

COMMITTEES OF THE HAWAI'I ACCESS TO JUSTICE COMMISSION

Adopted by the Commission on 9/3/08

Introductory Note: Rule 21(f) of the Rules of the Hawai'i Supreme Court provides that the Access to Justice Commission (the "Commission") may create such committees as it deems necessary or desirable to facilitate the work of the Commission. The Commission designates a chair for each committee and may appoint as members of each committee individuals who are and/or who are not members of the Commission. The role of each committee is advisory only, and each committee is intended to make such recommendations to the Commission as the committee determines to be appropriate. The committees, their chairs, their members and the areas of responsibility assigned to them may be changed at any time by the Commission.

The Access to Justice Commission has established the Committees shown on the attached Memorandum. The last section of this Memorandum indicates the individuals initially appointed to serve on each of the committees and the initial chairs of certain of the committees, but the Commission may add members to Committees and designate chairs at any time in its discretion.

Of the proposed committees, there are three committees that primarily have organizational or administrative functions (Administrative, Annual Report and Staffing Committees) and ten committees that are subject matter committees.

The initial charters for the subject matter committees are drawn largely from two sources—the fourteen purposes of the Commission set forth in Rule 21 and the action steps proposed by the Hawai'i Access to Justice Hui (the "Hui") in the Hui's "Community Wide Action Plan To Increase Access to Justice in Hawai'i by 2010" (the "Action Plan"). The Action Plan grew out of "The 2007 Assessment of Civil Legal Needs and Barriers of Low- and Moderate-Income People in Hawai'i," and both the Assessment and the Action Plan are included in the Report provided to each Commissioner entitled "Achieving Access to Justice for Hawai'i's People" (the "Report").

The committee charters below include a reference to the number of the purpose under Rule 21 and/or the action step under the Action Plan that the particular committee would be asked to consider in developing their recommendations. Each committee should consider the information and recommendations in the Report that are applicable to their subject areas, including in particular the recommendations listed under each action step in the Action Plan.

APPENDIX C

Administration Committee

- Assist in providing administrative and logistical assistance to the Commission and its committees and task forces
- Assist the Chair of the Commission in developing an agenda for each Commission meeting, and assist in arranging for presenters and written or electronic materials in support of agenda items
- Assist in developing a budget for the Commission, including identifying potential sources of funding, and providing reports on the status of operations relative to budget
- Coordinate the activities of volunteers in support of the Commission's initiatives

Annual Report Committee

- Assist in preparing an annual report of the activities of the Commission for filing with the Supreme Court in accordance with Rule 21(j)(1)

Committee on Funding of Civil Legal Services [Action Step 2; Purpose 4¹]

- Make recommendations and provide advocacy in support of establishing a permanent "home" for the legislative funding of providers of civil legal services to low and moderate income individuals so that funding for such services may be stable and secure
- Make recommendations and provide advocacy in support of increased legislative funding of civil legal services providers
- Make recommendations and provide advocacy in support of increased funding for civil legal services providers by the federal Legal Services Corporation and other federal and state agencies

¹ Action Step 2 of the Community Wide Action Plan adopted by the Access to Justice Hui in 2007 is: "Increase funding to support the delivery of legal services to ensure access to justice." Purpose 4 of Supreme Court Rule 21 provides as follows:

Increase pro bono contributions by Hawai'i attorneys through such things as rule changes, recruitment campaigns, and increased judicial involvement, and increased recognition for contributors.

- Make recommendations and provide advocacy in support of increased funding of civil legal services through the indigent legal services filing fee surcharge and other measures
- Assist legal services providers in exploring additional public and private funding sources and in developing programs or projects for which funding may be sought
- Make recommendations, including in collaboration with the Judiciary and the HSBA and with law firms and other employers of lawyers, to encourage attorneys to provide substantial financial support to legal services providers, including additional amounts in years when such attorneys do not meet the aspirational pro bono goals of Rule 6.1 of the Hawai'i Rules of Professional Conduct

Committee on Increasing Pro Bono Legal Services [Action Step 3; Purpose 6²]

