

Chief Justice Mark E. Recktenwald
Welcoming Remarks for Access to Justice Conference
June 20, 2014

Good morning and aloha.

I'd like to start by thanking the Access to Justice Commission for sponsoring this sixth annual access to justice conference. I also want to thank Bob LeClair and the Hawai'i Justice Foundation, Dean Avi Soifer and the William S. Richardson School of Law, Calvin Young and the Hawai'i State Bar Association, and the Cades Foundation for their continued support of the access to justice movement here in Hawai'i. I also want to recognize everyone who has worked so hard to plan today's conference, and all of the distinguished speakers and panel members who will be participating. In particular, I would like to extend a warm aloha to Jim Sandman, the president of the Legal Services Corporation, who will present this year's keynote address. And I'd like to extend a personal mahalo to the women at the Women's Community Correctional Center who made these beautiful lei for the speakers today. Will you please join me in acknowledging everyone who helped make this conference possible?

The theme of today's conference is Meeting the Challenges to Equal Justice for All. Indeed, this is a particularly appropriate time to take stock of what we have achieved, as well as the many challenges that remain. This summer marks the 50th anniversary of one of the landmarks in the continuing struggle to achieve equal rights for all Americans:

the passage of the Civil Rights Act of 1964, which prohibited segregation in businesses, banned discriminatory practices in employment, and ended segregation in public places. In calling for the passage of that legislation a year earlier, President Kennedy noted that our nation "was founded on the principle that all men are created equal, and that the rights of every man are diminished when the rights of one man are threatened." President Kennedy went on to observe that "[t]he heart of the question is whether all Americans are to be afforded equal rights and equal opportunities," and "whether we are going to treat our fellow Americans as we want to be treated."

President Kennedy's words--although spoken in the context of condemning racial discrimination--resonate here today as we contemplate the injustice that results when members of our community are denied effective access to the civil legal system because they are unable to afford an attorney to represent them. Every day our courts adjudicate civil cases that affect the most fundamental rights and interests that a person has--whether they will be able to participate in raising their children after a divorce, whether they can remain in their home if they fall behind on their mortgage or rent payments, whether they will have access to essential government services, to name just a few. And every day, people come into our courts who have to represent themselves in these matters because they can't afford legal

counsel, and who are at sea because they don't understand the process and what is expected of them.

Back in 2007, a number of people in Hawai'i came together in an effort called the Access to Justice Hui and asked the same question that President Kennedy asked: is that how we would want to be treated? The answer was a resounding "no". And so, they made the commitment to work together in a systematic and focused way to address that injustice. Just as President Kennedy called for collective action to fight the scourge of racial discrimination and intolerance, so too did our community recognize that sustained collective action--involving partnerships between members of the bar, legal services providers, the judiciary and many others--would be required if we were going to make any headway in meeting the need for civil legal assistance.

In order for that to happen, there had to be a forum for developing and sustaining those partnerships. That forum was the Access to Justice Commission, which was formed by the Supreme Court in 2008. Since the commission was created, it has made significant strides in making the civil legal system in Hawai'i more accessible. Our commission, which is one of 31 such organizations across the country, serves as a model for other states because it has accomplished so much with very limited resources. This is a testament to the leadership of the

commission's chair, Judge Daniel Foley, and his predecessor, retired Supreme Court Justice Simeon Acoba. And, it is also testament to the aloha and commitment of the members of the commission and the many individuals and organizations who have come together and worked so hard to support its efforts.

There is perhaps no better example of the Commission's success in fostering effective partnerships than the creation of self-help centers and access to justice rooms in our courthouses, where self-represented parties can obtain information about court processes from volunteer attorneys and AmeriCorps Advocates, thereby enabling them to navigate the justice system more effectively. The Commission has worked with members of the bar, legal service providers and the judiciary to open self-help centers in every circuit in the state: in Hilo, Wailuku, Lihue, Kona, and here on Oahu at our family court and district court. More than 5,600 people have been helped at these locations since the first center opened in 2011, at almost no cost to the public.

Quite simply, these centers would not be possible without the unified support of the Legal Aid Society of Hawai'i, the HSBA, AmeriCorps, the neighbor island bar associations, and the many attorneys who have generously donated their time volunteering. I deeply appreciate each of their contributions.

