

HAWAI'I ACCESS TO JUSTICE COMMISSION HIGHLIGHTS: 2008-2009

1. In accordance with Rule 21 of the Rules of the Supreme Court of the State of Hawaii ("Supreme Court Rule 21"), the first Annual Report of the Hawai'i Access to Justice Commission ("Commission") summarizing the initial 18 months of the Commission's work was distributed in December 2009.
2. Over 200 people attended the first annual Hawai'i Access to Justice Conference, which was held on June 24, 2009 at the William S. Richardson School of Law, University of Hawaii. The featured speaker for the conference was Chief Justice John T. Broderick of the New Hampshire Supreme Court.
3. Facilitating the collaborative efforts of the legal service providers, the Commission supported the 2009 National Pro Bono Celebration at Tamarind Park in downtown Honolulu on Wednesday, October 28, 2009. The event was a celebration of and introduction to the Access to Justice legal service providers and pro bono opportunities.
4. Following the adoption of Rule 21 by the Hawai'i Supreme Court on May 1, 2008, the Commission was formed and held its first official meeting on July 23, 2008, chaired by Hawaii Supreme Court Associate Justice Simeon Acoba.
5. To carry out and facilitate its mission to substantially increase access to justice in civil legal matters for low- and moderate-income Hawai'i residents, the Commission created thirteen advisory committees as follows:
 - Administration Committee
 - Annual Report Committee
 - Staffing Committee
 - Committee on Funding of Civil Legal Services
 - Committee on Increasing Pro Bono Legal Services
 - Committee on Right to Counsel in Certain Civil Proceedings
 - Committee on Self-Representation and Unbundling
 - Committee on Maximizing Use of Available Resources
 - Committee on Overcoming Barriers to Access to Justice
 - Committee on Initiatives to Enhance Civil Justice
 - Committee on Education, Communications, and Conference Planning
 - Committee on Alleviating Poverty in Hawai'i

- Law School Liaison Committee
6. It was initially contemplated in the budget that a paid, part-time person would provide administrative help to the Commission, but due to the current economic crisis, the Commission decided that it would rely on the support of volunteers for all Commission activities.
 7. The Commission, through the Committee on Right to Counsel in Civil Proceedings, studied the civil right of counsel issue by examining the existing right-to-counsel statutes in Hawai'i and comparing them with statutes in other jurisdictions. The feasibility of a proposed model right-to-civil-counsel statute to address certain high priority basic needs such as shelter, sustenance, safety, health, and child custody was being studied.
 8. The Commission, through the Committee on Initiatives to Enhance Civil Justice, developed and approved a proposed foreclosure mediation program, which was subsequently approved by the Hawai'i Supreme Court. By order filed on September 29, 2009, the Court established a Foreclosure Mediation Pilot Project in the Third Circuit Court, effective November 1, 2009, to October 31, 2010. The pilot project provided that a Foreclosure Mediation Notice would be served along with the complaint and summons in residential foreclosure actions. The Foreclosure Mediation Notice provided that the party is allowed to participate in mediation under the pilot project if: (1) the party is the borrower or co-borrower, and (2) the party occupies the property as his/her primary residence. If a Foreclosure Mediation Request is filed within fifteen days after service of the notice with the complaint and summons, then the deadline to file and serve an answer to the complaint and to seek relief by dispositive motion would be suspended until further order of the court.
 9. The Commission, through the Committee on Funding Civil Legal Services, prepared resolutions for submission to the state legislature:
 - supporting the proposal to raise the jurisdiction of the small claims court, a division of the district court, from \$3,500 to \$7,000. This legislation amending Haw. Rev. Stat. § 633-27 would free judicial time and allow the pro se litigants greater and less expensive access to the legal system.
 - supporting funding for the indigent legal service recipients grants.
 - supporting an increase of the filing fee in civil cases, which monies are paid into the Indigent Legal Assistance Fund that, in turn, supports the legal services providers.

