (one appointee)
- State of Hawai'i Senate President (one appointee)
- State of Hawai'i Speaker of the House (one appointee)

The Commissioners who served in 2018 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	12/31/20
4.	Hon. Ronald Ibarra	Chief Justice	12/31/18
5.	Hon. Brian Costa	Chief Justice	12/31/18
6.	Katherine Bennett	HSBA	12/31/20
7.	Derek Kobayashi (Vice-Chair)	HSBA	12/31/19
8.	Carol K. Muranaka	HSBA	12/31/20
9.	Joanna E. Sokolow	HSBA	12/31/19
10.	Angela Kuo Min (Volunteer Legal Services of Hawai'i)	Hawai'i Consortium of Legal Services Providers	12/31/19
11.	M. Nalani Fujimori Kaina (Legal Aid of Hawai'i)	Hawai'i Consortium of Legal Services Providers	12/31/18
12.	Nanci Kriedman (Domestic Violence Action Center)	Hawai'i Consortium of Legal Services Providers	12/31/19
13.	Victor Geminiani (Hawai'i Appleseed Center for Law and Economic Justice)	Hawai'i Consortium of Legal Services Providers	12/31/19



14.	Jean Johnson (Non-attorney public representative)	Hawai'i Consortium of Legal Services Providers in consultation with the Chief Justice	12/31/18
15.	Rona Fukumoto (Non-attorney public representative)	Hawai'i Consortium of Legal Services Providers in consultation with the Chief Justice	12/31/20
16.	Gary M. Slovin	HJF	12/31/18
17.	Dean Aviam Soifer	William S. Richardson School of Law	12/31/19
18.	Matthew Sagum	Hawai'i Paralegal Association	12/31/19
19.	Diane T. Ono	Governor	N/A ²
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

The purpose of the Commission “shall be to substantially increase access to justice in civil legal matters for low-income and moderate-income (together “low-income”) residents of Hawai‘i.” To accomplish this purpose, “the Commission shall, along with such other actions as in its discretion it deems appropriate, engage in the following activities.

- (1) Provide ongoing leadership and 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.

² Supreme Court Rule 21 states, “Governmental representatives appointed under Subsection 3(vii) shall rotate by their terms of office or at the will of the appointing authority.”



- (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 providers of civil legal services.
- (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 the problems that low-income persons in Hawai'i face in gaining access to the civil justice system. Methods include 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 legal rights of low-income people and where they can go when legal assistance is needed.
- (10) Increase effective use 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, including self-help centers at the courts.
- (12) Develop initiatives designed to enhance recruitment and retention of attorneys who work for providers of non-profit civil legal services 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 standing 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 Brian Costa, Jill Hasegawa, Derek Kobayashi, Angela Kuo Min, Carol K. Muranaka, and Tracey Wiltgen]

- Assist the Chair of the Commission in developing an agenda for each Commission meeting and assist in arranging for presenters and written materials in support of agenda items.
- Assist in providing reports on the status of operations.
- 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 Activities

Among other matters, the Administration Committee considered and made recommendations to the Commission regarding the following:

- (1) Approved five applications for service on the Commission's committees as follows: Jennifer Chin who indicated an interest in the Committee on Funding of Civil Legal Services ("Funding Committee") and the Committee on Increasing Pro Bono Legal Services ("Pro Bono Committee"); Brandon Segal who indicated interest in the Pro Bono Committee, the Committee on Overcoming Barriers to Access to Justice ("Overcoming Barriers Committee"), and the Committee on Self-Representation and Unbundling ("Unbundling Committee"); Craig



Jerome who indicated interest in the Funding Committee, the Overcoming Barriers Committee, and the Committee on the Right to Counsel in Certain Civil Proceedings ("Right to Counsel Committee"); Patricia Kickland who indicated interest in the Funding Committee, the Unbundling Committee, and the Committee on Initiatives to Enhance Civil Justice ("Initiatives Committee"); Deja Ostrowski who indicated interest in the Committee on Education, Communications, and Conference Planning ("Education Committee") and the Initiatives Committee.

- (2) Recommended approval of Angela Kuo Min as chair of the Pro Bono Committee.
- (3) Recommended approval of Judge Brian Costa as the chair of the Pro Bono Initiatives Task Force.
- (4) Recommended approval of Judge William Domingo as the acting chair of the Overcoming Barriers Committee.
- (5) Recommended approval of Judge Blaine Kobayashi as vice chair of the Unbundling Committee.
- (6) Recommended approval of Diane Ono as chair of the Overcoming Barriers Committee.
- (7) Recommended approval of Jennifer Chin as vice chair of the Pro Bono Committee.
- (8) Reviewed periodically the status of and made recommendations on the content, delivery, and posting of the Commission's annual report for 2017.
- (9) Reviewed the status of the unbundling project.
- (10) Reviewed the activities of the Justice for All Committee in presenting and then implementing its Justice for All proposal.
- (11) Reviewed the status of the various Commission committees.
- (12) Reviewed the status of the activities of the Task Force on Paralegals and Other Nonlawyers related to the pilot Volunteer Court Navigator program in the First and Second Circuits.



- (13) Monitored the planning of the 2018 Hawaii Access to Justice Conference on June 29, 2018 by the Education Committee.
- (14) Monitored the planning for the sixth annual Pro Bono Celebration on October 25, 2018.
- (15) Monitored and made recommendations for revisions of the Commission's internet website, including approving and recommending revised language at the Commission subpages regarding the fact that the Commission does not render legal advice, place cases for representation with lawyers, make recommendations, or make referrals in connection with any individual case.
- (16) Participated through committee members Derek Kobayashi and David Reber in national conference calls of staff of Access to Justice Commissions and the Self-Represented Litigants Network.
- (17) Reviewed the amount of \$2,000 for expenses related to the 2017 Pro Bono Celebration program.
- (18) Recommended a joint task force of the Right to Counsel Committee and the Initiatives Committee with the latter committee taking the lead.
- (19) Worked on enhancing the Commission's 2018 Annual Report.
- (20) Recommended approval of Joanna Sokolow to be a member of the Justice for All Committee.
- (21) In the future, the Administration Committee will continue to make recommendations to the Commission regarding its policies and activities.

Annual Report Committee

[Rona S.Y. Fukumoto (Chair), Simeon R. Acoba, Jr. (ret), Della Au Belatti, Jill Hasegawa, Jean Johnson, Mark Murakami, Mary Anne Magnier, and Tracey Wiltgen]

- Assist in preparing an annual report of the activities of the Commission. The report is filed with the Supreme Court in accordance with Rule 21(j)(1).



Summary of Activities

- (1) The Committee began gathering materials for development of the 10th Anniversary Report.
- (2) The Annual Report of the Commission activities for 2018 was compiled and a draft of the proposed report was composed and circulated for various reviews, and will be submitted for approval by the Commissioners, printed, and distributed to the appropriate persons and entities.

Committee on Education, Communications, and Conference Planning

[Dean Aviam Soifer (Chair), Sergio Alcubilla, Rep. Della Au Belatti, Sonny Ganaden, Mihoko Ito, Robert J. LeClair, Michelle Moorhead, Carol K. Muranaka, Teri-Ann Nagata, Leila Rothwell Sullivan, and Lorenn Walker]

- Assist in organizing an annual conference for presentation of issues related to access to justice.
- 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 that low-income persons in Hawai'i face in gaining access to the civil justice system. Strategies include informational briefings, communication campaigns, statewide conferences, testimony at hearings, and other means.
- Increase awareness of legal rights of low-income persons 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 Activities

- (1) Planned, recommended, and coordinated the 2018 Access to Justice Conference ("Fighting for Access to Justice for All") held on Friday, June 29, 2018.
- (2) Prepared an application for approval of six CLE credits for Hawai'i



licensed attorneys attending the 2018 Access to Justice Conference. (Approval for the six CLE credits was ultimately received from the HSBA.)

- (3) Prepared a report to the Commission summarizing the 2018 Access to Justice Conference, including expenses, evaluations, and suggestions.
- (4) Worked on possible topics for the 2019 Access to Justice Conference.

Committee on Funding of Civil Legal Services

[Gary M. Slovin (Chair), Rebecca Copeland, M. Nalani Fujimori Kaina, Robert LeClair, Angela Kuo Min, Dean Aviam Soifer, Kanani M. Tamashiro, and 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-income individuals. The aim is that funding for such services be stable and secure. Make recommendations and provide advocacy in support of increased legislative funding for providers of civil legal services.
- 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. Assist providers of legal services 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 providers of legal services, 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 Activities

- (1) Through the actions of the chair, continued efforts to work with legal service providers and others to advocate for general funds from the Legislature to further the efforts of the providers to provide legal services on behalf of low-income persons.



- (2) Continued efforts at the Legislature to maintain Indigent Legal Assistance Fund ("ILAF") support for the legal services providers.
- (3) Met periodically with legal service providers to provide support for securing needed funds.

Committee on Increasing Pro Bono Legal Services

[Angela Kuo Min (Chair), Jennifer Chin (Vice Chair), Judge Edmund Acoba, Sergio Alcubilla, Nicole Altman, Rebecca Copeland, Gilbert Doles, Representative Linda Ichiyama, Gregory Kim, Judge Blaine Kobayashi, Derek Kobayashi, Catherine Taschner, Shannon Wack, and Tracey Wiltgen.]

- 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. Methods include 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 providers of legal services and others who 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. Methods include 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 increased 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-income persons.



Summary of Activities

- (1) Completed full volunteer staffing of Access to Justice Rooms for the First Circuit for all months of 2019 by law firms, individual lawyers, and groups.
- (2) Continued to support development of the pro bono appellate program.
- (3) Supported ongoing pro bono initiatives implemented by various providers and groups.

Committee on Initiatives to Enhance Civil Justice

[Joanna E. Sokolow (Chair), Kristin Shigemura (Vice-Chair), Earl Edward Aquino, Lincoln Ashida, Charles Crumpton, Elizabeth Fujiwara, Judge Leslie Hayashi (ret.), Dawn Henry, Judge Ronald Ibarra (ret.), Craig Jerome, Patricia Kickland, Gregory Lui-Kwan, Michelle Moorhead, Jeffrey Ng, Deja Marie Ostrowski, and Reginald Yee]

- Develop and publish a strategic, integrated plan for statewide delivery of civil legal services to low-income residents of Hawai'i.
- 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 non-profit providers of civil legal services in Hawai'i, including the following: establishment by the Hawai'i legislature of a student loan repayment assistance program to help full-time, non-profit 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 non-profit providers of civil legal services 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 Activities

- (1) Studied and made recommendations to the Commission in support of text message reminders of court hearings for courts in every circuit throughout the state.
- (2) Completed a recommendation for recalling “stale” (over two years-old) traffic bench warrants.
- (3) Continued to develop and streamline court forms for *pro se* litigants in paternity, divorce, and foreclosure proceedings.
- (4) Recommended expanded use of online services for disposal of traffic matters.
- (5) Assigned additional task of promoting civil right to counsel.
- (6) Proposed support of a statute providing parents’ right to counsel in abuse and neglect/parental rights termination cases.

Law School Liaison Committee

During its April 2017 meeting, the Commission decided to defer further work of the Law School Liaison Committee, until further action, because the Dean of the Law School, Dean Aviam Soifer, who is a Commissioner and serves as Chair of the Committee on Education, Communications, and Conference Planning, maintains a liaison and working relationship among the school, the Commission, and the Commission’s programs. Accordingly, the Law School Liaison Committee did not meet during 2018.

