



Hawai'i Access to Justice Commission sponsors the

## **2023 HAWAII ACCESS TO JUSTICE CONFERENCE**

### **“BUILDING TRUST AND UNDERSTANDING OF CIVIL ACCESS TO JUSTICE”**

Friday, June 16, 2023

William S. Richardson School of Law, University of Hawai'i  
2515 Dole Street, Classrooms 2 and 3

- 8:00 - 8:30 a.m. Continental breakfast; registration
- 8:30 - 9:00 Welcome: Dean Aviam Soifer and Robert LeClair, co-emcees  
Hon. Joseph E. Cardoza, Chair, Hawai'i Access to Justice Commission,  
former State of Hawai'i Second Circuit Chief Judge  
Hon. Mark E. Recktenwald, Chief Justice, Hawai'i Supreme Court
- 9:00 - 10:00 **“Incomplete Sentences: Judging Poverty”**  
Hon. Nancy Gertner, Harvard Law School, former United States District  
Judge
- 10:00 - 10:15 Break
- 10:15 - 11:45 Perspectives of Access to Justice in the Current Climate  
*[Former Dean Aviam Soifer (facilitator), Chief Justice Mark Recktenwald,  
representatives from the Executive and Legislative Branches]* This session will  
discuss how the three branches of government address the current access to civil  
justice for the low- and moderate-income residents of Hawai'i.
- 11:45 - 12:45 Light lunch
- 12:45 - 2:00 Afternoon concurrent workshops:
1. **“Alternatives to Incarceration in the Juvenile Justice System”**  
*[Carla Houser, Judge Jessi Hall, youth representative]* This session will discuss what's needed  
and what's new about pathways being forged by the Opportunity Youth Action Hawai'i (“OYAH”) project “Kawailoa: A Transformative Indigenous Model to End Youth Incarceration,” which was selected by the Kellogg Foundation to be part of the global Racial Equity 2030 challenge over the next eight years. The funding will support strengthening a novel, culturally relevant approach to innovative programs, expanded outreach efforts, and further advocacy to improve the wellbeing of justice-involved youth locally and beyond.
  2. **“For the Public Good”--Pro Bono--An Obligation or An Opportunity”**  
*[Judge Joseph Cardoza (ret.) (moderator), Justice Simeon Acoba (ret.), Caroline Peters Belson]*  
The increasing demand for pro bono legal services to address unmet civil legal needs is of critical concern. This session will include a discussion of pro bono ethical guidelines, an introduction to the Access to Justice Commission and its initiatives that explore ways to increase pro bono services in the private and public sectors. This session will also include a discussion of a wide

range of pro bono opportunities, available training and mentoring for those providing pro bono services, and the benefits of pro bono service for the public and attorneys.

3. Access to Justice in Child Welfare

*[Lise Vaughn-Sekona (moderator), Venus Rosete-Medeiros, Tia Roberts Hartsock]* This session will discuss the Malama 'Ohana proposal, which would bring together those directly impacted by the child welfare system in a collective impact process that is desperately needed.

4. "Access to Justice and Diversity, Equity, and Inclusion

*[Lisa T.K.O. Lum, Dean Camille Nelson, Judge Rebecca Copeland, Isaac Moriwake]* This session will discuss what DEI means, what it looks like to have a designated DEI committee in an institution, and how does it build public trust or community support, and how it relates to access to justice.

5. Native Hawaiian Issues and Access to Justice

*[Makalika Naholowa'a, Devin Kamealoha Forrest]* This session will discuss the relevant activities in the last two decades of the Paoakalani Declaration regarding Native Hawaiian traditional knowledge, culture, and intellectual property rights and the needs laid out in the Declaration that remain unaddressed or inadequately addressed.

2:00 - 2:15 Break

2:15 - 3:30 Afternoon concurrent workshops:

6. "Hawai'i Elder and Vulnerable Adult Abuse Laws and Decisional Capacity

Considerations" *[Prof. James Pietsch and Dr. Marvin Acklin]* An attorney and a psychologist will discuss intersecting legal and decisional capacity issues relating to elder and vulnerable adult abuse, neglect, and exploitation, including the concepts of undue influence, autonomy, protection, and best interests.

7. Language Access, Immigrants, Interpreters, and Access to Justice

*[Corey Park and Rebecca Leibowitz]* This session will discuss the critical importance of providing meaningful language access for low- and moderate-income immigrant populations in achieving access to justice.

8. Housing Stability and Mediation: Where We've Been and Where We're Going"

*[Tracey Wiltgen (moderator), Julie Mitchell, Diane Petropulos, and Gina Agustin]* Over the past two years, mediation played a critical role in helping landlords and tenants negotiate workable solutions before an eviction process was filed. Hawaii's one-year early eviction mediation program created in response to Act 57 by the community mediation centers throughout the state, resulted in 1,415 landlords and tenants reaching agreement and staying out of court. In addition to the positive outcomes, many valuable lessons were learned, and important partnerships were formed. The panelists in this session will share how and why the early eviction program was so successful, and how the mediation centers continue to work with various partners and apply the lessons learned to increase housing stability throughout the state.

9. "Access to Justice and Restorative Justice"

*[Lorenn Walker and Judge Leslie Hayashi (ret.)]* This workshop will explore how restorative justice practices, adapted from traditional criminal cases, can be applied to certain civil matters to benefit low- and moderate-income individuals.

3:35 - 4:15 Plenary: "Building Trust and Understanding of Civil Access to Justice"  
*[Nancy Gertner, Regan Iwao, Robert LeClair]*

4:15 "Hawai'i Pono'i"