

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 Morning Session

8:30 – 9:00 Welcome: Dean Aviam Soifer (ret.) and Robert LeClair, co-emcees, Hon. Joseph Cardoza, Chair, Hawai'i Access to Justice Commission, State of Hawai'i Second Circuit Chief Judge (ret.), Hon. Mark E. Recktenwald, Chief Justice, Hawai'i Supreme Court

Welcome. Co-emcee Robert LeClair welcomed attendees to the annual Hawai'i Access to Justice Conference. He thanked Cades Foundation for their support each year and Dean Camille Nelson for use of the law school facilities.

Hon. Joseph E. Cardoza, Chair of the Hawai'i

Judge Cardoza also welcomed everyone to the conference and thanked everyone that helped put on the conference including the Education Committee and its many volunteers. A special thank you was made to the William S. Richardson School of Law, Dean Camille Nelson and the law school community for their support as well.

Judge Cardoza recognized the Access to Justice Commissioners' dedication and commitment to making access to justice achievable for all. He extended further appreciation to all committees, the Hawai'i State Bar Association (HSBA), county bar associations, community foundations, service providers and everyone who help to improve lives of others in Hawai'i. Judge Cardoza thanked Chief Justice Recktenwald for his leadership and the Hawai'i Judiciary for its support. He recognized the legislative and executive branches of government for their commitment to access to justice.

Judge Cardoza highlighted the Commission's work over the past year including pro bono services, housing, assisting those facing separation and divorce and other topics. He spoke about the constitutional crisis that America is facing, and people being taken into custody and removed from the country with no access. Judge Cardoza mentioned the concern regarding mobilization of the military and the severe cuts to funding that leave many in fear of the future. He recognized how medical insurance and coverage is becoming complex and leading to adverse impacts on many other areas.

Access to justice is more challenging in a divided society and the divide is widening and becoming more intense. Judge Cardoza spoke about the rule of law and the people throughout America steering the course to access to justice for all.

Judge Cardoza shared about an exchange with community leaders from Great Britain and Germany and how he observed everyone getting along with each other. The Britain and German people said they have been to war twice and that it is their responsibility as leaders to prevent another war between the two countries. The German people who lived through the years preceding World War 2 shared how important it was to remain vigilant. They explained how people were uncomfortable with what was occurring in Germany in the 1930s but they did not speak up and felt they needed keep low profiles to survive. They called it the “tipping point” and that you should never get close to this tipping point.

Following his conversations with the German people, Judge Cardoza said it never crossed his mind that our rights in America would ever be in jeopardy. He added that access to justice is something we must protect. As citizens it is our responsibility to preserve our form of government and the rights of all people. Judge Cardoza said he hopes we remain faithful to the rule of law, serve others the best we can and stand as nonviolent advocates for equal justice for all.

9:00 - 9:40 Keynote speaker: Honorable Mark E. Recktenwald, Chief Justice, Hawai‘i Supreme Court

Chief Justice Recktenwald announced that this will be the last time he will be speaking at the conference as Chief Justice. He spoke about the incredible growth of the access to justice movement and how it is one of the most significant experiences for him. Chief Justice Recktenwald thanked all those involved with this movement, including Avi Soifer, Bob LeClair, Judge Cardoza, Justice Acoba and Judge Foley.

Chief Justice Recktenwald recalled the first time he spoke at the conference as Chief Justice back in 2011. At that time, he recognized the opportunity to make history in Hawai‘i by significantly expanding access to justice for those left behind for far too long. Early on in his role as chief justice, he was boldly optimistic that real change could be accomplished, and he remembers the work being done with Legal Services Corp. in D.C. Then in 2012, he attended a national conference in Florida and met people who deeply cared. Chief Justice Recktenwald highlighted the Commission as the signature event that brought everyone together with a common vision of helping others.

Chief Justice Recktenwald said that Hawai‘i’s access to justice movement is built on the strength of its people who have paved the way for us and are all connected by community and service of others. He recalled the difference the Commission has made under the leadership of chairs Justice Acoba, Judge Foley and Judge Cardoza.