Committee on Overcoming Barriers to Access to Justice

[Diane Ono (Chair), Judge William M. Domingo (Vice-Chair), Russell Awakuni, Patricia Cookson, Jean Johnson, Nanci Kreidman, Mary Anne Magnier, Mark Murakami, Calvin Pang, Page Ogata, Jennifer Rose, Brandon Segal, 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 the following:



- 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 necessary to allow individuals to communicate with courts, administrative agencies, and 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.
- Identifying other barriers to obtaining legal assistance and making recommendations concerning ways to address them, such as through the provision of ancillary services, e.g., providing for childcare during a court hearing or for necessary mental health services.
- Seeking 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.

Summary of Activities

- (1) Explored overcoming barriers regarding language access in the courts and in civil legal matters and invited guests in pertinent areas to address the committee.
- (2) Considered ways to build public awareness of the work of legal service providers in overcoming barriers to access to justice.

Committee on the Right to Counsel in Certain Civil Proceedings

[Marie Gavigan (Chair), Shannon Wack (Vice-Chair), Jessica Freedman, Regina Gormley, Brandon Ito, Judge Blaine Kobayashi, Wilfredo Tungol, James Weisman, Cheryl Yamaki, and Craig Jerome.]

- Study developments in other jurisdictions with respect to 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.



Summary of Activities

The Committee on Right to Counsel in Certain Civil Proceedings was assigned to a Joint Task Force with the Committee on Initiatives to Enhance Civil Justice to review and make recommendations regarding different types of civil matters in which the right-to-counsel might be appropriate.

Committee on Self-Representation and Unbundling

[Derek Kobayashi (Chair), Sarah Courageous, Damien Elefante, Jerel Fonseca, Victor Geminiani, Nalani Fujimori Kaina, Victoria Kalman, Jo Kim, Jay Kimura, Honorable Blaine Kobayashi, Justin Kollar, Daniel Pollard, Rowena Somerville, Kristina Toshikiyo, and Shannon Wack]

- Reduce barriers encountered by self-represented litigants in the court system. Examples include using plain English, 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 such as family, housing, and landlord-tenant law.
- Make changes to court rules to permit limited representation or “unbundled” legal services, and if achieved, make recommendations concerning continuing legal education programs and other ways of promoting un-bundling to meet currently unmet legal needs and empowering individuals to represent themselves.

Summary of Activities

- (1) The Rule 1.2 Subcommittee developed a draft response to the March 2017, correspondence from the Hawai'i Supreme Court regarding certain revisions of the procedures and court forms.
- (2) Submitted the draft response to the Commission for review during its October 2018 meeting. The Commission approved the recommendations.
- (3) On November 21, 2018, the Proposal to Amend Rule 11 and to Adopt Rule 11.1 of the District Court Rules of Civil Procedure, Hawaii Rules of Civil Procedure, and the Hawaii Family Court Rules was submitted to the Hawaii Supreme Court.



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II. JUSTICE FOR ALL PROJECT

The Justice for All Implementation Grant period originally began in May 2018 and the grant period was later amended to extend the beginning date to July 2018 by the National Center for State Courts ("NCSC"), the granting organization. However, work on the grant began on May 15, 2018 by the Grantee, the Hawai'i Justice Foundation and the Access to Justice Commission's Justice for All ("JFA") Committee, which coordinates the implementation of the two projects that were approved by the NCSC: The Hawai'i Legal Aid Interagency Roundtable Project and the Community Navigator Project.

The JFA Committee meets monthly, and is comprised of ten voting members, representing legal service provider organizations, attorneys in private practice, the business community and Hawai'i Justice Foundation, the Judiciary, and the State Legislature. Committee members include Chair Justice Simeon Acoba (ret.), Majority House Leader Della Au Belatti, Judge Ronald Ibarra (ret.), Patricia McManaman, Angela Kuo Min, Nalani Fujimori Kaina, Christine Daleiden, Derek Kobayashi, Jenny Silbiger, and Daylin-Rose Heather. Non-voting committee members include Carol Muranaka, Diane Ono, and Joanna Sokolow.

A. Hawai'i Legal Aid Interagency Roundtable Project

In 2018, the Hawai'i Legal Aid Interagency Roundtable ("HI-LAIR") coordinator, Kathleen Algire, met with key state directors and deputy directors, as well as key agency staff persons. Meetings were held with the Attorney General's Office, the Department of Human Services, including several divisions (e.g., Office of Youth Services, Med-QUEST, and Social Services). An initial Hawai'i Interagency Roundtable meeting was scheduled for January 2019. The inventory of executive branch civil legal services priorities is being refined and completed.

The project included Karen Lash, former Executive Director of the White House Legal Aid Interagency Roundtable as a consultant for the project. She assisted in providing information on best practices and technical assistance. She plans to visit Hawai'i in February 2019 to assist in follow-up from the first HI-LAIR meeting and to assist in training on civil legal services.

The HI-LAIR coordinator is taking steps to ensure that the project will create a toolkit for agencies to identify resources and possible federal long-term funding opportunities. Building on the inventory of civil legal services, the coordinator is also identifying potential opportunities for working relationships among agencies. For example, the Office of Violence Against



Women is preparing a grant to support families in the justice system which allows for funding legal services. This is a potential new source of funding.

B. Communications Plan for Hawai'i Legal Aid Interagency Roundtable ("HI-LAIR") Project

The JFA Communications Subcommittee worked to develop a draft communications plan for the HI-LAIR Project. As part of the process of finalizing the plan, the HI-LAIR coordinator is completing the following communication activities: 1) gathering input from stakeholders and decision makers during in-person meetings; and 2) engaging stakeholders and decision makers through in-person meetings and written communication.

C. Community Navigator Project

During the first month of the project, the Executive Director of the Legal Aid of Hawai'i ("Legal Aid"), responsible for the administration of the project, assigned key staff for specific areas of responsibility. After identifying key people from the JFA Community Meetings and the Microsoft Legal Access Portal Kick-off meeting, Legal Aid invited individuals to a community meeting on July 10, 2018, at the Hawai'i Supreme Court Room, to develop the scope of the curriculum. Over forty participants attended, including representatives from all the neighbor islands.

Included in the discussions were issues communities encounter, including barriers to obtaining legal assistance. Online tools were presented such as the Hawai'i Legal Services portal, self-help interactive forms, and videos to provide participants with some useful resources from the meeting. During the July meeting, facilitators asked participants to list names of people who already act as navigators. One organization offered training sites. The meeting ended with participants weaving a lauhala mat containing each person's commitment or gift offered to improve access to justice.

On August 2018, the Legal Aid sent draft memoranda of understanding to all partner legal services organizations. The memoranda stated that organizations would provide experts who would help research, write, review, and edit the curriculum. Later a meeting was held with representatives of these agencies to discuss the tools needed for the training of navigators.

In September 2018, the first draft of the two-day curriculum was completed. The curriculum aimed to achieve the following goals.

- Identify current issues in the communities and acknowledge how legal services could address them.



- Create safe space where Navigators could practice interviewing and issue spotting, voice concerns, and obtain support.
- Develop basic interviewing and issue-spotting skills, including using a legal assessment tool.
- Develop understanding of legal service providers, their areas of expertise, and legal resources (such as websites).
- Establish familiarity with the measurement tool to gauge effectiveness of the project.

The curriculum consisted of many interactive activities to keep participants engaged. It also included dissemination and use of a legal check-up tool. The curriculum was distributed to legal service agencies for comment and review. Additional information was also requested from those agencies about the organizational structures and intake process to help trainees better understand the legal providers. The curriculum was also reviewed by a specialist in curriculum design for adult learners.

The first navigator training was held on December 12-13, 2018, at Key Project in Kahalu'u. Eight people participated in the training, including one community leader and representatives from the department of Education, Honolulu Community Action Program, Child and Family Services, and the Hawai'i State Judiciary. During the first day of interactive training, participants defined the communities they served and the problems these communities encountered. During the second day, participants practiced issue-spotting and linking the problems they identified to potential legal resources. They also practiced interviewing skills. They were shown how to use the Hawai'i Legal Services Portal, self-help court forms, and informational videos. They also received legal tools. The next training is scheduled for January 29-30, 2019 on Maui.

During the project period, effective communication strategies were explored. Legal Aid considered the costs, advantages, and disadvantages of each method. Input was also obtained from community leaders and service providers. Participants discussed a potential two-tiered system whereby navigators provided minimal information and legal services organizations obtained more information from community members for evaluation.

A mobile phone platform through Twilio allowing navigators to text information when a referral or navigation assistance is provided is used to gather information on referrals. A flowchart of the text communications is being finalized.



D. Communications Plan for Community Navigator Project

The overall vision for the project was the resolution, “Meaningful Access to Justice for All,” from the Conferences of Chief Justices and the Conference of State Court Administrators. This vision is consistent with that of the Legal Aid in “Building a Just Society.”

The objective of the project follows the recommendation from the Voices for Civil Justice, which provides that the objective should meet the “S.M.A.R.T.” criteria: **S**pecific, **M**easurable, **A**ttainable, **R**ealistic, and **T**ime-bound. The behavioral change and objective which will determine success of this project is planned for December 2018 to May 2019, and the project will train at least 50 community navigators at 8 training events in 8 communities. The trained community navigators will in turn provide legal help to people in these communities. The number of people served by community navigators in this six-month time frame will serve as a baseline for projecting subsequent growth of community navigator services.

This project seeks to create awareness of the legal resources available to the community through the Community Navigators. It is centered on the concept that community members currently go to trusted individuals for information and advice on a range of issues that often include legal issues. Further, community members will have confidence in knowing that identified community navigators are trained and knowledgeable in the legal resources available.

This communications plan considers the following as being able to carry the message to designated communities.

- Community Navigators
- Legal Aid staff
- Traditional media used in the Navigator communities
- Legal Services Providers
- Hawai'i State Judiciary
- State and local government agencies and public libraries



III. 2018 HAWAI'I ACCESS TO JUSTICE CONFERENCE

Over 300 people attended the 10th Annual Hawai'i Access to Justice Conference sponsored by the Commission on Friday, June 29, 2018, at the William S. Richardson School of Law, University of Hawai'i, Mānoa campus. The theme for the conference was "Fighting for Access to Justice for All."

The conference offered six continuing legal education credits for the all-day conference for Hawaii-licensed attorneys. The conference included 46 presenters. Dean Aviam Soifer and Robert Le-Clair served as co-emcees for the conference.

The Commissioners attending the conference included Justice Simeon Acoba (ret.), Chair, Hawai'i Access to Justice Commission, Judge Joseph Cardoza, Judge Ronald Ibarra, Representative Della Au Belatti, Katherine Bennett, Rona Fukumoto, Victor Geminiani, Jean Johnson, M. Nalani Fujimori Kaina, Derek Kobayashi, Angela Kuo Min, Carol K. Muranaka, Diane Ono, Mathew Sagum, Gary Slovin, and Dean Aviam Soifer.

The Cades Foundation was acknowledged for its generosity in providing a grant to assist in defraying the costs of the conference. E. Gunner Schull, Larry Takumi, and Rhonda Griswold, trustees of The Cades Foundation, attended the conference.

A. Recognition of Gary Slovin

A surprise recognition was given to Gary Slovin, a member of the Commission. Chief Justice Mark Recktenwald recognized Mr. Slovin as a unique individual who has been advocating for increased access to the courts and increased support for the legal service providers long before there was an Access to Justice Commission and before Hawai'i received attention for its efforts in access to justice.