The commission has also fostered partnerships with national organizations, like the Legal Services Corporation.

With a grant from the Corporation, the Judiciary worked with the HSBA and the Legal Aid Society of Hawai'i to install access to justice workstations in five courthouses across the state. These computer workstations are equipped with an interactive software program that assists self-represented litigants facing civil legal issues to identify, complete, and print the correct legal forms. Thirteen forms are currently available through the program, and the software is available both at the computer workstations and statewide via the internet.

Going forward, we plan to expand the number of forms that are available, and to develop videos to complement and enhance the use of the program. Also, with a grant from the State Justice Institute, the Judiciary has partnered with the Legal Aid Society of Hawai'i and the Hawai'i State Public Library System to expand access to this software even further by adding the program to computers at 50 public libraries statewide. The grant will also provide for training of librarians, and for presenting community workshops. This expansion into the public libraries will allow us to reach many individuals who might not be able to visit one of our courthouse workstations. Our public libraries provide a unique opportunity for us to reach out into the community, which is why this new partnership is so exciting.

Once again, all of this was started by a modest technology grant from the Legal Services Corporation. That grant

program is a great example of the leadership that the Legal Services Corporation has shown on the national level in advancing the cause of access to justice, and I'd like to thank Jim Sandman for the LSC's willingness to support innovation here in Hawai'i and across the nation.

Notably, through the years the legislature has also provided vital support to access to justice initiatives. For example, the legislature has increased court filing fees that support legal service providers and has provided grants-in-aid as well, and provided hundreds of thousands of dollars in additional funding to support the Judiciary's interpreter program. We deeply appreciate the legislature's continuing commitment to access to justice, and in particular the efforts of Judiciary chairs Clayton Hee and Karl Rhoads, and Finance and Ways and Means chairs Sylvia Luke and David Ige.

Although we have made significant strides in providing increased access to justice here in Hawai'i, we have much work left to do. We need to sustain our achievements, such as the self-help centers, while at the same time looking for innovative ways in which to continue to move forward.

One example of the out-of-the-box thinking that will be required in order to keep us moving forward is the recent report completed by the Judiciary's Strategic Planning Committee on Access to Justice. The purpose of this committee, which is

chaired by Justice Acoba, was to set forth a long-range vision for the judiciary's ATJ efforts. The committee's recommendations range from designating an individual or committee to facilitate access to justice programs statewide, to creating an online ask-a-lawyer interface, to producing YouTube videos to inform the public of common legal issues. It also recommended expanding the judiciary's Ho'okele assistance program, under which court staff provide directions and assistance to court users as they enter our courthouses.

We should also be looking for additional ways to reach out to the community. For example, just last month, a dozen lawyers from the Senior Counsel Division of the HSBA traveled to Molokai to offer an ask-a-lawyer clinic for the island, and another nine attorneys participated by telephone. My colleague, Justice Michael Wilson, traveled to Molokai to support the event, and reports that the response from the community was amazing. More than 70 people came out to seek assistance and information from the attorneys.

And last fall, a number of attorneys and Richardson law school students provided free legal information to veterans at an ask-a-lawyer clinic here on Oahu. That event was made possible because of the efforts of Judge Edward Kubo, Volunteer Legal Services Hawai'i, the Oahu Veterans Center, the Veterans Administration, and the Mediation Center of the Pacific.

We should also explore new ways to involve more people in the access to justice movement. For example, students here at the Richardson School of Law have spearheaded an effort to secure legislation which would provide student loan repayment assistance for attorneys who agree to pursue public service work. Similar programs exist in a number of other jurisdictions across the country. These programs allow new attorneys the opportunity to perform important and rewarding work--such as serving the legal needs of low or moderate income individuals--that might otherwise not be possible because of their student loan debt.

In closing, I return to President Kennedy's question: Are we going to treat our fellow Americans as we want to be treated? Answering that question in the affirmative requires hard work, commitment, and a shared sense of purpose. It is only through a combination of maintaining and fostering community partnerships, developing innovative means of expanding involvement, and stretching our resources through the use of technology that we will be able to maintain the significant momentum we have achieved during the last six years in making justice more accessible to all of Hawaii's residents. I look forward to hearing your experiences, insights, and ideas on what we can do to make the ideal of justice for all a reality. Thank you for your commitment, and your presence here today.

Aloha and mahalo.