Chief Justice Recktenwald spoke about how the people-centered approach to access to justice helped build relationships with community partners to collaboratively work to bridge the justice gap. He thanked the many legal service providers like Legal Aid Society of Hawai'i, Volunteer Legal Services Hawai'i, Domestic Violence Action Center, Native Hawaiian Legal Corporation, the Legal Clinic Hawai'i Disability Rights Center, and mediation centers across the state, for their commitment to providing equal access to justice to the people of Hawai'i.

The idea of self-help centers started with folks from California self-help centers with the first self-help center debuting on the island of Kaua'i by Judge Trudy Senda. Chief Justice Recktenwald said a training program was developed and rules were established to address conflicts of interest. With help from Legal Aid and the HSBA, these self-help centers expanded statewide and provide individuals with a safe space to meet with volunteer attorneys for brief legal consultation. As a result, almost 40,000 people have been served at self-help centers across the state.

Chief Justice Recktenwald reflected on the mediation pilot project on the Big Island that was created by Judge Ronald Ibarra in response to people getting evicted from their homes in 2010 and 2011. The initiative set up mediations to level the playing field and give people an opportunity to be heard. Nearly 20,000 pro bono hours were provided at the various self-help centers and if priced at \$250 per hour, it results in \$5 million in services.

Chief Justice Recktenwald thanked the HSBA, Legal Aid Society, AmeriCorps, private law firms, Office of Disciplinary Counsel, the Public Defender's office, Hawai'i Women Lawyers, Hawai'i Filipino Lawyers Association and the many volunteers for dedicating their time at self-help centers. He acknowledged the leaders that have helped behind the scenes including Rod Maile, Daylin Rose Heather, Brandon Kimura and Lisa Lum. Chief Justice Recktenwald said that he looks forward to getting himself trained so he can volunteer at the self-help centers as well.

Chief Justice Recktenwald highlighted the Office of Language Access and the training they provide for court interpreters, including Hawaiian language interpreters. He spoke about the Judiciary's response in 2019 where an individual in Maui wanted to speak to the court in Hawaiian and a policy was adopted allowing for a person to communicate in Hawaiian with use of an interpreter. The Judiciary issued a statement reaffirming its commitment to Hawaii's official languages of English and Hawaiian because of the recent declaration that English was our national language.

Chief Justice Recktenwald spoke about the partnership with the Hawai'i Public Library System and the interactive software installed in the state libraries. He explained that librarians are trained to help people access self-help forms for court appearances and other matters. A special thank you to Jenny Silbiger and her staff was made for helping with this project and engaging the community.

Chief Justice Recktenwald mentioned the panel on organized labor unions and the potential to work with and support organized labor who are a big part of our community. He also spoke about the Appellate Pro Bono Pilot Project that was created to address the need for appellate legal representation by providing self-represented individuals with a volunteer attorney. Judge Rebecca Copeland was instrumental in the success of this project, in which 25 cases were referred, and the project has since been made permanent.

On the national level, Hawai'i was awarded a "Justice for All" grant from the National Center for State Courts and the funds were used to form a strategic plan to reach one hundred percent access to effective assistance for essential civil legal services. Chief Justice Recktenwald explained how the Community Navigator Project led by Legal Aid Society of Hawai'i brought together and trained trusted community individuals like coaches, teachers, and union leaders. They became "community navigators" that helped identify legal issues for self-represented persons and assisted them in accessing resources.

The second project funded by the "Justice for All" grant was the Hawai'i Legal Interagency Roundtable Project that was made to improve the access to resources within government agencies. This project helped open up communication between state departments and succeeded in getting the right resources to the right people.

Chief Justice Recktenwald discussed overcoming challenges like the pandemic and the Maui wildfires and how access to justice work helped the legal community effectively respond to those in need. He spoke about the transition to remote hearings to open up the courthouse doors and conduct over 900,000 remote hearings since the pandemic in 2020. Additionally, many faced evictions as a result of the pandemic and the Legislature responded by enacting Act 57. Chief Justice Recktenwald explained how Act 57 required parties to go to mediation before an eviction is filed with the court and 85% of the 1,600 mediations conducted ended in resolutions.