"Gary is someone who does not seek the spotlight, but I'd like to take a moment today to acknowledge his extraordinary contributions to the access to justice movement in Hawaii," said Chief Justice Recktenwald. He continued:

Gary has been a lifelong advocate for those who are marginalized and without power, going back to his first years as an attorney in Philadelphia, where he did pro bono work for the civil rights and anti-war movements. In Hawai'i, he has used his extraordinary skills in governmental relations to advance the cause of access to justice, such as serving as a key player in the group that successfully advocated to get the Indigent Legal Assistance Fund,



or ILAF, made permanent. ILAF helps to fund low-income service providers and is a crucial source of financial support for many legal services providers in the state. Gary has continued to tirelessly advocate for funding for legal services providers at the legislature every year, representing both the ATJ Commission and HJF -- all pro bono!

Chief Justice Recktenwald noted that Mr. Slovin's "advocacy is consistent and yet agile, principled and practical, and always informed by his passionate commitment to providing justice for all." Presenting him with certificates of recognition were Chief Justice Recktenwald, Representative Della Belatti, on behalf of the Legislature, and Justice Acoba, on behalf of the Commission.



Left to right: Chief Justice Mark Recktenwald, Justice Simeon Acoba, Gary Slovin, Representative Della Au Belatti



B. Opening Remarks

Commission Chair Justice Acoba highlighted the activities of the Commission during the past year in his morning remarks.³ He reported that after submission of a strategic plan for justice for all to the National Center for State Courts (NCSC) at the end of 2017, Hawai'i received another grant in 2018 from the NCSC to implement the strategic plan. The implementation grant will fund two projects: one, a community navigator project that "will train trusted persons from discrete communities—navigators—to provide assistance in their own communities by providing information and through self-help venues or referrals to knowledgeable persons or legal service providers." The second project is an interagency roundtable, which would allow coordination of public and private agency services.

Justice Acoba noted that this is the tenth Access to Justice Conference. He said, "A decade ago, we could not foresee what the Commission would become." He continued:

The Commission and its committees started out as and remain today an entirely volunteer effort—its members contribute their time, expertise, and funds, to meet the Commission's objectives.

The impact of the Commission has been to heighten and to broaden awareness of the need for civil legal assistance and to provide a platform for shared opportunities to advance equal justice.

Access to justice considerations have become an integral part of practically every discussion involving the law, the judiciary, the bar, and to some extent social concerns beyond the legal system. We have established a broad commonality of interest and purpose for the future. But maintaining a high level of accomplishment and achievement requires committed leadership, and we thank Chief Justice Recktenwald for providing that leadership.

In his opening remarks, Chief Justice Recktenwald stated "that there is an extraordinary access to justice movement in Hawai'i." He continued:

It truly is a grassroots movement, made up of people who are passionate about providing justice for all, and who are willing to

³ Copies of the morning remarks by Commission Chair Simeon Acoba and Chief Justice Mark Recktenwald, the keynote address by Chief Judge Robert Katzmann, and the summaries of the morning and afternoon workshops can be found at <www.hawaiijustice.org/hajc/2018-hawaii-access-justice-conference>.



work hard to make it a reality. We have strong organizations that provide the framework for that effort--the Hawai'i State Bar Association, the William S. Richardson School of Law, legal services providers, the Access to Justice Commission, and the legislature. As a result of that hard work, have begun to look closely at our efforts and have begun to invest in what we are doing, to see how far forward we can move, and whether our innovations could work elsewhere.

Recognizing that “we have the opportunity to make a positive impact on the lives of individuals who desperately need help and that there was still much work to do,” Chief Justice Recktenwald acknowledged and expressed appreciation for what has been accomplished.

We would not be where we are today without every single person involved—every organization that stood up to advocate for justice on behalf of those whose voice wouldn't be heard, every volunteer who took time away from work to volunteer at a self-help center, every Access to Justice commissioner or committee member who brainstormed, debated, and toiled over the vision for access to justice in Hawai'i.

C. Keynote Address

Chief Judge Robert Katzmann of the Second Circuit, United States Court of Appeals presented an inspiring talk on “Addressing the Desperate Legal Needs of the Immigrant Poor.” Chief Judge Katzmann shared his thoughts.

All of us here have a common concern: ensuring adequate legal representation of the immigrant poor. A courtroom has multiple players with different roles, but all would agree that adequate legal representation of the parties is essential to the fair and effective administration of justice. Deficient representation frustrates the work of courts and ill serves litigants. All too often, and throughout the country, courts that address immigration matters must contend with such a breakdown in legal representation, a crisis of massive proportions, with severe, tragic costs to immigrants and their families.



For our nation's immigrants, the urgent need for competent counsel in deportation proceedings has never been more critical. This nation's immigrant representation problem is twofold: 1) there is a profound lack of representation, indicated by the fact that 40 percent of noncitizens in deportation proceedings do not have representation nationwide; and 2) in far too many

deportation cases, the quality of counsel is substandard. Immigrants are easy prey for unscrupulous lawyers, who gouge their clients out of scarce resources and provide shoddy legal services.

Nationwide, some 63% of immigrants do not have counsel, there being no right to appointed counsel in immigration court. For low income immigrants, having an attorney is the difference between being allowed to stay in this country and suffering catastrophic deportation.

Chief Judge Katzmann explained that his work on immigrant representation was guided by "Canon 4 of the Code of Conduct for United States Judges, which, to the extent that a judge's time permits and impartiality is not compromised, encourages judges to contribute to the law, the legal system, and the administration of justice."

He described two entities that he created to meet the need: The Study Group on Immigrant Representation and the Immigrant Justice Corps--the nation's first and only national fellowship program for recruiting and training lawyers to provide representation for the low-income immigrants. Chief Judge Katzmann reported that in four years the Immigrant Justice Corps served more than 43,000 immigrants and their families.

Chief Judge Katzmann opined:

Immigrants are largely a vulnerable population of human beings who come to this country in the hopes of a better life, often entering without knowledge of the English language or American



culture, in economic deprivation and in fear. Too often, the lack of adequate counsel for immigrants all but eliminates their hopes to experience the American dream, to live with their families openly and with security, to contribute to their new country. This failure should be a concern for all of us.: I think we can all imagine our own ancestors or the ancestors of friends and relate to the anxieties of today's newcomers.

We are a nation of immigrants, whose contributions have been vital to whom we are and hope to be. As the son of an immigrant from Nazi Germany and the grandson of immigrants from Russia, I know from my own experience about family members who came to this country, dedicated themselves to this country, and made our great nation even stronger.

He believed that "quality representation is especially acute for immigrants."

He emphasized that "justice should not depend upon the income level of immigrants. A lawyer's duty to serve those unable to pay is not an act of charity or benevolence, but rather one of professional responsibility."

So began his launch of a working group, the Study Group on Immigrant Representation, comprised of 70 lawyers from a range of law firms, non-profit entities, bar organizations, immigrant legal service providers, immigrant organizations, law schools, federal, state, and local governments and judicial colleagues. "The Study Group work has focused on three areas: (1) increasing pro bono activity of firms, especially at the outset of immigration proceedings; (2) improving mechanisms of legal service delivery; and (3) rooting out inadequate counsel and improving the quality of representation."

In creating the Immigrant Justice Corps ("IJC"), Chief Judge Katzmann, envisioned a fellowship program dedicated to meeting the "urgent need for high quality legal assistance for immigrants fighting deportation and those seeking lawful status or a path to citizenship." The IJC provides two-year fellowships for law graduates as Justice Fellows, who provide representation in complex immigration matters, and college graduates as Community Fellows, who help with completing immigration benefit applications. The Fellows are paired with nonprofit legal services providers and community-based organizations.

Chief Judge Katzmann concluded by describing the following benefits of such a program.

The IJC program has many benefits. Primarily, of course,



it makes a fundamental difference in the lives of immigrants and their families. Legal status is the gateway for immigrants seeking to be lifted from poverty and to enter the mainstream of economic and social life. The Corps' very existence raises awareness of the crisis of representation and encourages efforts to meet that crisis. It facilitates the resolution of cases and promotes the fair and effective administration of justice, thereby aiding already busy courts. For law schools, the Corps provides new ways of thinking about how to provide legal services while at the same time enhancing job prospects for graduates at a time when the law market is tightening.

By populating the field of immigration law with a cadre of dedicated lawyers, the Corps will change the immigrant representation arena in much-needed ways. It is creating leadership for the next generation to help meet the legal and policy challenges in the years ahead. It summons lawyers to serve the noblest purposes of the law: to assist those in dire straits and in this way address a national problem.

For young lawyers, the experience has a lasting impact on their careers as they experience how human beings benefit from their counsel and how families in danger of being torn apart can stay together. Some Immigrant Justice Corps lawyers will stay in the nonprofit world, while others who decide to enter private practice or work in government may become advocates for their firms' increasing pro bono involvement. They will also be leaders of individual philanthropic giving as their careers progress. They will contribute to public policy discussions with sophistication in the years ahead; and their own experience will add to a body of knowledge that will enrich future research and analysis.

D. Morning Workshops

Gary Slovin facilitated the "Collaborations and Innovation for Equal Justice" concurrent morning workshop with Hawai'i Supreme Court Chief Justice Mark Recktenwald; Rachael Wong, founder, One Shared Future; and Judge Douglas McNish(ret). There were 153 attendees who signed up for this workshop.

Tracey Wiltgen, Executive Director, The Mediation Center of the Pacific, facilitated the other morning workshop, "Technology in Mediation to Increase Access to Justice" with District Court Judge Michael Tanigawa; Giuseppe



Leone, founder, Virtual Mediation Lab; Kristi Bao, Lieutenant Commander (Navy); and Cecelia Chang, Director, Hawai'i State Judiciary's Center for Alternative Dispute Resolution. Sixty-five attendees signed up for this workshop.

E. Afternoon Workshops

Five concurrent workshops were programed for the first afternoon session.

1. "Priorities for the Low-Income Resident on State Budget and Tax Issues" with Gavin Thornton, Co-Executive Director, Hawai'i Appleseed Center for Law and Economic Justice (facilitator), State of Hawai'i Representative Della Au Belatti; Beth Giesting, Director, Hawai'i Budget and Policy Center; State of Hawai'i Senator Karl Rhoads. Forty-six attendees signed up for this workshop.



(L. to r.) Gavin Thornton, Rep. Della Au Belatti, Sen. Karl Rhoads, Beth Giesting

2. "Incubating Innovation in Access to Justice Through Technology: The Microsoft Legal Access Platform with Nalani Fujimori Kaina, Executive Director, Legal Aid (facilitator); Carly Ichiki, Senior Program Manager, Microsoft Corporation; and Suzanne Brown-McBride, Consultant, Pew Foundation. Forty-eight attendees signed up for this workshop.

3. "Expanding Civil Access to Justice in Prisons and Jails" with Mateo Caballero, Legal director, American Civil Liberties Union of Hawai'i; Kathleen Algire, Director of Public Policy and Advocacy, YWCA O'ahu; Denise Pennick, Federal Pro Se Staff Attorney; Eric Seitz, Law Office of Eric Seitz; and De Mont Conner, Chair, Ho'omanapono Political Action Committee. Fifty-three attendees signed up for this workshop.

4. "Access to Justice for the Low-Income Employee (Workers' Rights)" with Louis Erteschik, Executive Director, Hawai'i Disability Rights Center (facilitator); Lowell Chun-Hoon, King Nakamura and Chun-Hoon; Glory Gervacio Saure, Director, Honolulu office, U.S. Equal Employment



Opportunity Commission; Lindsay Kukona Pakele, Fair Housing and Workers' Rights Staff Attorney, Legal Aid. Thirty attendees signed up for this workshop.

