



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 (ret.) 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,
Senator Joy A. San Buenaventura, Representative Della Au Belatti,
representative from the Executive Branch]** 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 Belsom]** 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 Vaughan-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, Zachary Alaka‘i Lum] 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, Rebecca Leibowitz, Dr. Sue Zeng] It is an established civil right that Limited English Proficient (“LEP”) persons must be provided with effective interpretation and translation services to help ensure meaningful access to the justice system and other governmental services. This panel, which includes an experienced attorney and interpreter/translator, will discuss the law and provide practice tips on assessing when to request an interpreter, how to select a qualified interpreter, the best practices when using an interpreter, and other related matters.
 8. **“Housing Stability and Mediation: Where We’ve Been and Where We’re Going”**
[Tracey Wiltgen (moderator), Julie Mitchell, Diane Petropulos, 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, Judge Leslie Hayashi (ret.), Jeannie Lum] 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”