- Study best practices in other jurisdictions for increasing the level of pro bono services by lawyers, paralegals and others who may assist in overcoming barriers to access to justice, including developing effective recruitment campaigns
- Make recommendations concerning ways to develop a culture of commitment to pro bono service among Hawai'i's lawyers
- Compile a list of legal services providers and others that offer opportunities for pro bono service, describe the nature of those opportunities and explore and assist providers in increasing the opportunities they provide for such service
- Make recommendations concerning ways to make providing pro bono service more attractive to attorneys, such as assisting providers in developing resources for the pre-screening of cases, training, support and recognition of service
- Make recommendations concerning ways in which the Commission, the Judiciary and the HSBA -- acting alone or in partnership with

² Action Step 2 of the Community Wide Action Plan adopted by the Access to Justice Hui in 2007 is: "Develop a culture that values providing pro bono services." Purpose 6 of Supreme Court Rule 21 provides as follows:

Increase pro bono contributions by Hawai'i attorneys through such things as rule changes, recruitment campaigns, increased judicial involvement, and increased recognition for contributors.

others -- can encourage attorneys to provide higher levels of pro bono service

- Make recommendations concerning ways to encourage law firms and others who employ lawyers (including governmental agencies and corporate law departments) to promote greater pro bono service among their attorneys
- Make recommendations concerning ways to encourage retired lawyers and judges to provide pro bono or staff legal services to low and moderate income individuals

Committee on the Right to Counsel in Certain Civil Proceedings [Action Step 4³]

- The American Bar Association, at its 2006 annual meeting in Hawai'i, adopted a resolution supporting "legal counsel as a matter of right at public expense to low income persons in those categories of adversarial proceedings where basic human needs are at stake, such as those involving shelter, sustenance, safety, health or child custody, as determined by each jurisdiction." The Committee should study developments in other jurisdictions with respect to the establishment and implementation of a right to counsel in certain civil proceedings
- Make recommendations concerning the types of civil matters in which the rights or issues involved are of such fundamental importance that counsel should be provided in Hawai'i, assess to what extent attorneys are available for such matters and make recommendations on how to assure that counsel is available

Committee on Self Representation and Unbundling [Action Step 5; Purpose 11⁴]
—Members of this Committee may also serve on a joint committee with the Supreme Court's Committee on Professionalism. Although the joint committee will need to determine its agenda, this Committee of the Commission may study and make recommendations concerning:

- The creation, staffing and funding of self-help centers connected to every courthouse in Hawai'i to provide real-time assistance

³ Action Step 4 of the Community Wide Action Plan is: "Establish the recognition of the right to a lawyer in civil cases where basic human needs are at stake.

⁴ Action Step 5 of the Community Wide Action Plan is: "Enable individuals to represent themselves effectively when necessary." Purpose 11 provides as follows:

Increase support for self-represented litigants, such as through self-help centers at the court.

- Programs designed to make courts more “user-friendly” to low and moderate-income individuals
- Ways to provide information to self-represented litigants on where they can receive legal assistance
- Ways to reduce barriers encountered by self-represented litigants in the court system, e.g., using plain English and translations into other languages and simplifying procedural rules
- Changes to court rules and statutes that would streamline and simplify substantive areas of the law, e.g., family, housing and landlord-tenant law
- Changes to court rules in order to permit limited representation or “unbundled” legal services, and if achieved, make recommendations concerning continuing legal education programs and other ways of promoting unbundling as a way to meet currently unmet legal needs and empowering individuals to represent themselves

Committee on Maximizing Use of Available Resources [Action Step 6; Purposes 5 and 10⁵]

- Obtain information from all civil legal services providers and programs concerning the services they each provide, how they deliver those services and the ways in which they work with other programs to make the most efficient use of their collective resources
- Make recommendations concerning ways to ensure that:
 - There is an efficient and effective referral system of clients to the “right” program and among programs

⁵ Action Step 6 of the Community Wide Action Plan is: “Maximize the use of available resources.” Purpose 5 provides as follows:

Maximize the efficient use of available resources by facilitating efforts to improve collaboration and coordination among civil legal services providers.