10. The Committee on Maximizing the Use of Available Resources sent surveys on July 9, 2009 and on September 21, 2009 to organizations providing legal services regarding their access to justice needs.
11. The Commission, through the Committee on Maximizing the Use of Available Resources, sought to review of the current framework of the delivery of civil legal services and facilitate concrete, workable improvements to the framework. In conducting this review, the Commission sought to ensure that:
 - there is an efficient and effective referral system of clients to the “right” program and among programs;
 - 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; and
 - outreach efforts are coordinated among legal service providers as well as with social service providers, agencies and other organizations.
12. The Commission, through the Committee on Increasing Pro Bono Legal Services, studied the implementation of the following model policies: judicial pro bono policy; a corporate pro bono policy; a private law firm pro bono policy; and a government attorney pro bono policy. A proposal to amend Rule 3.7 of the Hawai‘i Revised Code of Judicial Conduct, to clarify participation in allowable pro bono activities by judges was posted for public comment on July 31, 2009, with a deadline of November 3, 2009 to submit comments. A model law firm pro bono policy was endorsed by the Hawaii State Bar Association (“HSBA”) board of directors on August 20, 2009.
13. The Commission supported a new Supreme Court Rule 22 that requires each active attorney in Hawai‘i to take three credits of approved mandatory continuing professional education, where one of the qualifying education topics was “access to justice.”
14. The Commission encouraged participation in Law Week and Law Day. Rule 6.1 of the Hawai‘i Rules of Professional Conduct Rule 6.1 of the Hawai‘i Rules of Professional Conduct embodies an aspirational goal that lawyers provide 50 hours of pro bono service annually, which would encompass participation in various pro bono activities as described in the rule. Representatives of the Commission visited with various law firms and government offices to encourage their commitment to meet the

goals of Rule 6.1. The following groups committed to striving to meet the requirements of Rule 6.1:

- Alston Hunt Floyd & Ing
- Ashford & Wriston
- Ayabe Chong Nishimoto Sia & Nakamura
- Cades Schutte
- Carlsmith Ball, LLP
- Chee & Markham
- Damon Key Leong Kupchak Hastert
- Goodsill Anderson Quinn & Stifel
- Hawai'i County Office of the Corporation Counsel
- Hawai'i County Office of the Prosecuting Attorney
- Hawai'i Disability Rights Center
- Henderson Gallagher & Kane
- Intermediate Court of Appeals
- Labor and Industrial Relations Appeals Board
- Maui County Department of the Corporation Counsel
- Office of the Federal Public Defender
- Office of the Public Defender, State of Hawai'i
- Schlack Ito Lockwood Piper & Elkind
- Law Office of Eric A. Seitz
- Starn O'Toole Marcus & Fisher

15. The Commission, through the Committee on Initiatives to Enhance Civil Justice, recommended that Comment [5] to the Rule 2.2 of the Hawai'i Revised Code of Judicial Conduct, which would permit a judge to sanction an attorney by ordering the attorney to perform pro bono legal services or to make a monetary contribution to a non-profit organization providing pro bono legal services. This amendment was posted for public comment on August 11, 2009, with a deadline of November 13, 2009 to submit comments.
16. The Commission, through the Committee on Initiatives to Enhance Civil Justice, examined projects that would benefit from an expanded role of paralegals, such as assisting in uncontested divorces where the parties are unrepresented by attorneys and guardian ad litem work.
17. The Commission, through the Committee on Self-Representation and Unbundling considered increasing the number of family law and bankruptcy clinics, conducting workshops on electronic resources and court forms, and approaching the Judiciary about securing physical space to provide pro bono services.
18. To inform the members of the bar, a total of 18 articles were published in the *Hawaii Bar Journal*, the official magazine of the HSBA, concerning critical issues concerning access to justice for people in Hawai'i.

19. To further inform members of the community, a supplement was published to *Pacific Business News* concerning the purpose and actions of the Commission.
20. Efforts were made to reach the general public through radio and television interviews with Commissioners.
21. The Chair of the Commission attended the Access to Justice Symposium at Stanford Law School on March 27, 2009, and the Chair and other members of the Committee attended the ABA-sponsored annual National Meeting of the State Access to Justice Chairs on May 16, 2009.