When the Maui wildfires struck, everyone came together to help again and a program similar to the aforementioned pilot program was created by the legislature. The Second Circuit Judiciary staff under the leadership of Judge Peter Cahill responded to ensure court services continued despite many having lost their homes to the wildfires. Chief Justice Recktenwald expressed pride in the way legal service providers quickly stepped up to help out at the Discovery Recovery Center, legal hotlines and in other ways. He strongly believes that the relationships formed due to access to justice is what brought people together to provide a swift and effective response to the horrific wildfires.

Chief Justice Recktenwald reflected on Nikole Nelson's keynote address at last year's conference and the efforts of Frontline Justice in Alaska where they don't have enough attorneys to provide legal services. He recalled she spoke about how

they trained non-lawyers to help people in remote locations across the state of Alaska to provide much needed legal assistance. Chief Justice Recktenwald talked about how Hawai'i is similar to Alaska in terms of the lack of attorneys to meet the high need for legal representation in rural and underserved communities. He said that the Rural Paternity Advocate Pilot Project in Hilo is one way to help provide much needed legal services.

The Rural Paternity Advocate Pilot Project was established in partnership with Legal Aid to train paralegals to assist in paternity and custody cases. These paralegals, who are supervised by a licensed staff attorney, will do what an attorney would do in and outside of the courtroom. Chief Justice Recktenwald thanked Judge Ronald Ibarra, who started the project, Judge Robert Kim, Judge Wendy DeWeese, and Legal Aid Society's David Copper, Scott Shishito and Jaycee Uchida. He praised Judge Darien Ching Nagata for her willingness and leadership for making the program possible.

Chief Justice Recktenwald next highlighted the Committee on Artificial Intelligence (AI) which is led by Justice Vlad Devens and Judge John Tonaki. He talked about how AI could increase the ability to help more people. He expressed gratitude to the law school's Innovator-in-Residence, Matthew Stuber, who has been a key member of the AI committee and a great resource.

KolokoloChat is the Judiciary's chatbot that helps the public with questions and finding court information. Chief Justice Recktenwald explained how the new chatbot has already answered over 2,000 inquiries since going live about a month ago. He thanked Angela Min, Michelle Acosta, Judge Melanie May and Judge Michael Soong, members of the Committee on Innovations, Technology and Self-Represented Litigants for being instrumental in the success of KolokoloChat.

Chief Justice Recktenwald explained how a \$1 million grant was split with Alaska and the support of Microsoft helped Legal Aid launch Legal Navigator. This new resource will assist users, including self-represented individuals, in finding legal content with the use of AI. He thanked all those involved with the rollout of the successful Legal Navigator and for staying the course with this project.

Chief Justice Recktenwald spoke about the need to buy-in, to gain people's trust and to believe in the integrity of our system. He explained that if people do not feel that they will get a fair shake in court, then all of our efforts will be for nothing. The Judiciary has emphasized civic education since he joined the Supreme Court. Chief Justice Recktenwald highlighted how the Courts in the Community program has allowed the Supreme court to hold oral arguments across the state multiple times for over 6,000 students. He thanked the attorneys and volunteers for making it all possible.

The PACE Commission, chaired by Justice Lisa Ginoza and Representative Amy Perusso, is another accomplishment noted by Chief Justice Recktenwald. He

spoke about the three day Law and Justice Academy put on by the PACE Commission in Maui and Hilo. The judges and other volunteers teach high school students about civic education, government and opportunities out there for them.

Chief Justice Recktenwald also spoke about the statement issued by the Supreme Court to reaffirm their commitment to principles of equal justice, access to justice for all, eliminating bias, addressing inequalities and fair administration of justice. He stressed the importance of having a judiciary with qualified judges and staff that reflect the community it serves. On May 1, 2025, the Supreme Court allowed attorneys into its courtroom to retake their bar oath and reaffirm their duty to defend the Constitution.

Chief Justice Recktenwald expressed appreciation to everyone who made today's conference possible, including Carol Muranaka, the William S. Richardson School of Law, Dean Camille Nelson, the HSBA, Cathy Betts, HSBA Executive Director and the late Pat Mau Shimizu. He also recognized the Legislature as a strong support of access to justice by providing about \$1.2 million annually toward civil legal contracts, an additional \$1 million for the upcoming fiscal year and \$750,000 for immigration related services. He thanked Senator Karl Rhoads, Representative Della Au Bellati and Representative David Tarnas for their efforts, including passing bills to increase reimbursement for court appointed counsels.