Purpose 10 provides as follows:

Increase effective utilization of paralegals and other non-lawyers in the delivery of civil legal services to low-income Hawai`i residents.

- Innovative methods of legal services delivery are explored and used
- New ways to utilize technology, including a centralized access to justice website, to meet current unmet legal needs are implemented where appropriate
- Mediation and other alternative dispute resolution methods for resolving legal problems are utilized when appropriate
- Outreach efforts are coordinated among legal service providers as well as with social service providers, agencies and other organizations
- Explore with existing providers of legal services for low and moderate-income residents current gaps in their provision of legal services and make recommendations concerning how their services might be expanded, which may include:
 - Increasing the types of legal problems for which assistance is offered
 - Expanding office and clinic locations
 - Extending office hours to include evenings and weekends
- Make recommendations concerning ways to expand outreach and publicity regarding possible legal solutions for problems and the availability of legal services to the public, which may include:
 - Locating outreach sites in areas convenient to potential clients
 - Engaging in partnerships with community groups and agencies
 - Publicizing services and programs in low and moderate-income communities

Committee on Overcoming Barriers to Access to Justice [Action Step 7; Purpose 7⁶]

- Make recommendations concerning ways to remove impediments to accessing the justice system due to language, cultural and other barriers, and make recommendations concerning what programs should be initiated to address this barrier, which may include:
 - Providing multilingual services, including increasing the number of available staff and pro bono attorneys and court personnel who are bilingual
 - Providing forms in multiple languages
 - Providing translation services in court, administrative agencies, and with legal service providers
 - Partnering with the University of Hawai'i and other schools offering language training to encourage multilingual volunteers to provide outreach and translation services
- Identify other barriers to obtaining legal assistance and make recommendations concerning ways to address them, such as through the provision of ancillary services—e.g., providing for child care during a court hearing or for necessary mental health services
- Seek to reduce barriers by recommending input on existing and proposed laws, court rules, regulations, procedures and policies that may affect meaningful access to justice for low-income Hawai'i residents

⁶ Action Step 9 of the Community Wide Action Plan is: “Overcome barriers to access to justice.” Purpose 7 of the Supreme Court Rule 21 provides as follows:

Reduce barriers to the civil justice system by developing resources to overcome language, cultural, and other barriers and by giving input on existing and proposed laws, court rules, regulations, procedures, and policies that may affect meaningful access to justice for low-income Hawai'i residents.

Committee on Initiatives to Enhance Civil Justice [Action Step 9; Purposes 2, 3 and 12⁷]

- Develop and publish a strategic, integrated plan for statewide delivery of civil legal services to low-income Hawai'i residents
- Study best practices in other jurisdictions and develop and recommend new initiatives to expand access to justice in Hawai'i
- Make recommendations and provide advocacy in support of enhancing recruitment and retention of attorneys to work as staff members or to volunteer pro bono for nonprofit civil legal services providers in Hawai'i, which may include:
 - Establishment by the Hawai'i legislature of a student loan repayment assistance program to help full-time, nonprofit civil legal services attorneys pay back their student loans
 - Adoption by the Hawai'i Supreme Court of rules to permit attorneys actively licensed to practice law by the highest court of a state or territory of the United States or the District of Columbia or Puerto Rico and who are working on staff or volunteering pro bono for nonprofit civil legal service providers to practice in that capacity for up to one year without being admitted to practice law in Hawai'i
- Make recommendations concerning ways in which paralegals and other non-lawyers may assist in meeting specified unmet civil legal

⁷ Action Step 9 of the Community Wide Action Plan is "increase access to justice in other ways." Purpose 2 of Supreme Court Rule 21 provides as follows:

Develop and implement initiatives designed to expand access to civil justice in Hawai'i.

Purpose 3 of Rule 21 provides:

Develop and publish a strategic, integrated plan for statewide delivery of civil legal services to low-income Hawai'i residents.