**HAWAI‘I ACCESS TO JUSTICE COMMISSION
HIGHLIGHTS: 2010**

1. In accordance with Supreme Court Rule 21, the Commission’s Annual Report for 2010 was distributed in May 2011.
2. Over 270 people attended the second Hawai‘i Access to Justice Conference, which was held on June 25, 2010 at the William S. Richardson School of Law, University of Hawaii. The theme of the conference was “Access to Justice: Is This A Promise We Can Keep?” The featured speaker for the conference was Family Court Judge Michael Town. The morning panels addressed issues related to meeting the needs of the underserved with attorneys willing to provide pro bono services, challenges in obtaining funding to improve access, and the need for Commission committees to generate additional momentum to address the tasks before them.
3. New Commission members were added, and Intermediate Court of Appeals Associate Judge Daniel R. Foley was designated as the succeeding Chair of the Commission in June 2010.
4. The thirteen committees gained momentum as they tackled the tasks outlined in Rule 21 with the Administration Committee continuing to provide administrative and logistical assistance to the Commission, its committees, and task forces.
5. In January 2010, the Committee on Overcoming Barriers to the Access of Justice convened the first roundtable discussion on linguistic and cultural barriers (“Roundtable”), to bring together three pillars within the legal community: the bar, the bench, and the Commission. The Roundtable participants included the Hawai‘i Supreme Court Committee on Equality and Access to the Courts; the Hawai‘i Supreme Court Committee on Court Interpreters and Language Access; Hawai‘i State Judiciary’s Office on Equality and Access to the Courts; HSBA Committee on Diversity, Equality and the Law; and the Commission’s Committee on Overcoming Barriers to Access to Justice.
6. On February 11, 2010, the Hawai‘i Supreme Court entered an order amending Rule 3.7(a) of the Hawai‘i Revised Code of Judicial Conduct to describe the pro bono activities that a judge may participate in.
7. In March 2010, the Commission approved the proposal for a new rule 1.16 to the Rules of the Supreme Court of Hawai‘i that would allow for limited admission of attorneys employed by non-profit civil legal service providers for a period of two years, with a possible extension of an additional two years.

8. In May 2010, the Commission recommended to the Hawai'i Supreme Court that Rule 23 of the Hawai'i Rules of Civil Procedure be amended to create a presumption that unclaimed funds in class action suits be distributed to non-profit organizations eligible to receive funding from the state Indigent Legal Assistance Fund. Public comment was sought, with a deadline for comments on September 8, 2010. Previously, Rule 23 was silent as to the distribution of such residual funds, leaving open the potential that those funds could be retained by the defendant. The Commission urged the Hawai'i Supreme Court to adopt the proposed amendment in order to prevent such a windfall for the defendant, as well as to provide increased funding to organizations that promote access to justice.
9. In July 2010, the Hawai'i Supreme Court adopted the comment [5] to Rule 2.2 of the Hawai'i Revised Code of Judicial Conduct allowing judges to impose a pro bono sanction.
10. In September 2010, the Commission recommended to the Hawai'i Supreme Court that Rule 6.1 of the Hawai'i Rules of Professional Conduct be amended to allow the substitution of a monetary contribution of \$500 in lieu of the recommended minimum of fifty hours of pro bono service hours per year.
11. Also in September 2010, the Commission recommended to the Hawai'i Supreme Court that Rule 6.5 of the Hawai'i Rules of Professional Conduct be adopted to allow lawyers working with a non-profit organization or the court to provide limited legal services, such as advice over a hotline or through a clinic to a client without the expectation of the creation of an attorney-client relationship, so long as the lawyer does not know of any conflict of interest.
12. The Commission was represented at the 2010 National Meeting of State Access to Justice Chairs. Information about the Commission's activities was provided during the peer state breakout groups.
13. An article was published in the December 2010 issue of the *Hawaii Bar Journal*, written by a Commissioner, addressing issues parents with a child with disabilities face in access to justice as they seek to obtain appropriate services for their child.
14. During 2010, the Commission's website became operational as a subpage of the Hawai'i Justice Foundation's website at <http://www.hawaiijustice.org>. (Prior to this, information about the Commission was located at the HSBA website.) The Commission

approved a website protocol whereby all content shall be approved first by the Commission through its Administration Committee.

15. The Commission approved the following definition of “access to justice” for mandatory continuing legal education (“MCPE”) purposes:

To qualify for MCPE credit, access to justice course topics should educate attorneys about equal access to justice, including barriers arising from biases against persons because of race, gender, economic status, creed, color, religion, national origin, disability, age, or sexual orientation, and should cover equal justice issues as they relate to the delivery of legal services to the low-income individuals in need. The annual Access to Justice Conference sponsored by the Hawaii Access to Justice Commission qualifies for MCPE credit. Additionally, substantive courses taught by non-profit entities such as the Legal Aid Society of Hawaii that require attorneys attending their course to commit to pro bono service also qualify for MCPE credit.

In November 2010, the Commission submitted a request to the HSBA Board of Continuing Legal Education to expand the definition of “access to justice” as described above.