The Hawai'i Justice Foundation (HJF) has been instrumental in access to justice through its contributions to Legal Services Corporation (LSC) at a time when funding was at stake. Chief Justice Recktenwald thanked Bob LeClair and HJF Board Members for their work on access to justice. He shared about the pride felt when he and 36 other chief justices signed a letter of support to continue funding the LSC which is in danger of losing funding. He added how Attorney General Anne Lopez and other state attorney generals signed a similar letter voicing support for LSC which shows bipartisan support of the movement.

Chief Justice Recktenwald concluded his address by emphasizing how important each person is in this access to justice movement. He encouraged everyone to maintain their efforts towards this movement by continuing with passion for the work and finding new innovative ways to solve problems. Chief Justice Recktenwald finally shared that he is more optimistic than he was 15 years ago about the future and promised to support each of us every step of the way.

10:00 - 11:45 "Civil Access to Justice for All- A Continuing Conversation"
Judge Cardoza (facilitator), Chief Justice Mark Recktenwald,
Justice Simeon Acoba (ret.), Intermediate Court of Appeals Judge
Daniel Foley (ret.) and Rep. Della Au Belatti

Judge Cardoza facilitated the segment which featured four panelists: Chief Justice Mark Recktenwald, Justice Simeon Acoba (ret.), Intermediate Court of Appeals Judge Daniel Foley (ret.) and Rep. Della Au Belatti.

Judge Cardoza asked Justice Acoba and Judge Foley to describe the work that preceded the creation of Hawai'i Access to Justice Commission. Judge Foley started with how individuals and organizations came together in 2006 to discuss the denial of legal access for low and moderate income people in Hawai'i. They formed a "hui" which included representatives from HSPA, the ACLU, Domestic Violence Action Center, Legal Aid Society, Native Hawaiian Legal Corp., UH Elder Law Program, Volunteer Legal Services Hawaii and the William S. Richardson School of Law contacted the current Chief Justice Ronald Moon to ask for a representative from the Judiciary. He said that is how he became a member.

Judge Foley discussed how the hui surveyed all committees, task forces and commissions across the country and concluded that it was important to get the Hawai'i Supreme Court vested. The survey found that only one in five Hawai'i residents with low/moderate incomes have their legal needs met. And only one in three individuals from that group could be served by a non-profit service provider. The areas with biggest unmet needs were housing, family law, domestic violence and consumer.

The first recommendation of the hui was to create a commission with representatives from the Supreme Court, other judges, bar members, legal service providers, and community members. The commission would oversee and coordinate statewide efforts and expand access to justice for low income people, increase funding for non-profits and increase pro bono work. Thus Rule 21 was adopted, the Hawai'i Access to Justice was formed and the first chair was Justice Acoba.

Justice Acoba spoke about the draft of Rule 21 they prepared that would establish the Commission which was approved by the Supreme Court. He thanked David Reber and George Zweibel from Legal Aid for their founding work on Rule 21 which created the Commission. The first meeting of the newly formed Commission was in 2008 during the Great Recession when people lost their jobs and could not pay mortgages. Although Hawaii Justice Foundation offered funding, it could not be replicated and the Commission decided money would be used for future matters. As a result, the Commission was an all-volunteer organization with no staff and no budget.

Along with the first vice chair Jill Hasegawa, Justice Acoba visited private law firms and government offices to ask attorneys to do pro bono work, and they signed up 16 firms. The Commission does its work through ten subject matter standing committees and special committees and task forces. Overtime, about 7,200 volunteers have joined the committees.

The Commission implements projects, policies and changes to the court system to improve access to justice. Justice Acoba explained that this includes model pro bono policies, annual Hawai'i Access to Justice conferences, the annual

Pro Bono Award ceremony and the change to Rule 6.1 to allow for a \$500 donation in lieu of pro bono work. He also mentioned the Foreclosure Mediation Project on the Big Island which was successfully carried out by Judge Ronald Ibarra.