5. "Sexual Harassment and Access to Justice" with Mihoko Ito, Ashford & Wriston (facilitator); Dr. Marie Vorsino, Vice President of Intervention Programs at Parents and Children Together; Elizabeth Fujiwara; Gemma Weinstein, President, Unite Here Local 5; and Rachael Wong, Founder, One Shared Future. Thirty-six attendees signed up for this workshop.

For the second part of the afternoon, the following concurrent workshops were scheduled.

6. "Ensuring Access to Justice with the Revival of the Hawaiian Language" with Moses Haia, Executive Director, Native Hawaiian Legal Corporation ("NHLC") (facilitator) and Camille Kalama, Staff Attorney, NHLC. Thirty-six attendees signed up for this workshop.



Moses Haia, Camille Kalama

7. "Alternative Dispute Resolution in Family Court Cases" with Judge Catherine Remigio, Deputy Chief Judge, Family Division (facilitator); Judge Kevin Morikone, District Family Court Judge; Katherine Bennett; and Judge Dyan Medeiros. Forty-five attendees signed up for this workshop.

8. "Access to Justice for Immigrants" with Gary G. Singh (facilitator); Chief Judge Robert A. Katzmann, United States Courts of Appeal, Second Circuit; and John Egan. Fifty attendees signed up for this workshop.

9. "Understanding Hawaii's Affordable Housing Puzzle" with Professor Calvin G.C. Pang, William S. Richardson School of Law (facilitator); Jeff Gilbreath, Executive Director, Hawaiian Community Assets; Marc Alexander, Executive Director, Office of Housing for the City and County of



Honolulu; and Marian Gushiken, Director of Real Estate Development, EAH Housing. Seventy-two attendees signed up for this workshop.



(L. to r.) Judge Ronald Ibarra, Judge Joseph Cardoza, Justice Simeon Acoba

10. “Initiatives to Enhance Access to Civil Justice” with Judge Joseph E. Cardoza (facilitator); Justice Simeon R. Acoba (ret.); and Judge Ronald Ibarra (ret.). Forty-three attendees signed up for this workshop.

F. Plenary Closing Session

The plenary closing session with Professor Calvin G.C. Pang (facilitator); Dean Aviam Soifer; Robert LeClair, Executive Director, Hawai'i Justice Foundation; and Chief Judge Robert Katzmann shared reflections of the day's conference. Mr. LeClair noted that we have “many good pieces in place.” Dean Soifer asserted that the aloha spirit is “palpable” and that we have people who want to cooperate and collaborate, but the big challenge is not sliding backwards. “Much of what we appreciate is fragile,” he said, “We talk about optimism and hope. You need hope because optimism sometimes is overcome by facts, and we have hope.”

Judge Katzmann remarked that today's conference was inspiring and energizing for him and he said, “You give me hope that the world will be a better place to ensuring that there will be access to justice.”



IV. PRO BONO CELEBRATIONS

Hawai'i's legal community has a strong commitment to pro bono service. Our attorneys have stepped up in so many ways, such as volunteering with legal services providers and at courthouse Self-Help Centers and Access to Justice Rooms statewide. The Pro Bono Celebration gives us the opportunity to thank the many attorneys who have helped those who might otherwise not have their voices heard.

-- Chief Justice Mark Recktenwald

The Commission hosted the sixth annual Honolulu pro bono celebrationⁱ on Thursday, October 25, 2018, at the Hawai'i Supreme Court. The celebration was supported by the Hawai'i Justice Foundation ("HJF"), the Hawai'i State Bar Association, and the Hawai'i State Bar Foundation ("HSBF"). The program honored nine outstanding attorneys, who volunteer for legal service providers, sixty-six attorneys, law firms and groups who volunteer for the First Circuit District and Family Court Access to Justice Self Help Desks, and the Appellate Pro Bono Program, and six high school student essay/video contest winners.

Hawai'i Supreme Court Associate Justice Simeon Acoba (ret.), Chair of the Commission, opened the celebration with the following comments.

Pro bono celebrations are held across the nation and we in Hawai'i join in recognizing the work of our lawyers who have given generously of their time and skills for the benefit of our state and our system of justice. Under the lawyers' code of professional conduct, "a lawyer as a member of the legal profession... has a special responsibility for the quality of justice" in our communities. The exemplary service of the bar has contributed to Hawai'i being ranked among the top three states in the nation for extending access to justice to those in need. In addition, we honor students who have participated in our statewide contest and shared their views of the importance of volunteering for themselves and for others. In these ways, the Access to Justice Commission hopes to strengthen our democratic principles and democratic institutions, which in these times, is especially important.

This pro bono celebration was the largest in attendance of any prior pro bono celebration. A photograph of the audience in attendance appears on the following page.



A. Pro Bono Honorees

Hawai'i Supreme Court Associate Justice Michael Wilson recognized the pro bono attorneys honored by the legal service providers. Chief Justice Mark Recktenwald presented the honorees with certificates from Governor David Ige's office. The honorees included:

John Egan and Dylan Gentaro Fujitani were honored by the American Civil Liberties Union of Hawai'i for their work helping a Yemeni doctor and his family to obtain asylum in the United States in the aftermath of the travel ban. The story of the doctor and his family is truly amazing. Thanks to Egan and Fujitani, the doctor is in the process of being reunified with his wife and four children, who are currently in Jordan.

Lance D. Collins was recognized by the Hawai'i Appleseed Center for Law and Economic Justice for being lead counsel, pro bono, on the federal court case currently in litigation aimed at requiring the owners of the low-income 142-unit low income affordable housing in Lahaina to keep the complex affordable. After receiving over \$20 million in public funds in return for promising to keep the complex affordable for 51 years, the owners are attempting to end the affordability requirements after only 15 years. If permitted to go forward, the conversion will result in the loss of housing for the 300 tenants who live in the complex while increasing the value of the complex by up to \$44 million.

Rex Fujichaku was recognized by the Domestic Violence Action Center ("DVAC") for being a strong ally, exemplary community member, and immedi-



ate past President of DVAC. His work and willingness to assist those suffering the harm of relationship violence has been an enormous gift to the community. His commitment to DVAC has been a generous act of personal and professional practice.

William B. Heflin was recognized by Legal Aid) for his leadership and commitment to serving the community through his pro bono work at the Hilo Court Self-Help Center. A collaborative project of the Hawai'i State Judiciary, the Hawai'i State and Hawai'i County Bar Associations, and LASH, the Hilo Self-Help Center was opened in 2012, and since then has served over 5,000 people seeking information to help themselves with their civil and family law legal issues. As the Hawai'i County Bar Association's designated "managing volunteer attorney" for the self-help center, Heflin was instrumental in working with LASH's AmeriCorps members to recruit other volunteer attorneys, organize trainings, and provide much needed legal information to the public.

David Kimo Frankel was recognized by the Native Hawaiian Legal Corporation ("NHLC") for his pro bono work on some of NHLC's most important cases. Frankel was a former staff attorney of NHLC from 2006 through 2016 and worked on Native Rights cases while employed there. He authored *Protecting Paradise: A Citizen's Guide to Land and Water Use Controls in Hawaii*.

Thomas J. Mitrano was honored by the Mediation Center of the Pacific ("MCP") for his dedication to mediation and for helping hundreds of people, particularly in complex domestic matters, to resolve their disputes through mediation. Since January 1, 2016, Mitrano mediated 83 cases involving 124 sessions and 397 hours. In addition to mediating, he is a regular presenter, trainer, and mentor of new mediators for MCP. Mitrano's generosity in giving of his time and talents pro bono through MCP, has enabled hundreds of people to stop fighting and negotiate customized resolutions without the need for judicial intervention.

Kristin Bryant was honored by the University of Hawai'i's Elder Law Program ("UHELP") for her assistance with the program over the years and especially for her work with the law students in the UHELP clinic. Bryant is well known for her outreach to the elderly community and the assistance she provides to older veterans. In addition to her work with UHELP, she is an Assistant Professor at the William S. Richardson School of Law for the Elder Law Clinic and a Senior Mediator at the Mediation Center of the Pacific.

Thomas D. Farrell was honored by Volunteer Legal Services of Hawaii ("VLSH") as one of VLSH's most active pro bono attorneys. He volunteers his



time on a regular basis at VLSH's Neighborhood Legal Clinics where he provides advice and counsel to family law clients. He also takes on full representation cases – all pro bono. VLSH can always count on him to volunteer at VLSH's Pop Up Clinics in rural areas, from Waianae to Waimanalo, early Saturday mornings. He also served on the VLSH Board, providing additional guidance to the organization between the years of 2013 to 2016.

Honorees of legal service providers pictured with Chief Justice Mark Recktenwald and Associate Justice Michael Wilson:





B. Access to Justice Self-Help Volunteers

Judge Melanie May and Mark Murakami recognized the individuals, law firms, and groups who volunteered at the Honolulu District Court Access to Justice Room including: Arlette Harada, Miriah Holden, Nathaniel Higa, Bryant Zane, Beverly Sameshima, Leroy Colombe, Cheryl Nakamura, Eileen Zorc, Daniel Kim, Jae Park, Shannon Wack, Stacey Djou, Calvin Pang, Dan O'Meara, Sergio Alcubilla, Megumi Sakae, Chong Nishimoto Sia Nakamura & Goya, Chun Kerr, Hawaii Association for Justice, McCorriston Miller Mukai MacKinnon, Carlsmith Ball, Cades Schutte, Goodsill Anderson Quinn & Stifel, Hawaii Filipino Lawyers Association, Bronster Fujichaku Robbins, Schlack Ito, Starn O'Toole Marcus & Fisher, Hawaii Women Lawyers, Ashford & Wriston, Damon Key Leong Kupchak Hastert, Marr Jones Wang, and Yamamoto Caliboso. These individuals, groups and law firms were presented with legislative certificates provided by Representative Della Au Belatti.

Judge Christine Kuriyama recognized the individuals who volunteered at the Family Court Access to Justice Room in Kapolei including: Seth Harris, Ellen Politano, Marianita Lopez, Carol Tribbey, Mei Nakamoto, Mari Kishimoto Doi, Dyan K. Mitsuyama, Cheryl Yamaki, Stephen Hioki, Juan Montalbano, Jill Hasegawa, Greg Frey, Tom Tanimoto, Leslie Ching Allen, Jackie Thurston, Ann Isobe, Kimberly Van Horn, Erin Kobayashi, Elizabeth Paek-Harris, Noah Gibson, Gemma-Rose Poland Soon, and Kevin Adaniya.

Rebecca Copeland recognized the attorneys who volunteered for the Pro Bono Appellate program including Annie Yi, Louise Ing, Matthew Mannisto, Jamila Jarmon, Daniel Gluck, Katherine Caswell, Bianca Isaki, Lance Collins, Robert Thomas, Mark M. Murakami, Veronica Nordyke, and Ross Uehara-Tilton.

The Family Court Access to Justice Room volunteers and the Pro Bono Appellate program volunteers received certificates from the commission signed



by Chief Justice Recktenwald and the Commission Chair, Justice Simeon Acoba (ret.).

C. Essay/Video Award Recipients

The Commission received 130 essays and videos from public and private high school students in grades 10 through 12 on the theme: "What community service are you interested in, and how would you inspire others in the community to engage in community service?" In addition to the \$500 student awards, a \$100 award for educational purposes was given to a teacher named by the student awardee.

The 2018 essay/video award recipients were: Lauren Albrecht (King Kekaulike High School); Camryn Baptista (Waipahu High School); Katrina Kuo (Kalani High School); Sophia Marvel (Kauai Christian Academy); Maya Reid (St. Andrew's Priory); and Kainani Reeves-Bachman (Konawaena High School).

