
SENATE RESOLUTION

REQUESTING THE HAWAII ACCESS TO JUSTICE COMMISSION TO ASSEMBLE VARIOUS STATE AND COMMUNITY ENTITIES TO DETERMINE WHICH AGENCY OR ORGANIZATION SHOULD ADMINISTER FUNDING FOR CIVIL LEGAL SERVICES TO LOW- AND MODERATE-INCOME INDIVIDUALS.

1 WHEREAS, civil legal services can improve community well-
2 being as a vital part of our social safety net, which ensures
3 that our keiki, kupuna, family care givers, and all members of a
4 family are healthy and safe; and
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6 WHEREAS, "The 2007 Assessment of Civil Legal Needs and
7 Barriers of Low- and Moderate-Income People in Hawaii" found
8 that only one in five people has civil legal needs addressed and
9 that only one in three people who contact a civil legal service
10 provider is able to get assistance; and
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12 WHEREAS, one of the goals set forth in "The Community Wide
13 Action Plan: Ten Action Steps to Increase Access to Justice in
14 Hawaii by 2010" was that an appropriate home for funding civil
15 legal services should be established to ensure stable state
16 funding; and
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18 WHEREAS, access to civil legal services by the indigent is
19 critical to providing access to justice for those who cannot
20 afford an attorney; and
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22 WHEREAS, access to civil legal services results in:
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- 24 (1) Cost savings to the State by way of recovery of
25 federal public benefits, such as Social Security and
26 Veterans Administration benefits;
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28 (2) Reduction in use of safety net services, such as
29 foster care, by establishing guardianships for family
30 caregivers;
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- 1 (3) Reduction of dependency on public assistance by
2 securing child support and alimony;
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- 4 (4) Reduction of instances of homelessness through housing
5 representation; and
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- 7 (5) Increase in state tax revenues through employment and
8 re-employment related legal assistance; and
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10 WHEREAS, civil legal services provide better access to the
11 justice system for the indigent, who are immigrants, homeless,
12 at risk of homelessness, families in crisis, consumers who have
13 been taken advantage of, and individuals who speak English as a
14 second language; and

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16 WHEREAS, civil legal services can support efforts to ensure
17 that government is providing effective services to help those
18 without an attorney navigate the complex legal system; and

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20 WHEREAS, for thirty years, funding for civil legal services
21 was provided through the Department of Labor and Industrial
22 Relations Office of Community Services; and

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24 WHEREAS, prior to 2005, general funding for civil legal
25 services was provided by way of a purchase of service contract;
26 and

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28 WHEREAS, since 2005, general funding for civil legal
29 services has been made by a grant-in-aid; and

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31 WHEREAS, since 1995, general funding for pro bono legal
32 services has been made by grants-in-aid; and

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34 WHEREAS, in 2011, the legislature increased court fees to
35 include an amount to be paid into the indigent legal assistance
36 fund pursuant to section 607-5.7, Hawaii Revised Statutes. The
37 legislature did so upon a finding that there was a need to fund
38 legal services for low- and moderate-income individuals who
39 would not otherwise have access to legal services; and

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41 WHEREAS, despite the increase in court fees to include an
42 amount to be paid into the indigent legal assistance fund, the



1 total amount of funding for general civil legal services
2 decreased from \$2,017,093 in the 2008 fiscal year to \$1,213,135
3 in the 2015 fiscal year; and
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5 WHEREAS, grant-in-aid funding for civil legal services and
6 pro bono legal services decreased from \$1,832,496 in the 2008
7 fiscal year to \$400,000 in the 2015 fiscal year; and
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9 WHEREAS, general revenue funding is critical to meet the
10 need for legal services in Hawaii, and the funding of legal
11 services can promote the resolution of critical community
12 issues; and
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14 WHEREAS, an examination of executive agencies, the
15 Judiciary, and community agencies is necessary to determine
16 which agency or organization is most appropriate and suitable to
17 administer general funding for civil legal services to obtain
18 the best results; and
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20 WHEREAS, the examination should require:
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- 22 (1) The identification and assessment of the problems and
23 issues relating to the funding of civil legal
24 services, including the best agency or organization to
25 administer these funds; and
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27 (2) The involvement of all interested governmental and
28 community stakeholders to ensure that the
29 administration of these funds is workable and
30 acceptable to the interested stakeholders; now,
31 therefore,
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33 BE IT RESOLVED by the Senate of the Twenty-eighth
34 Legislature of the State of Hawaii, Regular Session of 2015,
35 that the Hawaii Access to Justice Commission is requested to
36 assemble a working group of interested government agencies and
37 community entities to conduct meetings to develop a plan for
38 determining which agency or organization should administer
39 funding for civil legal services; and
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1 BE IT FURTHER RESOLVED that the following persons or a
2 representative of the following persons, agencies, or
3 organizations be invited to participate in the working group:
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- 5 (1) The Governor;
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- 7 (2) The President of the Senate;
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- 9 (3) The Speaker of the House of Representatives;
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- 11 (4) The Judiciary;
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- 13 (5) The Attorney General;
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- 15 (6) The Department of Human Services;
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- 17 (7) The Department of Labor and Industrial Relations
18 Office of Community Services;
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- 20 (8) The Department of Budget and Finance;
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- 22 (9) The Department of Accounting and General Services;
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- 24 (10) The Hawaii Justice Foundation;
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- 26 (11) The Hawaii Access to Justice Commission;
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- 28 (12) Legal Aid Society of Hawaii;
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- 30 (13) Volunteer Legal Services Hawaii; and
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- 32 (14) Any other stakeholders that the Hawaii Access to
33 Justice Commission may invite to participate in the
34 working group; and
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36 BE IT FURTHER RESOLVED that the plan include a history of
37 state funding of civil legal services and the issues
38 historically faced by civil legal service providers in providing
39 service to low- and moderate-income individuals; and
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41 BE IT FURTHER RESOLVED that the plan include an analysis of
42 the benefits and barriers to assigning the administration of



1 funding for civil legal services to the Judiciary, Department of
2 the Attorney General, Department of Human Services, Department
3 of Labor and Industrial Relations Office of Community Services,
4 Department of Budget and Finance, Department of Accounting and
5 General Services, and the Hawaii Justice Foundation; and

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7 BE IT FURTHER RESOLVED that the plan include
8 recommendations on which agency or organization should
9 administer funding for civil legal services, levels of funding
10 for civil legal services, and if enabling legislation is
11 necessary, a proposal for such enabling legislation; and

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13 BE IT FURTHER RESOLVED that the Hawaii Access to Justice
14 Commission is requested to submit the working group's plan to
15 the legislature no later than twenty days prior to the convening
16 of the Regular Session of 2016; and

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18 BE IT FURTHER RESOLVED that the working group be dissolved
19 on June 30, 2016; and

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21 BE IT FURTHER RESOLVED that certified copies of this
22 Resolution be transmitted to the Governor, President of the
23 Senate, Speaker of the House of Representatives, Chief Justice
24 of the Hawaii Supreme Court, Attorney General, Director of Human
25 Services, Executive Director of the Department of Labor and
26 Industrial Relations-Office of Community Services, Director of
27 Finance, Comptroller, Executive Director of the Hawaii Justice
28 Foundation, Chair of the Hawaii Access to Justice Commission,
29 Executive Director of the Legal Aid Society of Hawaii, and
30 Executive Director of Volunteer Legal Services of Hawaii.
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I hereby certify that this is a full, true, and
correct copy of the original filed in this office.

Dated: APR 09 2015

Just C. Chow
Assistant Clerk of the Senate
State of Hawai'i

