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## ***THE HAWAII JUSTICE FOUNDATION 2015 ANNUAL REPORT***

**In an economy that continues to present challenges to all, the best financial news for legal service providers is Act 180 that was passed in 2011 by the Legislature and signed by the Governor.** Act 180 increases both the filing fee surcharges and the types of cases included in the Indigent Legal Assistance Fund (ILAF), which the Hawaii Justice Foundation (HJF) administers in cooperation with the Hawaii State Judiciary. The first step surcharge increase took effect January 1, 2012, and the final step increase took effect January 1, 2014. The Legislature, the Governor, the Judiciary, legal service providers, HJF, Gary Slovin, Mihoko Ito, and the Access to Justice Commission are to be commended for their efforts that resulted in Act 180. The funds from Act 180 will not be sufficient to replace losses from other funding streams, but certainly Act 180 is a major milestone in improving access to justice for Hawaii's low-income population.

In 2015, HJF experienced many of the same financial difficulties faced by other charitable foundations. HJF's primary source of income is through the Interest on Lawyer Trust Accounts (IOLTA) Program. The amount of income from IOLTA varies directly with interest rates, which have dropped from 5.25% in September 2007 to 0.25% in December, 2008. In late June 2008, the Hawaii Supreme Court adopted HJF's requested Rule 11 amendment, making Hawaii the twentieth state to have "rate comparability." This has helped with our income losses from IOLTA, but the reality is that until interest rates return to 1.00% or higher, IOLTA income will be severely impacted. We anticipate an increase in interest rates in late 2015 or early 2016, but this is of course uncertain at this time.

Fortunately, previous actions of HJF have prepared us to meet these financial challenges. First, in 2003 HJF reduced its overhead to a minimum by eliminating our rented office and changing from two full-time staff with benefits to one part-time person who is an independent contractor. Second, we have set aside financial reserves for difficult times such as these. Third, HJF has diversified income streams and programs, so HJF is instrumental in the distribution of several sources of funds. Sums distributed through IOLTA in recent years are: 2003, \$68,500; 2004, \$70,000; 2005, \$70,000; 2006, \$155,000; 2007, \$278,000; 2008, \$410,000; 2009, \$345,000; 2010, \$175,000; 2011, \$152,050; 2012 \$124,650; 2013 \$104,000; 2014 \$100,000, and 2015 \$125,000. In addition to IOLTA grants, each year HJF distributes a total of \$100,000 to the ten Bretzlaff grantees. In FY 2014-15, in cooperation with the Hawaii State Judiciary, HJF distributed \$1,425,000+ to eight grantees through the Indigent Legal Assistance Fund (ILAF). In 2015, HJF received a grant from The Cades Foundation to fund expenses of the Annual Summit Conference.

In 2009 HJF provided the necessary funding for the Access to Justice Commission and has actively participated in its various activities including the June 19, 2015 Access to Justice Summit held at the Richardson School of Law. The keynote speaker this year was Jonathan Asher, Executive Director of Colorado Legal Services, and more than 250 attended the event. HJF collects and holds the tuition funds received from each ATJ Conference for future use by the ATJ Commission. HJF is also active on a national level with ABA Access to Justice initiatives and the National Association of IOLTA Programs. HJF continues to work cooperatively with Hawaii's low-income legal service providers. **Certainly we all wish that times were better economically for all groups attempting to increase access to justice. Please be assured that HJF has sufficient operating income and reserves to ensure our continued ability to work for access to justice. We ask you to join with us in these efforts, and we are very optimistic for the financial outlook for 2015.**

# **2015 BRETZLAFF FOUNDATION GRANTS**

**2015 Bretzlaff Foundation Grants Total \$100,000**

**Big Brothers/Big Sisters of Honolulu, Inc.**

*\$10,000 to fund one-to-one mentoring programs*

**Boys & Girls Club of Hawaii**

*\$10,000 to provide basic STEM programs in the Youth Discovery Zone in the Spalding Clubhouse in Honolulu*

**Community Association of Hawaii** (formerly known as John Howard Association)

*\$10,000 to assist and support youthful offenders and their families through the Juvenile Anger Management Program*

**Foster Grandparents**

*\$9,000 to recruit foster grandparents in Maui County, including Molokai, Lanai, and rural Maui*

**Hale Kipa**

*\$10,000 to fund Hale Kipa's School Success Program*

**Hawaii Foodbank**

*\$10,000 to help feed children and elderly statewide in 2015 by distributing 12 million pounds of food.*

**Kids First Program (Through Friends of Kids First)**

*\$4,000 to fund four programs that otherwise would not be funded through traditional state funding. Funds are used for costs for recognition of volunteers, honoraria for training, incentives for teens, and web design*