The preliminary judges for the contest included: Judge Rhonda Loo, Judge Melanie May, Judge Michael Tanigawa, James Kawashima, Tracy Jones, Joanna Sokolow, Jo Kim, Laurel Loo, Derek Kobayashi, Angela Kuo Min, Judge Dyan Mitsuyama, Michael Carroll, Keoni Shultz, Jenny Silbiger, Rebecca Copeland, Alvin Nishimura, Sherri Ann Iha, Judge James McWhinnie, Judge William Domingo, Judge Hillary Gangnes, Michelle Comeau, and Steve Hartley.

The finalist judges of the essay contest were Chief Justice Recktenwald, Judge Darien Nagata, and 2018 HSBA President Howard Luke. The high school students were praised for their inspiring essays and for actively engaging in volunteerism. Cash awards were made to the students, donated by Bays Lung Rose Holma, Cades Schutte LLP, Carlsmith Ball, LLP, Damon Key Leong Kupchak Hastert, Schlack Ito LLC, and Schlueter Kwiat & Kennedy LLP.

The Commission is grateful to everyone who supported and participated in the 2018 Pro Bono Celebration, the most well-attended celebration to date. The event serves to inspire Hawaii's young people to volunteer, and it represents an important gesture of gratitude to the attorneys and individuals who generously donate their time to assist hundreds of people each year. Equally important, the celebration is a reminder to every one of the importance of pro bono work and helping those in need.

The Pro Bono Celebration is coordinated by the Pro Bono Initiatives Task Force comprised of Justice Simeon Acoba (ret.); Judge Brian Costa, Co-Chair; Tracey S. Wiltgen, Co-Chair; Rex Fujichaku; Jill Hasegawa; Judge



Ronald Ibarra (ret.); Regan Iwao; Judge Melanie May; Angela Kuo Min; Mark Murakami; and Associate Justice Michael Wilson.

Photographs of the award-winning students, their teachers and representatives of the law firms donating cash awards were taken with Justices of the Hawai'i Supreme Court, who are seated, as shown below:





D. Neighbor Island Pro Bono Celebrations

A major focus of the Commission since its establishment has been the encouragement of attorneys to provide pro bono services to their community. In addition to the recognition above of the pro bono contributions of O'ahu attorneys to the Access to Justice Rooms and legal service providers, in this report the Commission also acknowledges and honors the pro bono contributions of neighbor island attorneys. Text and photos in this section were contributed by the Hawai'i State Judiciary.

Hilo Pro Bono Celebration

Forty-seven attorneys were recognized during the Hilo Self-Help Center Recognition Awards on January 8, 2018, for providing free legal information to more than 1,100 people who sought assistance at the Hilo Courthouse Self-Help Center. One-thousand marks the largest number of people served in a single year since the Hilo Self-Help Center was established in 2012. Since 2012, more than 4,900 people have been assisted by volunteer attorneys providing legal information on civil matters such as temporary restraining orders and divorce. These services have been provided at no-cost to the state or the individuals.

"I am grateful to the attorneys who volunteer at our self-help centers, assisting individuals who are representing themselves in court. The dedication and commitment of these attorneys has been essential to advancing our goal of ensuring that everyone has equal access to justice in our civil courts," said Hawai'i Supreme Court Chief Justice, Mark E. Recktenwald.

Volunteers were recognized for their service by Hawaii Supreme Court Chief Justice Mark Recktenwald, Third Circuit Chief Judge Greg Nakamura, Chief Court Administrator Lester Oshiro, and Deputy Chief Court Administrators Cheryl Salmo, and Dawn West.

The individual attorneys who were honored included Francis Alcain, Lincoln Ashida, Chris Bridges, Michael Garbarino, Kenneth Goodenow, Jo Anne Goya, Belinda Hall, Doug Halsted, Paul Hamano, Jill Hasegawa, Ray Hasegawa, Charles Heaukulani, William Heflin, Mahilani Hiatt, Ted Hong, Austin Hsu, Michael Kagami, Haaheo Kahooalahala, Edith Kawai, Jo Kim, Nelson Kinoshita, Al Konishi, Peter Kubota, Breann Larios, Bruce Larson, Justin Lee, Dwayne Lerma, Shaunda Liu, Jacky Mena, Jeff Ng, Jennifer Ng, Michelle Oishi, Danny Patel, Melody Parker, Christopher Rothfus, Jill Razov, Joy San Buenaventura, Chris Schlueter, Steven Strauss, Andrew Son, Albert Thompson, Sylvia Wan, Molly Ward, Jennifer Wharton, Zachary Wingert, Jay Yoshimoto, and Jennifer Zelko-Schlueter. Also acknowledged was AmeriCorps



Advocate Katie Kamelamela, from Legal Aid, who organizes the Self-Help Center at the Hilo Courthouse each week.

“I am pleased by the support that the Hawai'i County Bar Association and our local attorneys have given to this effort, said Laura Knudsen, Managing Attorney of Legal Aid's Hilo Office. “Every week, Hawai'i Island residents use the Hilo Self-Help Center to gain information and receive procedural support in navigating the court system so that they can represent themselves in their legal affairs. With the donation of their time and expertise, today's honorees are helping to make access to justice a reality for our Hawai'i Island community.”



From left to right, (first row), Michelle Oishi, Paul Hamano, Ryan Caday (obscured); (seated) Sherry Tavares, Peter Kubota, William Heflin, Peter Steinberg, Jennifer Zelko, and Christopher Schuler; (second row) Shaunda Liu, Alfred Lerma, Jo Anne Goya, Jackie Mena, Jill Hasegawa, Per Diem Judge Mahi Hiatt, Third Circuit Chief Judge Greg K. Nakamoto, Molly Ward, Lincoln Ashida, Per Diem Judge Bruce Larson, and Jeffrey Ng; (third row) Ray Hasegawa, Per Diem Judge Robert Crudele, Andy Son, Zachary Wingert, Justin Lee, and Chief Justice Mark E. Recktenwald.⁴

Kona Pro Bono Celebration

Thirty attorneys were recognized for voluntarily providing free legal information to nearly 600 Hawaii Island residents who sought help at the Kona Courthouse Self-Help Center in the last year. They were honored during a recognition ceremony on October 19, 2018.

⁴ Press Release, Hawaii State Judiciary, Hilo Attorneys Recognized for Assisting 1,000 people in 2017 (January 9, 2018).



The Self-Help Center was established in October 2013 as part of the Hawai'i State Judiciary's commitment to support people who must represent themselves in civil cases because they cannot afford an attorney. Since opening, it has assisted more than 2,000 people, with volunteer attorneys donating almost 1,000 hours of legal information on civil matters, such as temporary restraining orders and divorce. These services were provided nearly cost-free to the state.

"Your service as attorney volunteers helps to provide both assistance and hope to individuals who may not know where to turn, and therefore helps to instill confidence in our legal system and legal community," Chief Justice Mark Recktenwald told the volunteer attorneys at the celebration. "That is why the work you do is so important, and why we appreciate your efforts so deeply." Chief Justice Recktenwald added, "We are looking forward to opening the Keahuolu Courthouse in 2019 for many reasons, and one of them is that there will be more space for volunteer attorneys at the self-help center."

The following attorneys were honored: Brit Barker, James Biven, Jason Braswell, Laura Cushman, Katherine DeLeon, Porter DeVries, Stephen Frye, Jerry Garcia, Fred Giannini, Jennifer Heimgartner, R. Hermann Heimgartner, Dawn Henry, Joan Jackson, Kauanoe Jackson, Andrew Kennedy, Susan Kim, Carol Kitaoka, Frederick Macapinlac, Charles McCreary, Charles Murray, Shawn Nakoa, Bob Olson, John Olson, Peter Olson, Donna Payesko, Daniel Peters, Joanna Sokolow, Kimberly Taniyama, Mark Van Pernis, and Georgette Yaindl. Also acknowledged were Sarah Kelly and Bayley Nagy, the AmeriCorps Advocates who, through Legal Aid, run the Self-Help Center.

The Chief Justice also thanked the West Hawaii Bar Association, the Hawaii State Bar Association, Legal Aid, and the Access to Justice Commission for their support of the Judiciary's efforts to bring self-help services to Hawaii residents statewide.

"The West Hawai'i Bar Association member attorneys who volunteer their time at the Kona Self-Help Desk are committed to serving the West Hawai'i community," said Donna Payesko, the organization's president.

"The Self-Help Center is an integral part of providing access to justice and we appreciate the cooperation and the support of the Judiciary and Legal Aid in maintaining this very crucial service. We look forward to the opening of the Kona Judiciary Complex next year where the West Hawai'i attorneys will continue to serve the community in an improved facility. The most vital aspect to the Self-Help Center is our volunteer attorneys," said Sarah Kelly, the AmeriCorps Advocate. "There wouldn't be a Self-Help Center without their



generosity and true community spirit they demonstrate. The center's customers are extremely grateful and have shared many compliments," added Kelly.

"One person said, 'It is such a blessing to see others helping our world become a better place. Malama Pono.'"⁵



Front, left: Joanna Sokolow, Kimberly Taniyama, Chief Justice Mark E. Recktenwald, and Donna Payesko. Standing, left: Anmar Alnagem, Claudia Shockley, Judge Margaret Masunaga, Sarah Kelly, Jennifer Heimgartner, John Olson, Matthew Silva, Laura Cushman, Mark Van Pernis, Ann Datta, Frederick Macapinlac, Daniel Mistak, Stephen Frye, Jason Braswell, Peter Olson, Judge Melvin Fujino, Charles McCreary, Frederick Giannini, Lauren Kennedy, and Dawn Henry.

Kaua'i's Pro Bono Celebration

On December 7, 2018, fifteen attorneys and an AmeriCorps Advocate were recognized for their volunteer service in providing free legal information to more than 500 Kaua'i residents who went to the Puuhonua Kaulike Courthouse Self-Help Center for assistance in 2018. Attorneys who were honored included Mark L. Bradbury, Matt Bracken, Nancy Budd, Katherine Caswell, Nicholas Courson, Sinclair Salas Ferguson, Jodi Higuchi, Kai Lawrence, Jay Mason, Emiko Meyeres, Allison Lee, Sherman Shiraishi, Adam

⁵ Press Release, Hawai'i Judiciary, Kona Attorneys Honored for Helping Hundreds (October 19, 2018).



Roversi, Teresa Tumbaga, and Linda Vass. Special acknowledgment was given to AmeriCorps advocate Sonia Song. Through Legal Aid, Ms. Song has run the Kaua'i Self-Help Center for four years and, thanks to her efforts, the center was open for five days a week in 2018.

Hawai'i's first courthouse Self-Help Center was established on Kaua'i in October 2011 as part of the Judiciary's commitment to helping people who cannot afford an attorney and must represent themselves in civil cases. Since opening, volunteer attorneys and AmeriCorps Advocates have assisted members of the public with nearly 3,200 consultations on civil matters relating to landlord-tenant cases, collections, divorces, custody cases, and temporary restraining orders, at almost no cost to the public.

"I am grateful to the attorneys who generously volunteer their time at our Self-Help Centers. By assisting individuals who are representing themselves in Court, they help ensure that all Hawai'i residents have equal access to justice," said Chief Justice Recktenwald. "I thank each of the attorneys who volunteered and extend special thanks to the Kaua'i County Attorney's Office, whose attorneys volunteered to staff the Self-Help center a total of 25 times from January through June."⁶



Front row, left: Gina Okuda-Stauring, Sonia Song, Adam Roversi, Chief Justice Recktenwald, and Catherine Caswell. Second row, left: Jay Mason, Kai Lawrence, Matthew Bracken. Third row, left, Judge Kathleen Watanabe, Chief Judge Randal Valenciano, and Judge Edmund Acoba.

