

2025 HAWAI'I ACCESS TO JUSTICE CONFERENCE

“CHARTING THE COURSE TOWARD CIVIL ACCESS TO JUSTICE FOR ALL”

Friday, June 20, 2025

William S. Richardson School of Law, University of Hawai'i

Summary of Afternoon Session

3:35 – 4:15 Plenary: “Charting the Course Toward Civil Access to Justice for All” Calvin Pang (moderator), Dean Aviam Soifer (ret.) Robert LeClair, Rachel Figueroa, Senator Karl Rhoads

Calvin Pang, retired faculty member and professor at William S. Richardson School of Law, opened the session by explaining how he charged the panelists with providing information that will encourage us to continue working on furthering access to justice. He briefly introduced the members of the panel and asked them to share their thoughts about the state of our funding and nonprofits.

Rachel Figueroa, Executive Director of Volunteer Legal Services Hawai'i (VLSH), began with the uncertainty that we are facing with federal funding to meet social service needs in Hawai'i. She talked about the pressure for agencies to do more with less and how clients are more aggravated and stressed. As people lose funding or funds were frozen, there was a rapid increase of people under the federal poverty level by at least 10 percent. Ms. Figueroa thanked the staff, volunteer attorneys, and state legislators for their hard work and support. She mentioned the various ways people can help and named VLSH, Legal Aide, pro bono, self help centers, Access to Justice room and “TLC”.

Senator Karl Rhoads, Chair of the Senate Committee on Judiciary, started with an overview of funding in criminal cases and the indigent defendant's constitutional right to counsel. As a state legislator, he explained how it is somewhat easier to determine funding on the criminal side compared to the civil side because both the state and federal constitutions require counsel to be provided in criminal cases. Senator Rhoads added that if counsel is not provided then accused criminals may be set free. Yet it is very difficult to obtain funding in criminal cases because voters dislike the idea that their money will go to defend criminals.

Senator Rhoads highlighted House Bill 396 that was signed into law by Governor Josh Green and increases the rate for court appointed counsel for the first time in 20 years. The hourly rate for court appointed counsel handling criminal matters increased from \$90 to \$150 and the maximum allowable fees for felony cases doubled to \$12,000. The Legislature also passed House Bill 398 which increased fees to \$150 per hour for court appointed attorneys and guardians ad litem in family court cases.

Generally, on the civil side, Senator Rhoads pointed out how many people are on their own when you need counsel or legal services. Ironically, the National Center for Access to Justice ranked Hawai'i as fifth among states who provide access to justice to pro se litigants, those that need interpreters, and people with disabilities. Senator Rhoads spoke about how the Legislature continues to provide funding for civil legal services to individuals with lower incomes and added \$1.75 million to the \$1.2 million base budget. He commented on how Hawai'i is doing relatively OK compared to most states, however we could improve.

Senator Rhoads said that we need to improve access to attorneys. There are family court cases, like child protective and divorce cases, where the court can appoint an attorney. He believes expansion is needed in certain areas where decisions are impactful and important enough that the state should provide legal representation to those with lower incomes. He mentioned the pilot programs in the probate and family courts that the legislature established and more grants for service providers as ways to help serve the lower income community.

Lastly, Senator Rhodes spoke about other ways to improve access to justice like expanding the law school loan forgiveness, increasing the pool of lawyers and adequately funding the courts. He recognized that having enough judges and court personnel would take pressure off the system and if judges had fewer cases, then they could devote more time to each case and make access better and easier.

Robert LeClair, Executive Director of the Hawai'i Justice Foundation, discussed how the federal government plans to cut funding because they do not believe it makes a difference if someone has access to legal services. The way we get through this type of crisis is to draw strength from the work we are doing here in Hawai'i. He highlighted the amazing efforts we have made here with access to justice and the good spirit we have as a group.

On the state level, Mr. LeClair said we could do better with access to justice by increasing the use of paralegals. He recalled the Kapiolani Community College paralegal program that involved training 30 students at Legal Aide which was led at the time by Eric Seitz. As a result, they raised the number of clients served from 4,500 to 13,500 over a one-year period. Mr. LeClair believes that this is a good model in which we should replicate because we are faced with an order that we simply cannot fill. He added that the Hawai'i Justice Foundation will do all that it can to help with funding issues, but the State will not be able to meet funding needs without the return of federal monies.

Aviam Soifer, former Dean of William S. Richardson School of Law, spoke about how the worse is yet to come, however, he remains optimistic. He believes that the ratings mentioned earlier do not adequately reflect how good we are and how well we are doing compared to the rest of the country. Dean Soifer talked about how we have great relationships that need to be recognized, and that words and facts matter in times of crisis.

Hawai'i is a face-to-face culture and it sets us apart. Dean Soifer discussed the importance of equity, diversity and inclusion. He highlighted the Ulu Lehua Program of the William S. Richardson School of Law, which strive to admit those who have overcome adversity and show promise of serving underserved communities. He said we should be proud of this admissions program and remember that is what we stand for in Hawai'i. Dean Soifer concluded with how facts can overcome optimism but that gets you to hope which can sustain you.

Professor Pang opened the floor to the panel to discuss their insights, expertise, knowledge and feelings about the future of access to justice, and for questions from the audience.

A member of the audience asked Senator Rhodes what the likelihood of the legislature increasing taxes on the wealthy so that providers for the poor do not have to compete for limited funds. Senator Rhodes responded with how he has repeatedly introduced bills to increase taxes on the wealthy, but they have not passed. He added that the legislature will likely resume this summer because of the federal cuts, including those to Medicaid. As a result, it is very likely that there will be a scenario where big tax cuts on the federal level may increase taxes to get back what was given away at the federal level, and this may be more appealing to taxpayers.

Another audience member suggested that the Access to Justice Conference be held during the school year so more students could attend. Alternatively, if it remains in the summer, then it was suggested that the students volunteering at the Judiciary or firms are invited to the conference. It will help plant the seed for younger attorneys early on in their career and they can see how to stay involved in the future.

The next audience question for Dean Soifer asked whether the Ulu Lehua Program would be in danger from the attacks on diversity and because it receives federal funds. Dean Soifer recognized that the previous quote on admissions was written years ago and may not be directly responsive to this threat. He said there will always be a threat, and no one is immune from challenges. Dean Soifer recalled a situation where an entire university was at risk of losing monies if its law school continued to have a particular approach to admissions. Similarly, this law school will not be the only one denied federal funding and the university as a whole could lose federal monies.

As an audience member, Representative Della Au Belatti commented on how it is important to call your local representative and senator if you believe the legislature should generate revenue. She added that the legislators may not follow through if they do not hear from the community. Representative Au Belatti emphasized how they will need to find ways to raise revenue to backfill areas where funding is lost.

An audience member shared her experiences and observations as a non-attorney participant at the conference over the years. She recognized how money is helpful and how the government may provide, but she encouraged us to get help from the community as well.

Professor Pang concluded the session by thanking the many volunteers who helped with the conference and all the presenters. He extended a special thank you to Carol Muranaka, Chief Justice Recktenwald, Judge Cardoza, Dean Camille Nelson, Associate Dean Nicholas Mirkay, Justice Sabrina McKenna, Kalei Akau, Lehua Yim, Johanna Chock-Tam, the Cades Foundation, the law school staff and all members of the Hawai'i Access to Justice Commission for all their help and work with the conference.