**The Mediation Center of the Pacific, Inc.**

*\$15,000 to support mediation training for the Divorce and Paternity Mediation Program, the Kupuna Pono Program, and the Landlord/Tenant Program*

**Court Appointed Special Advocates (CASA) Program (fka GAL Program)**

*\$10,000 to provide five programs that otherwise could not be funded through state funds to help provide special advocates for children involved in family court issues*

**Waikiki Health Center**

*\$12,000 to provide operational support to enable the Center to provide quality and affordable medical care, health education, and social services that are accessible to the needs of individuals and the community*

# **2015 IOLTA GRANTS**

**2015 IOLTA Grants Total \$125,000**

## **Advocates for Public Interest Law**

*Fund summer internships for law students working in public interest law firms*

## **Big Island Mediation, Inc., dba West Hawaii Mediation Center**

*Provide quality mediation, conciliation, and advocacy services to individuals and organizations with limited access to legal-related services in West Hawaii*

## **Domestic Violence Action Center**

*Provide legal advice and representation for low-income persons who are in imminent danger of harm in domestic abuse situations*

## **Ethnic Education Foundation of Hawaii**

*Provide general legal information to large numbers of the ethnic poor by translating legal information into various languages and broadcasting the translations on KNDI Radio*

## **Hale 'Opio Teen Court Project (Kauai)**

*Provide funding for a diversion program built on restorative justice principles for first-time misdemeanor or status offending youth.*

## **Hawaii Appleseed Center for Law and Economic Justice (LEJ)**

*Provide funding for class action lawsuits and legislative advocacy on behalf of Hawaii's low-income people*

## **Kauai Economic Opportunity, Inc., dba Mediation Services**

*Provide quality mediation, conciliation, and advocacy services to individuals and organizations with limited access to legal-related services in Kauai*

## **Kuikahi Mediation Services (Hilo)**

*Provide quality mediation, conciliation, and advocacy services to individuals and organizations with limited access to legal-related services in East Hawaii*

## **Legal Aid Society of Hawaii**

*Provide legal information, advice, and representation to low-income clients*

## **Mediation Services of Maui**

*Provide quality mediation, conciliation, and advocacy services to individuals and organizations with limited access to legal-related services in Maui*

## **University of Hawaii Elder Law Program (UHELP) William S. Richardson School of Law**

*General support of legal services for Hawaii's low-income elderly*

## **University of Hawaii Medical/Legal Partnership William S. Richardson School of Law**

*Establish a partnership between legal service providers and a medical clinic to provide legal assistance at early stages for low-income clients*

# ***2015 IOLTA GRANTS CONTINUED***

## **Volunteer Legal Services Hawaii**

*Fund general operations to match pro bono attorney and paralegal volunteers with available cases and to provide other legal services for low-income clients*

## ***ACCESS TO JUSTICE COMMISSION***

***HJF \$58,650 SPECIAL FUNDING (2009 UNTIL EXPENDED)***

***CADES FOUNDATION FUNDING FOR THE ATJ CONFERENCE***

\$58,650 was awarded by HJF in 2009 for special funding from reserves for the start-up and initial operating costs of the Access to Justice Commission. This grant provides funding for 2009 until funds are expended, and to date about 30% of these funds remain. Each year the ATJ Commission hosts an access to justice conference held at the Richardson School of Law. The Cades Foundation for the past several years, including 2015, has generously provided funding for this Conference. The keynote speaker this year was Jonathan Asher, Executive Director of Colorado Legal Services, and more than 250 attended the event. Each year, HJF collects the tuition income from CLE credit requests and saves these funds for future use at the discretion of the ATJ Commission.

## ***2015 ILAF PROGRAM***

***2012-13 ILAF Grants Total \$472,039***

***2013-14 ILAF Grants Total \$1,400,000+***

***2014-15 ILAF Grants Total \$1,425,000***

The Indigent Legal Assistance Fund (ILAF) is a process where surcharges are collected on certain filing fees in the State of Hawaii Judicial System. These funds are retained by the Judiciary for distribution to qualified low-income service providers. The Hawaii Justice Foundation acts as administrator for these funds. ILAF funds are distributed in cooperation with the Hawaii State Judiciary, the low-income service providers, and HJF.

The amount available in ILAF funds varies each year, depending upon the number of eligible cases filed and the rate of the surcharge. The ILAF program has seen tremendous growth, due to the increase in the surcharge rate. The final step increase took effect January 1, 2014. In FY 2012-13, the amount distributed to eight grantees was \$472,039, for FY 2013-14, \$1,400,000+, and for FY 2014-15 \$1,425,000.