⁶ Press Release, Hawai'i State Judiciary, Kaua'i Attorneys Recognized for Volunteer Service to the Community (December 11, 2018).



V. ACCESS TO JUSTICE ROOMS AND SELF-HELP CENTERS

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.

-- Hawai'i Supreme Court Associate Simeon R. Acoba, Jr. (ret.)⁷

Collective acts of charity, of generosity, of sharing, of sacrifice developed an idea into implementation. There are now self-help centers in all state judicial circuits to assist self-represented litigants navigate through the civil justice system. This initiative has been a collaboration of the Commission, the Hawai'i State Judiciary, the HSBA, Legal Aid, the AmeriCorps program, and the county bar associations (Maui County Bar Association, West Hawaii Bar Association, East Hawaii Bar Association, and the Kauai County Bar Association). Dedicated and generous attorneys volunteer their time at these self-help centers.⁸

In his State of the Judiciary address on January 28, 2015, Hawai'i Supreme Court Chief Justice Mark Recktenwald said:

One great example of the Commission's work is the opening of self-help centers in our courthouses. Volunteer attorneys provide information at the centers to individuals who are representing themselves in civil legal cases. For a lay person, civil litigation can be daunting, with requirements that are not always intuitive. The information that people receive at the centers enables them to more effectively tell their side of the story.

A. Protocol and Other Information

The protocol on each of the islands is slightly different for these centers. On Kaua'i, Maui, and the Big Island, the county bar associations seek to encourage attorneys to volunteer for various shifts at the centers. On these islands, the attorneys provide limited legal information on legal questions involving appeals, adoptions or guardianships, child support, consumer debt or loans, contract disputes, custody or modification of custody orders, divorce

⁷ Opening remarks of Commission Chair Simeon R. Acoba, Jr. at the 2017 Hawai'i Access to Justice Conference, June 16, 2017.

⁸ Recognition ceremonies on each of the islands honor the volunteers who assist in these self-help centers. See prior section on Pro Bono Celebrations.



or paternity, foreclosures, garnishment or execution, harassment or protection orders, landlord/tenant disputes, personal injury or property damage, small claims cases, and other issues. For these self-help centers, assistance may be furnished by providing court forms, reviewing court documents for interpretation or to ensure that the forms have been completed correctly, and by answering procedural questions about the civil process.

On Oahu, the attorneys are able to provide limited legal advice to self-represented litigants in the designated self-help centers called “Access to Justice Rooms.” Customers must first seek assistance from court employees at the District Court Civil Service Center (“Ho’okele”). A referral then is made for legal advice from a volunteer attorney in the Access to Justice Room.

The Access to Justice Rooms and Self-Help Centers were established to facilitate access to civil legal services to the public and self-represented litigants. There is no income limitation on who may seek the services of the Centers and Access to Justice Rooms. However, the self-reported income information for the centers below illustrates that the Access to Justice Rooms and Self-Help Centers are indeed serving the segment of the public for whom the Commission is working to increase access to civil justice.

Illustration of Clients’ and Users’ Self-Reported Income for 2018 by Court

Court	Under 125% FPL ⁹	125-200% of FPL	200-250% of FPL	Above 250% of FPL	No Response
Honolulu	194	108	43	211	395
Hilo	387	122	56	44	251
Kona	165	66	29	78	98
Kaua’i	249	73	41	113	141

Of those reporting their income, 50% were from the lowest-income level, those under 125% of the federal poverty level (“FPL”). The next two poverty levels, 125-200% and 200-250% of the FPL, constituted 28% of the clients served. Thus, from the responses received, more than three-fourths of the clients and users were self-described as low-income and moderate-income categories.

As in prior years, in 2018 clients of the Access to Justice Rooms and users of the Self-Help Centers were provided the opportunity to voluntarily evaluate their satisfaction with the services as well as to make specific

⁹ Federal poverty level for 2018 for a family of 4 in Hawai'i was \$28,870. See <https://aspe.hhs.gov/poverty-guidelines>.



comments regarding their satisfaction or dissatisfaction. For those clients and users who answered the survey question, the overwhelming majority (73%) were very satisfied with the services they received. Of the responses received, overall satisfaction was 98%. Very few clients or users who chose to complete surveys indicated leaving the site unsatisfied.

B. Kaua'i (Fifth Circuit) Self-Help Center

Kaua'i's Self-Help Center, located at Pu'uhonua Kaulike, 3970 Ka'ana Street, Lihu'e opened in October 2011. Currently, the center is open on Mondays through Friday, 9:00 a.m. to 12 noon.¹⁰

In 2018, the Kaua'i Self-Help Center assisted 610 self-represented litigants in the various areas mentioned above. Since its inception, the Center has provided free consultations to nearly 3,200 self-represented litigants.

C. Hilo Self-Help Center (Third Circuit)

The Self-Help Center in Hilo, which opened on July 2, 2012, is located on the first floor of Hale Kaulike, 777 Kilauea Avenue. The Center is open on Tuesdays and Fridays from 11:15 a.m. to 12:45 p.m. With the assistance of an AmeriCorps member, the attorneys in Hilo have provided free assistance to nearly 870 self-represented litigants in 2018.

Since its opening in July 2012, free assistance to almost 6,000 people was provided by the Hilo Self-Help Center.

D. Kona Self-Help Desk (Third Circuit)

The Kona Court Self-Help Desk, which opened on October 2, 2013, is located in the Keakealani Building, 79-1020 Haukapila Street in Kealekekua and is open on Wednesdays from 11:00 a.m. to 1:00 p.m.

In 2018, over 600 people sought assistance at the Kona Court Self-Help Desk, and since its opening, nearly 2,700 self-represented litigants have received free consultations at the Self-Help Desk.

¹⁰ On Mondays, the Kaua'i Self-Help Center is staffed by an attorney with Legal Aid and an AmeriCorps member; on Tuesdays through Thursdays from 9:00 a.m. to noon, it is staffed by an AmeriCorps member. On Fridays, it is open from 9:00 a.m. until noon, with a volunteer attorney and the AmeriCorps member.

**E. Maui Self-Help Center (Second Circuit)**

It is estimated that almost 600 people received free legal assistance at the Maui Self-Help Center in 2018. Since its opening on October 17, 2012, the Maui Self-Help Center has provided assistance to over 4,200 self-represented litigants. The Center is located on the first floor of Ho‘apili Hale, 2145 Main Street in Wailuku. It is open on Thursdays from 9:00 a.m. to 1:00 p.m. Residents on Moloka‘i, Lana‘i, and Hana have access to the Center by phone during these hours.

F. Access to Justice Room at the Honolulu District Court (First Circuit)

On July 23, 2012, the Access to Justice Room at the Honolulu District Court opened. It is located on the third floor of the Honolulu District Court Building at 1111 Alakea Street. On Mondays and Wednesdays from 9:00 a.m. to 1:00 p.m., the room is staffed by a law firm or organization, which either volunteers for the entire month or shares a month with another firm or office. On Fridays, the Access to Justice Room is from 9:00 a.m. to 1:00 p.m. with individual attorneys volunteering their time. An AmeriCorps member provides services Mondays, Wednesdays, and Fridays from 8:30 a.m. to 1:30 p.m.

Legal assistance at the Honolulu Access to Justice Room is limited to three civil areas: landlord-tenant cases, debt collection cases, and temporary restraining order cases (which involve non-family members or parties who are not now or have not been in a dating relationship).

In 2018, the Honolulu Access to Justice Room helped over 1,000 people and since its establishment has provided legal assistance to over 5,600 self-represented litigants.

G. Access to Justice Room at the Kapolei Family Court (First Circuit)

The Access to Justice Room at the First Circuit Family Court at the Ronald T.Y. Moon Kapolei Courthouse, 4675 Kapolei Parkway, Kapolei, opened on December 7, 2012 and since that time has provided over 1,700 free consultations to self-represented litigants. The Access to Justice Room is open from 11:30 a.m. to 1:30 p.m. on the first and third Thursdays of each month. Patrons may sign up for a half-hour session with a volunteer attorney at the Family Court Service Center (“Ho‘okele”). Patrons who do not have an appointment will be served if there are any “no-shows” or cancellations on a particular day. Accommodations are made for the next available date if walk-in patrons cannot be seen on a specific day.



The HSBA Family Law Section coordinates the attorneys volunteering to staff the Kapolei Access to Justice Room. The types of issues encountered in the family court cases include custody and visitation, child support, other divorce issues, guardianship, paternity, and other issues. During 2018, 284 patrons were assisted by the volunteer attorneys.



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VI. OTHER INITIATIVES TO INCREASE ACCESS TO JUSTICE

A. Legal Navigator

In 2013, The Legal Services Corporation's ("LSC")¹¹ "Report of the Summit on the Use of Technology to Expand Access to Justice" recommended developing access to justice portals in every state. Based on that recommendation, the Conference of Chief Justices and Conference of State Court Administrators adopted a resolution in 2015 supporting "the aspirational goal of 100 percent access to effective assistance for essential civil legal needs." In 2016, the Microsoft Corporation announced a partnership with LSC and Pro Bono Net¹² to help realize that vision by pledging \$1 million in resources and technical support towards building an access to justice online portal. In April 2017, LSC selected Alaska and Hawai'i through a competitive, national application process as the pilot jurisdictions to develop the online portal.

Named the Legal Navigator, the platform will bring together three key elements: technology, content, and community. The goal of the Legal Navigator initiative is to develop and pilot statewide, online platforms that use cutting-edge, user-centered technology to help ensure that all people with civil legal needs can navigate their options and more easily find legal resources and services that are best suited to help. In late 2019, a beta version will launch in Alaska and Hawai'i.

In Hawaii, the Legal Aid leads the project, with strong support from the Hawai'i State Judiciary, the Hawai'i Access to Justice Commission, the Hawai'i State Bar Association, and other legal service organizations. The Hawai'i Justice Foundation, the Hawai'i State Bar Foundation, the Hawai'i Women's Legal Foundation, and the Hawai'i Community Foundation have all pledged additional funding to support the project. The Pew Charitable Trusts¹³ joined this effort as a national partner in early 2018.

¹¹ LSC is an independent nonprofit established by Congress in 1974 to provide financial support for civil legal aid to low-income Americans and is the single largest funder of civil legal aid programs across the country.

¹² Pro Bono Net is a national nonprofit, founded in 1999, dedicated to increasing access to justice for the disadvantage through innovative technology solutions and expertise in building and mobilizing justice networks.

¹³ The Pew Charitable Trusts is an independent non-profit organization that conducts fact-based research and rigorous analysis to improve policy, inform the public, and invigorate civic life.



This project is moving the ball forward on innovative uses in technology in several ways. The beta versions of the Legal Navigator will use natural language processing, machine learning, and other cutting-edge technology. Another unique element of this project is that Legal Navigator will bring together solutions available from nonprofit legal aid organizations, the courts, the private bar, and community partners. Frequently, legal issues do not occur in isolation but instead coexist with other non-legal issues such as untreated mental health challenges, substance abuse, domestic violence, homelessness, or poverty. Addressing all issues with appropriate information and referrals will more holistically address the full range of needs individuals face. Previous efforts have tended to focus on one segment of that ecosystem, not the full range of resources and options available.