Purpose 12 of Rule 21 provides:

Develop initiatives designed to enhance recruitment and retention of attorneys who work for nonprofit civil legal services providers in Hawai'i and to encourage law students to consider, when licensed, the practice of poverty law in Hawai'i.

needs, including whether ethical or procedural rules would need to be changed to accommodate such assistance

Committee on Education, Communications and Conference Planning

[Action Step 9(d); Purposes 8 and 9⁸]

- Assist in organizing an annual summit for the presentation of Access to Justice issues
- Make recommendations on encouraging lawyers, judges, government officials and other public and private leaders in Hawai'i to take a leadership role in expanding access to justice
- Assist in developing strategies for educating governmental leaders and the public about the importance of equal access to justice and of the problems low-income people in Hawai'i face in gaining access to the civil justice system, including through informational briefings, communication campaigns, statewide conferences, testimony at hearings and other means
- Increase awareness of low-income people's legal rights and where they can go when legal assistance is needed

⁸ Action Step 9(d) of the Community Wide Action Plan is: "Judges, lawyers and legal services providers should prepare a series of articles on access to justice topics for publication in the Hawai'i Bar Journal and make access to justice a regular feature." Purpose 8 of Rule 21 provides as follows:

Encourage lawyers, judges, government officials, and other public and private leaders in Hawai'i to take a leadership role in expanding access to civil justice.

Purpose 9 provides as follows:

Educate governmental leaders and the public about the importance of equal access to justice and of the problems low-income people in Hawai'i face in gaining access to the civil justice system through informational briefings, communication campaigns, statewide conferences (including an annual summit to report on and consider the progress of efforts to increase access to justice), testimony at hearings, and other means, and increase awareness of low-income people's legal rights and where they can go when legal assistance is needed.

- Assist in developing a communications strategy and preparing communications consistent with that strategy
- Encourage judges, lawyers and legal services providers to prepare a series of articles on access to justice topics for publication in the *Hawai'i Bar Journal* and other media

Committee on Alleviating Poverty in Hawai'i [Action Step 10; Purpose 13⁹]

- Compile a list of public and private agencies, organizations and programs that are addressing the root causes and consequences of poverty in Hawai'i, identify their leaders and constituencies, study their initiatives and report the findings of this study to the Commission
- Form a coalition with the public and private groups identified in the study described above with a shared goal of developing, promoting and seeing to the implementation of a statewide plan to ensure that every child in Hawai'i has adequate food, shelter, health care and education
- Study programs in other jurisdictions that have been most successful in alleviating poverty and make recommendations concerning their application in Hawai'i

Law School Liaison Committee [Action Step 8¹⁰]

Make recommendations concerning ways to:

- Expand efforts to create and develop law student interest in the practice of poverty law by increasing existing clinical programs and instituting new ones to serve the needs of low-income populations
- Emphasize, as part of the professional responsibilities curriculum, a lawyer's ethical duty under Rule 6.1 of the Rules of Professional

⁹ Action Step 10 of the Community Wide Action Plan is: "Form a broad coalition to address ways to alleviate poverty in Hawai'i." Purpose 13 of Rule 21 provides as follows:

Encourage the formation of a broad coalition of groups and individuals to address ways to alleviate poverty in Hawai'i.

¹⁰ Action Step 8 of the Community Wide Action Plan is: "Expand the role of the William S. Richardson School of Law in promoting access to justice."

Conduct to perform pro bono legal services and the ways this obligation can be met

- Develop opportunities with legal services providers, and sources of additional funding, to support law students' efforts to meet the 60 hour pro bono graduation requirement in a manner consistent with addressing the needs of low-income populations
- Encourage and recognize the involvement of faculty members in efforts to promote equal justice by, for example, testifying in support of access to justice legislation, accepting pro bono cases, serving on boards of organizations that serve the legal needs of the poor, contributing financially to organizations that serve the legal needs of the poor and filing amicus briefs in proceedings affecting legal services to the poor.
- Develop more public interest summer and academic year clerkships and to obtain grants for summer internships and clerkships that serve low-income populations

Staffing Committee

- Assist in developing a staff plan and providing administrative support for the hiring process and for identifying office space for the Commission