Justice Acoba spoke about Gary Slovin and Mihoko Ito who advocated for legislation that amended the indigent legal assistance fund which increased monies to qualifying legal service providers from \$300,000 to \$1.6 million annually. He highlighted the various grants which helped the Hawai'i Justice Foundation, the Courts for Assessment of Access Needs, implementation of the Community Navigator Program, the Government Roundtable Program, and the establishment of the Appellate Pro Bono Program. Nationally, Hawai'i was ranked fourth in the nationwide survey of practices by the National Center for Access to Justice in 2016 and was among top three states in the country for progress toward access to justice.

Judge Cardoza asked Chief Justice Recktenwald what his vision was for access to justice in Hawai'i and how did he carry out this vision. Chief Justice Recktenwald said it was important to support the work of the Commission and started with going out to talk to management partners of law firms and government agencies about energizing and supporting lawyers. He explained how self-help centers brought everyone together to learn about capabilities and develop relationships with HSBA, Legal Aid, VLSH, AmeriCorps and county bar associations.

Another area Chief Justice Recktenwald focused on was funding, especially during a time of financial crisis. They went to the legislature to advocate for increases and he emphasized how legal providers worked together to accomplish this. He also spoke addressing problems that attorneys face when trying to get involved but get pulled into being counsel for the entire case or they feel they can't help at self-help centers because they don't have experience in certain areas of law.

Chief Justice Recktenwald discussed how being recognized and engaged nationally helped obtain more funding. He added how access to justice became part of the Judiciary's budget because it is part of who we are. Chief Justice Recktenwald thanked Senator Brian Schatz and Senator Mazie Hirono for their support of civil legal services.

A video of President of Legal Services Corp (LSC) John Lee was played, and John Lee spoke about the proposal of the Office of Management and Budget that seeks to eliminate LSC and put at risk essential legal protections. Mr. Lee explained that if LSC is not sufficiently funded then its grantees would have to downsize programs, reduce staff, shut down offices, close legal resource clinics and turn away eligible clients. He added that in Hawai'i more than 21,000 people would lose vital legal assistance and they include children, domestic violence survivors, older Americans and veterans.

Mr. Lee emphasized that defunding LSC would undermine a core American value which is equal access to justice. The founders of our country believed that the foundation of a just society was ensuring access to justice. He encouraged everyone to join efforts to protect LSC's funding, similar to the powerful letter of support for LSC funding to the U.S. Congress signed by Chief Justice Recktenwald and other state Supreme Court justices. He highlighted this letter by quoting "the promise of justice must be real to all who seek it, justice for only those who can afford it is neither justice for all nor justice at all."

Judge Cardoza continued the panel discussion by asking Representative Au Belatti to describe her commitment and journey with access to justice. She recalls how the access to justice movement in 2006 mirrors her career as a legislator when she was first elected. Justice Acoba asked her to join the Commission, and she attended a similar conference in 2011. Representative Au Belatti spoke about how excited she was to replicate this conference in Hawai'i and failed at her first in her community.

Representative Au Belatti said she did not give up and remained optimistic. She spoke about how the power of the Commission has been that it is volunteer based with no money and praised the executive branch for using their budget to support the movement. She explained how they preserve monies, so it goes to the service providers and hence to the people and the community we serve.

The Commission invested the money received from Justice For All to bring together stakeholders and invited service providers to help identify the gaps and needs in the community. Through this interagency roundtable, Representative Au Belatti spoke about how amazing it was to see department heads, deputies and line workers talking to each other to solve problems in the community. She recalled a zoom meeting in which they discussed housing issues and how it was vital to bring legislators together with judges. As a result, the best housing program utilized was created. This program uses the most federal monies that were given and provides it all to the community.

The next topic posed by Judge Cardoza was to name the most significant development or issue in access to justice. Judge Foley started the discussion by highlighting how access to justice has become a part of our legal political community culture. This includes self-help centers, pro bono contributions, educating judges on pro se litigants, and the appointment of judges.

Justice Acoba added how commitment to equal justice and access to justice has become institutionalized in our community over the years. It is a commonly accepted concept in our legal system because the access to justice topic qualifies for continuing legal education credit. We've also made court proceedings accessible to individuals through their cell phones. Justice Acoba emphasized how we don't think of access to justice as a rule but understand that it is very important.