From 2016 to the end of 2018, Microsoft committed significant in-kind technical resources and project management support to bring the technology vision for this project to life. Going well beyond its original pledge of \$1 million in resources, Microsoft delivered the technological platform for the Legal Navigator to use natural language and other machine-learning technologies so people can better diagnose and understand their legal needs, and to dynamically improve the results users will receive from the portal over time. Microsoft also brought the development of new open standards and software interfaces to help link disparate systems with the goal of facilitating easy handoffs between the Legal Navigator and service providers.

Finally, Microsoft's use of human-centered, inclusive design methodologies helped ensure the technology is grounded in the real-life needs and experiences of user communities. For example, in the fall of 2017, Microsoft partnered with local community research firms in Alaska and Hawai'i to conduct an immersion study, which consisted of surveys and interviews of individuals with legal needs or knowledge of others with legal needs. In January 2018, two-day ideation workshops were held in Honolulu and Anchorage with local community members, including some who had participated in the immersion study.

The goal of these workshops and immersion study was to generate ideas and insights about the real-life experiences of people seeking legal help to better inform the user-experience and design of the Legal Navigator. In February and March, in-person user testing with community members in Alaska and Hawai'i using prototype designs were conducted. The workshops and testing included people from different locations in Alaska and Hawai'i, from very rural villages and neighbor islands to hub communities and larger urban centers. Feedback from community members and stakeholders helped drive the development of the platform through 2018.



With strong interest nationally in the Legal Navigator and its potential to vastly improve access to legal help, project partners have provided updates and shared findings at annual conferences such as the LSC Innovations in Technology Conference, the Self Represented Litigation Network Conference, the ABA Equal Justice Conference, the Access to Justice Commission Chairs meeting, and the Conference of Court Public Information Officers

As Alaska and Hawai'i continue to pilot the project, the Legal Navigator initiative hopes to create a scalable platform that can be adopted by additional states in the future. At the same time, many of the tools and processes the project is using continue to serve as learning opportunities for how the use of technology can move the legal community towards "the aspirational goal of 100 percent access to effective assistance for essential civil legal needs."

More information and updates can be found at LSC's website: <https://www.lsc.gov/simplifying-legal-help>.

B. Volunteer Court Navigator Pilot Program

Background

At its January 11, 2016 meeting, the Hawai'i Access to Justice Commission approved the creation of the Task Force on Paralegals and Other Nonlawyers ("Task Force")¹⁴ to examine the role of paralegals in expanding access to justice.

¹⁴ The members of the Task Force on Paralegals and Other Nonlawyers are: Judge Joseph E. Cardoza, Chief Circuit Court Judge on Maui (Chair); Gilbert Doles (attorney); Rona Fukumoto (non-attorney commissioner); Victor Geminiani (Co-Executive Director, Hawai'i Appleseed Center for Law and Economic Justice); Susan Jaworowski (Professor and Paralegal Program Coordinator, Kapiolani Community College); Jean Johnson (non-attorney commissioner); Carol K. Muranaka (attorney commissioner); and Mathew Sagum (former president of the Hawaii Paralegal Association). The Task Force members have been working with others designated as the Maui Subcommittee and the Oahu Subcommittee. The Maui Subcommittee members included Judge Lloyd Poelman (Family Court); Judge Adrienne Heely (District Court); Brandon Segal (Maui County Bar Association President); Theresa Arcilla (retired Deputy Sheriff/Court Clerk, Process Server, paralegal); Sandy Kozaki (Chief Court Administrator); Traci Texeira (Special Operations Assistant); and Bevanne Bowers (Executive Director, Maui Mediation Services). The Oahu Subcommittee members included Judge Mark Browning (former Family Court); Judge Melanie Mito May (District Court); Iris Murayama (Deputy Administrative Director of the Courts); Evelyne Luk (Court Administrator for Legal Documents); Nanci Kreidman (Executive Director, Domestic Violence Action Center); Tracey Wiltgen (Executive Director, The Mediation Center of the Pacific); and Ashley King (Vice president, Hawaii Paralegal Association).



On November 3, 2017, the Hawai'i Supreme Court issued its orders establishing a Volunteer Court Navigator Pilot Program in the First and Second Circuits.

First Circuit

In the First Circuit, volunteers sign up with Volunteers in Public Service to the Courts ("VIPS"), which is part of the Judiciary's Communications and Community Relations Office. Any potential volunteer could register online at <http://www.courts.state.hi.us/> under "Community Outreach," then clicking on "Volunteer Opportunities."

After processing by the VIPS office, the volunteers are then assigned to the Ho'okele Court Navigation Section of Legal Documents Branch 2, Honolulu District Court. A volunteer identification badge is provided to each volunteer processed through VIPS.

Ho'okele staff provides on-the-job training, immediate guidance, and direction. Brochures providing information about the Volunteer Court Navigator are provided to self-represented litigants.

The Volunteer Court Navigator is available to assist any self-represented litigant who requests help.

The principal challenge in the First Circuit in its initial year of the program is recruitment of a steady flow of dedicated volunteers.

Second Circuit

Potential volunteers are actively recruited by Second Circuit personnel. They then attend an orientation session during which they are provided with an overview of the program. A representative of the Special Services Branch, Second Circuit, is present at the orientation session. Interested volunteers complete a volunteer application.

Follow-up training sessions are coordinated by the court. Volunteers are given a tour of the courthouse that includes the courtroom, Self-Help Center, Service Center, and Library. After one to two training sessions, volunteers observe District Court debtor-creditor, landlord-tenant, and injunction-against-harassment (District Court TRO) cases. A final training session is scheduled, and volunteers begin to receive assignments if they feel ready to take on an assignment. Assignments are based on a volunteer's availability. Each Navigator is given a large orange "Volunteer Court Navigator" badge that is worn when serving as a Navigator.



There are approximately 12 Volunteer Court Navigators in the Second Circuit who are at various levels or stages of experience, service, training and/or orientation. The volunteers come from varied backgrounds.

The volunteers are described by the court as follows: "Our Navigators are an enthusiastic and talented group of community-minded volunteers. Together, we will learn even more from our collective experiences serving our community through this Program." The court added, "We have also had a very positive response from our District Court staff and judges for which I am extremely thankful."

By November 2018, the Second Circuit Volunteer Court Navigators had served over 200 self-represented litigants. All the self-represented litigants who completed an evaluation form rated the assistance provided as excellent. The following is a sample of the comments written on the forms.

- *"Very useful, it helped a lot and she made us comfortable."*
- *"Felt at ease after talking to her."*
- *"Super helpful. I felt out of my element and she helped put me at ease."*
- *"Reduced my anxiety about court."*
- *"Very helpful in explaining where I should be."*
- *"Way more info than I got from anyone else."*
- *"Made court less confusing and intimidating."*
- *"_____ was informative, factual and very centering for me."*
- *"Compassionate – and to the point."*
- *"Needs were answered according to my case."*
- *"Thanks for your enthusiasm."*
- *"What a great service."*
- *"Great help especially for us who doesn't [sic] know where to go."*
- *"She is friendly and approachable...."*

The Volunteer Court Navigator program creates potential for contributing to the national and state goal of providing meaningful access to justice for all.

Conclusion

On November 20, 2018, the Hawai'i Supreme Court issued an order establishing the Volunteer Court Navigator Pilot Program in the Second Circuit as a permanent program and issued another order extending the program another year in the First Circuit. Copies of these orders are attached as Appendix B and Appendix C.



Members of the Task Force on Paralegals and Other Nonlawyers and the Volunteer Court Navigators themselves express their appreciation to the Hawai'i Supreme Court and the Hawai'i Access to Justice Commission for the privilege of serving the community through the Volunteer Court Navigator Pilot Program.



Navigator Sandy Filipelli stands at main security checkpoint on first floor of courthouse ready to direct self-represented litigants. One volunteer is assigned on each civil-court day to direct litigants to the correct floor of the courthouse.

Navigators (left to right), Lani Scott, Pam Lavarre, and Justine Hura, assisting a self-represented litigant outside the courtroom.



Volunteer navigators outside the Landlord-Tenant and Debt Collection Courtroom ready to assist self-represented litigants as they emerge from the elevator. Navigators (left to right) are Tori Renschen, Diane Sueno, Justine Hura, Lani Scott, and Pam Lavarre. Volunteers can be recognized by their orange name tags.

C. Unbundling Rule

The Self-Representation and Unbundling (“SRU”) Committee reconstituted its “Rule 1.2 Subcommittee,” and developed a recommendation



to the Access to Justice Commission in response to a letter received in March 2017 from the Supreme Court on proposed amendments to court rules relating to the provision of unbundled services. The Supreme Court had published these proposed rule amendments for public comment, following a recommendation by the Commission that the rules be adopted. The Supreme Court requested, after the close of the public comment period, that the Commission consider certain revisions and prepare additional related court forms. The Commission referred the Supreme Court's letter to the SRU Committee for a recommendation on a response.

In the March 2017 letter, the Court requested the SRU Committee review the amendments and forms enclosed and provide the Court with comments, insights, and additional information. The Court also requested that the SRU committee draft an "Objection to Withdrawal of Limited Appearance" form and a "Stipulation for Withdrawal of Limited Appearance" form which were mentioned in the proposed rules and forms. The committee, after much discussion and deliberations, recommended that there be a deadline imposed of fourteen days from the filing of a Notice of Withdrawal of Limited Appearance by the limited-representation attorney within which the client must file an Objection to Notice of Withdrawal of Limited Appearance. If the client does not file a timely objection, the intent is that the withdrawal would be granted. Because of the procedure, a Stipulation was not drafted.

The SRU Committee provided a draft of its response to the Court to the Commission for review prior to its October 2018 meeting. During that meeting, the response was approved by the Committee. On November 21, 2018, the Proposal to Amend Rule 11 and to Adopt Rule 11.1 of the District Court Rules of Civil Procedure, Hawai'i Rules of Civil Procedure, and the Hawai'i Family Court Rules was submitted to the Hawaii Supreme Court. Included in that transmission were a redline and clean copy of the Revised District Court Rules of Civil Procedure, Rule 11.1, Limited Appearance and Withdrawal; a redline and clean copy of the District Court forms on Agreement and Consent to Limited Scope Representation and Notice of Limited Appearance, and new forms for Notice of Withdrawal of Limited Appearance and Objection to Notice of Withdrawal of Limited Appearance.

Upon a response from the Judiciary, the SRU Committee will also follow up on corresponding amendments to the Hawai'i Rules of Civil Procedure and the Hawai'i Family Court Rules and corresponding forms.

D. Hawai'i Appellate Pro Bono Project

The Hawai'i Appellate Pro Bono Pilot Project was a joint project of a subcommittee of the Committee on Increasing Pro Bono Legal Services and



the HSBA Appellate Section and the Hawai'i Appellate Courts. The purpose of the project was to match eligible pro se appellate litigants with volunteer appellate attorneys willing to provide pro bono legal services. The pilot project was established by the August 7, 2015, order of the Hawai'i Supreme Court, with the pilot expiring on July 1, 2017.

Administered by Volunteer Legal Services Hawai'i and the HSBA Appellate Section, the pilot proved to be a successful initiative for increasing access to justice. In 2017, in light of the project's accomplishments and the importance of continued provision of pro bono assistance to financially deserving pro se litigants in matters on appeal, the Supreme Court ordered that the pilot be made permanent and thereafter referred to as the Hawai'i Appellate Pro Bono Program.

The program is focused on 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 must meet income level requirements and 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 to the appellate courts.