Chief Justice Recktenwald responded with describing the culture shift which is a part of our mission to provide meaningful access to justice and it's a part of what we do. He spoke about how the entire Supreme Court embodies access to justice. Justice Eddins and Justice Devens served as liaisons to the Commission. Justice Ginoza is a leader in community education and Justice McKenna is involved with language access.

Chief Justice Recktenwald touched on how access to justice work spills over into other areas like criminal justice reform. He shared how access to justice movement is informed in the way we approach the issues. Following the murder of George Floyd, Chief Justice Recktenwald recalled how hundreds of people organized via Zoom to discuss how the civil justice system was not meeting needs, how the criminal justice system worked and issues on racial disparity. The Commission has held more forums to continue talking about how we can do better, and address deep seeded systematic reform. Chief Justice Recktenwald concluded with how access to justice has brought us together with people who have established trust and partnerships and resulted in many benefits in areas that may not be immediately noticed.

Judge Cardoza's final question for the panel was what they can share to take into the future to continue to expand access to justice for all during challenging times.

Judge Foley responded that the future of access to justice is in the hands of the people in this room who have shown and will need to continue to show their commitment to the movement. He said he hopes that the Governor appoints a Chief Justice who has the same commitment as Chief Justice Recktenwald has to access to justice.

Justice Acoba shared that he believes that the Commission and community have a lot to take into the future, including the experience and history of the past. He reflected on how we have a legal environment and culture that nurtures our commitment to access to justice. Justice Acoba spoke about how our bar believes in the rule of law and as lawyers and judges, we have sworn to help those without access to justice. Although the future is unknown, there is no crisis that we have not overcome, and we have proven we have what it takes to handle any crisis.

Chief Justice Recktenwald reflected on the various access to justice issues we need to consider like debt collection and the positive role of AI. He talked about reaching out to new partners like the business community, financial intuitions, health care providers and organized labor unions. He encouraged us to identify new partners and find ways to get into the community to engage people.

Chief Justice Recktenwald emphasized that we need to build upon and remember our core and commitment to this movement. He spoke about the importance of conversations around access to the courts, the leadership of the

judiciary remaining steadfast in the commitment to equal justice and that everyone should feel welcomed and valued by the judicial system. Chief Justice Recktenwald closed by saying that we cannot create an impression that a person will be prejudged in a case before our courts and lawyers should be able to accept cases without fear of retaliation. He expressed pride in our courts for speaking up to reaffirm our commitment because we need people to trust us to deliver on our promise of access to justice for all.

Representative Au Belatti encouraged everyone to take into the future the courage we have and to do something. She spoke about how our communities are in crisis and funding will be a serious issue. We don't need to be in every fight, but we need to get involved and ask what we need to do to help fund communities. Representative Au Belatti suggested we take part in conversations, whether it is at the legislature, the dinner table, or in the courtroom to defend someone, because it will be needed in this access to justice movement.

During the question and answer segment, Derek Kobayashi asked the panel for suggestions on how to balance the obligation to clients in private practice with providing legal services to those who cannot afford it. Judge Foley responded with learning to live with less income as a civil lawyer. Representative Au Belatti offered that partners could create the space and opportunity for their associates to do pro bono work within the firm. Justice Acoba responded by recalling how firms started including access to justice as factors when evaluating attorneys for partnership.

Judge Cardoza posed a second question from the audience to the panel, which was about the Hawai'i Innocence Project and access to Justice. Judge Foley answered by talking about a criminal case he handled before the Hawai'i Innocence Project, and it involved a Samoan man that was given a life sentence. He explained how this man's sentence was commuted by the governor, and he was released after ten years in prison. Judge Foley recalled sitting with this man as he ate his first meal since being in prison and thinking this may have been the most important case he's ever worked on. Now, we have the access to justice project that is handling cases like this. It has become a part of this culture, and it is what people do. He believes that the Hawai'i Innocence Project is an evolution of the access to justice movement.

The last question for the panel was directed at Chief Justice Recktenwald regarding the increase in court appointment reimbursements for Child Protective Act cases. Chief Justice Recktenwald explained how there is a shortage of attorneys willing to take family court cases and how cases needed to be moved around suddenly because an attorney could not continue on. He warned of how we are at a dangerous point where we may not be able to follow through with our constitutional obligation to provide counsel.