Since the beginning of the program, there have been 36 applications, 11 of which were qualified based on income/assets and the subject area of the case. Currently five applications are pending awaiting client documents or additional information prior to determination of whether the case qualifies. Four cases accepted under the program have been heard and the assisted pro se litigants have prevailed in each. Seven of the accepted cases are currently pending oral hearing on appeal.

E. Hawai'i Online Pro Bono Project ("HOP")

HOP, administered by Volunteer Legal Services Hawai'i, was launched in October 2016. This initiative began as one of the projects initiated by the Committee on Initiatives to Enhance Civil Justice based on a model from Tennessee. This legal service platform is part of the American Bar Association Free Legal Answers Project. The goal of HOP is to provide an additional tool for individuals who cannot afford an attorney. Volunteer attorneys can log in at any time, chose a question and then respond. This service is accessible from any computer, including public library computers.

Through HOP, users can register at Hawaii.FreeLegalAnswers.org and post a specific civil legal question. To qualify to use the service, users must



meet income and asset qualifications. Once qualified, the user can post legal questions via an email format, and upload any picture or document associated with the 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.

HOP is an opportunity for attorneys to provide limited assistance to those in need of legal guidance. The commitment is short term, and there is no expectation for representation beyond the question and answer 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 services to those most in need. The online format makes it easy for users and attorneys to connect with one another whenever and wherever most convenient for them.

In 2018, 71 attorneys registered to respond to questions asked by users. During the year, these attorneys donated a total of 281.1 hours representing a value of these services of over \$66,000. While Honolulu had 51% of users, 33% of the users were residents of the Big Island, with the users on that island representing the highest percentage of the population of the island compared to the user percentages of the population of each of the other islands. Eleven per cent of the users were from Maui County, and five per cent from Kaua'i.

The largest percentage of inquiries (47%) consisted of questions related to family law, divorce, custody, and paternity. Private landlord-tenant issues were the next largest category (19%), followed closely by debt collections (16%), bankruptcy (4%), immigration (2%), and veteran benefits (1%), with all other questions accounting for less than 10% of the total inquiries. New this year, a disaster relief category was added for individuals to ask questions after the flooding on Kaua'i and volcano eruptions on the Big Island.



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VII. APPENDICES

- Appendix A: Rule 21 of the *Rules of the Supreme Court of the State of Hawai'i*
- Appendix B: "Order Establishing a Volunteer Court Navigator Pilot Program in the Second Circuit," SCMF-17-0000814 (2CC), November 20, 2018.
- Appendix C: "Order Establishing a Volunteer Court Navigator Pilot Program in the First Circuit," SCMF-17-0000814 (1CC), November 20, 2018
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Rule 21 of the Rules of the Supreme Court of the State of Hawai‘i

Rule 21. ACCESS TO JUSTICE COMMISSION.

(a) Creation. There shall be a commission to be known as the Hawai‘i Access to Justice Commission (the “Commission”).

(b) Purpose. 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 this, 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) Membership.

- (1) NUMBER OF MEMBERS AND TERMS OF OFFICE. The Commission shall consist of 22 members, with staggered terms. The initial members (other than the chair and the four members appointed under subsection (3)(vii) below) shall draw their terms by lot so that five members shall serve a term ending on December 31 of the year of appointment, six shall serve a term ending on December 31 of the year following the year of appointment, and six shall serve a term ending on December 31 of the second year following the year of appointment. All subsequent appointments of such members (other than appointments to fill vacancies as described in subsection (2)) shall be for terms of three years or until his or her successor is appointed. Governmental representatives appointed under subsection (3)(vii) shall rotate by their terms of office or at the will of the appointing authority. Terms shall run on a calendar

year basis, except that a member shall continue to serve until his or her successor is duly appointed.

- (2) VACANCIES. A vacancy in the office of a member shall occur upon (i) the written resignation, death or permanent incapacity of such member, (ii) the determination by the applicable appointing authority that there has been a termination of a position held by such member that was the basis of such member's appointment to the Commission and that the appointing authority wishes to replace such member with a new appointee, or (iii) for such other cause as shall be specified in the bylaws, rules or written procedures of the Commission. Upon the occurrence of a vacancy, the appropriate appointing authority shall appoint a successor member to serve the remainder of the term of the vacating member.
- (3) APPOINTMENT OF MEMBERS. Members of the Commission shall be appointed as follows:
 - (i) The Chief Justice of the Supreme Court shall appoint five members to the Commission as follows: (A) the Chief Justice or a current or retired Associate Justice of the Supreme Court and (B) four other current or retired judges who the Chief Justice shall endeavor to appoint from different judicial circuits and to include at least one circuit court judge, one family court judge, and one district court judge.
 - (ii) The Hawai'i State Bar Association (the "HSBA") shall appoint four members to the Commission as follows: (A) two representatives of the HSBA, who may be officers, directors or the Executive Director of the HSBA; and (B) two active HSBA members who have demonstrated a commitment to and familiarity with access to justice issues in Hawai'i and who are not currently serving as an HSBA officer or director, one of whom shall be from a law firm of ten or more attorneys. At least one of the attorneys appointed by the HSBA shall be from an Island other than O'ahu.
 - (iii) The Hawai'i Consortium of Legal Services Providers (the "Consortium") shall appoint six members to the Commission as follows: (A) four representatives of Hawai'i nonprofit civil legal services providers; and (B) in consultation with the Chief Justice of the Supreme Court, two non-attorney public representatives not directly associated with any such provider who have demonstrated a commitment to and familiarity with access to justice issues in Hawai'i. The initial members of the Consortium shall be the American Civil Liberties Union Hawai'i, Domestic Violence Action Center, Hawai'i Disability Rights Center, Legal Aid Society of Hawai'i, Mediation Center of the Pacific, Na Loio, Native Hawaiian

Legal Corporation, University of Hawai'i Elder Law Program of the Richardson School of Law, and Volunteer Legal Services Hawai'i. Other civil legal services providers may be added to, and members may resign or be removed from, the Consortium as determined by the vote of a majority of the then members of the Consortium.

- (iv) The Hawai'i Justice Foundation (the "Foundation") shall appoint one member to the Commission, who shall be an officer, director or the Executive Director of the Foundation.
- (v) The Dean of the University of Hawai'i William S. Richardson School of Law shall appoint one member to the Commission, who may be the Dean.
- (vi) The Hawai'i Paralegal Association shall appoint one member to the Commission, who shall be a paralegal with a demonstrated interest in equal access to justice.
- (vii) The Governor of Hawai'i, the Attorney General of Hawai'i, the President of the Hawai'i Senate, and the Speaker of the Hawai'i House of Representatives shall each be entitled to serve on the Commission or to appoint one member, provided that any appointee of the Governor shall be drawn from the Executive branch of government, any appointee of the Attorney General shall be a Deputy Attorney General, any appointee of the President of the Senate shall be a state Senator, and any appointee of the Speaker of the House shall be a state Representative.

(4) COMMUNITY WIDE REPRESENTATION. In making appointments, the appointing authorities shall take into account the effect of their appointments on achieving a Commission composed of members who are residents of different islands in Hawai'i and who reflect the diverse ethnic, economic, urban, and rural communities that exist in the Hawaiian Islands.

(d) Officers. The Chief Justice of the Supreme Court shall designate from among the members of the Commission a chair and a vice chair of the Commission. The chair, who shall be the Chief Justice or the Chief Justice's designee, shall serve an initial term of one year and thereafter shall be designated at such times as the Chief Justice shall determine. The vice chair shall be designated for a term of two years, provided that such term shall expire at any earlier date on which the term of the vice chair as a member of the Commission shall expire or be terminated. The Commission shall select such other officers as it deems necessary and useful. Terms of all officers shall run on a calendar year basis, except that an officer shall continue in office until his or her successor is duly designated or selected. Designations or selections to fill officer-vacancies shall be for the remainder of the term of the vacating officer.

(e) Bylaws, Rules and Procedures. The Commission may adopt bylaws, rules or operational procedures as it deems necessary for and consistent with Sections (c), (d) and (f) through (j) of this Rule.

(f) Committees and Task Forces. The Commission may create such committees and task forces, and appoint such committee and task force members, as it deems necessary or desirable to facilitate the work of the Commission. The Commission shall designate a chair of the committee or task force. The Commission may appoint to the committee or task force persons who are not members of the Commission. The role of committees and task forces shall be advisory, and they shall make such recommendations to the Commission as the members of such committees and task forces deem appropriate. Meetings of committees and task forces shall be at the call of the chair or at the call of at least 20% of the members of the committee or task force. A quorum consisting of not less than one-third of the then-appointed and serving members of a committee or task force shall be necessary at a duly called meeting to adopt a recommendation to the Commission.

(g) Meetings, Quorum, and Voting. The Commission shall meet at least quarterly and shall have additional meetings at the call of either the chair or at least seven members upon at least ten days prior notice. A quorum consisting of not less than one-third of the members of the Commission then in office shall be necessary to transact business and make decisions at a meeting of the Commission. On any votes taken at a meeting of the Commission, the chair shall vote only in the event of a tie.

(h) Staff and Funding Support. It is anticipated that staff and funding support for the Commission will be provided by a combination of private and public sources of financial and in-kind support.

(i) Recommendations. Any recommendations by the Commission shall be made in the name of the Commission only, and not in the name of the individual members or the institutions or entities they represent.

(j) Reports and Review.

(1) ANNUAL REPORTS. The Commission shall file with the Supreme Court an annual report describing its activities during the prior 12-month period and deliver a copy of the report to the Executive Director of the HSBA.

(2) THREE-YEAR REVIEW. Three years after the Commission holds its first meeting, the Supreme Court shall evaluate the progress made by the Commission toward the goal of substantially increasing access to justice in civil legal matters for low-income Hawai'i residents.

(Added April 24, 2008, effective May 1, 2008; further amended December 11, 2015, effective December 11, 2015.)

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IN THE SUPREME COURT OF THE STATE OF HAWAII

In the Matter of the
VOLUNTEER COURT NAVIGATOR PILOT PROGRAM, SECOND CIRCUIT

ORDER

(By: Recktenwald, C.J., Nakayama, McKenna, Pollack, and Wilson, JJ.)

The order entered in this matter on November 3, 2017, establishing the Volunteer Court Navigator Pilot Program in the Second Circuit, sets a December 31, 2018 expiration date for the project unless extended or made permanent by this court. In light of the report submitted in this matter regarding the program in the Second Circuit,

IT IS HEREBY ORDERED that the Volunteer Court Navigator Pilot Program for the Second Circuit is made permanent.

DATED: Honolulu, Hawai'i, November 20, 2018.

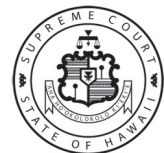
/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson



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IN THE SUPREME COURT OF THE STATE OF HAWAII

In the Matter of the
VOLUNTEER COURT NAVIGATOR PILOT PROGRAM, FIRST CIRCUIT

ORDER

(By: Recktenwald, C.J., Nakayama, McKenna, Pollack, and Wilson, JJ.)

The order entered in this matter on November 3, 2017, establishing the Volunteer Court Navigator Pilot Program in the First Circuit, sets a December 31, 2018 expiration date for the project unless extended or made permanent by this court. In light of the report submitted in this matter, the promise of the program, and initial challenges encountered by the program in this Circuit in its initial year,

IT IS HEREBY ORDERED that the Volunteer Court Navigator Pilot Program is extended for an additional year, and will expire

APPENDIX C

December 31, 2019 unless extended or made permanent by this court.

IT IS FURTHER ORDERED that a staff attorney of this court shall submit to this court, by November 15, 2019, a report on the performance of the program in the First Circuit.

DATED: Honolulu, Hawai'i, November 20, 2018.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