16. On November 18, 2010, the Commission co-sponsored the Self-Help Center Conference with the HSBA Committee on the Delivery of Legal Services to the Public, Legal Aid Society of Hawaii, and Volunteer Legal Services Hawaii.

**HAWAI‘I ACCESS TO JUSTICE COMMISSION
HIGHLIGHTS: 2011**

1. In accordance with Supreme Court Rule 21, the Commission’s Annual Report for 2011 was distributed in May 2012.
2. The Commission sponsored the third Hawai‘i Access to Justice Conference built on the theme, “Access to Justice: Pursuing a Noble and Necessary Purpose. Over 230 attendees attended the all-day conference at the William S. Richardson School of Law, University of Hawaii. Judge Lora Livingston, elected to the 261st District Court, Texas in 1999, presented a lively and thought-provoking speech titled, “The Fight for Equal Justice: Promoting Effective Strategies,” filled with humor and specific suggestions about the necessary of leadership by judges and possible collaborative partnerships in the pursuit of equal justice. Judge Livingston was Chair of the ABA Commission on Interest on Lawyers Trust Accounts. The Commission’s request to the HSBA to provide legal education credits for the attendance by Hawai‘i attorneys was approved prior to the conference.
3. National Pro Bono Day was celebrated by the Commission on October 25, 2011 with the “Pro Bono Experiences and Ethical Considerations” workshop at the Hawai‘i Supreme Court courtroom. Over 85 individuals attended the event, listening to a panel moderated by law professor Calvin Pang where attorneys, including Hawai‘i Supreme Court Associate Justice Sabrina McKenna described how they had been personally rewarded by the experience of providing pro bono services. Six nonprofit legal service organizations provided a Legal Services Fair at the conclusion of the workshop: Domestic Violence Action Center, Legal Aid Society of Hawai‘i, Mediation Center of the Pacific, Native Hawaii Legal Corporation, Volunteer Legal Services Hawai‘i, and the Young Lawyers Division of the HSBA.
4. On January 27, 2011, the Hawai‘i Supreme Court adopted an amendment to Haw.R.Civ.P. 23 to add a new subsection (f) that provides direction to parties and the trial court regarding the redistribution of residual funds in class action cases. The amended rule provides that it is within the discretion of the court to approve the timing and method of distribution of residual funds to entities, as agreed to by the parties, which may include nonprofit tax exempt organizations that provide legal services to indigent persons or to HJF (for distribution to one or more such organizations). The Commission created an ad hoc subcommittee to work on a communications plan to educate the Hawai‘i legal community about the rule amendment. The subcommittee drafted a “cy pres toolkit” and other information to assist Hawai‘i attorneys in state court class action lawsuits or other similar types of suits.

5. On February 24, 2011, the Hawai'i Supreme Court approved Rule 1.16 of the Rules of the Hawai'i Supreme Court to allow limited admission of attorneys employed by non-profit civil legal service providers for a period of two years, with a possible extension of another two years. This rule became effective on July 1, 2011.
6. On July 21, 2011, pursuant to Supreme Court Rule 21(j)(2), the Hawai'i Supreme Court filed its evaluation of the Commission. The Court acknowledged that the Commission made concrete strides in a difficult fiscal environment resulting in "impressive and real progress in providing practical solutions to the ongoing challenge of improving access to the civil justice system for low-income individuals in Hawai'i."
7. On October 7, 2011, the Kauai Self Help Center opened in the Kauai courthouse. It was open two days a week with volunteer attorneys covering one day and Americorps volunteers staffing the other day. It was intended that the days and hours would be expanded in 2012.
8. The Commission's Committee on Overcoming Barriers to the Access to Justice continued to sponsor meetings of the Roundtable to increase collaboration among the various state and judicial groups addressing linguistic and cultural barriers to services and to justice. These meetings were of increased importance in view of the U.S. Department of Justice Investigations into Hawai'i's compliance with Title IV, which requires state agencies in receipt of federal funds to comply with language access mandates.
9. On December 13, 2011, the Hawai'i Supreme Court amended Rule 6.1 of the Hawai'i Rules of Professional Conduct ("HRPC") to allow the substitution of an appropriate monetary contribution in lieu of the recommended minimum of 50 hours of pro bono service hours per year.
10. On December 13, 2011, the Hawai'i Supreme Court adopted HRPC Rule 6.5, which allowed lawyers working with a non-profit organization or the court to provide limited legal services, such as advice over a hotline or through a clinic to a client without the expectation of the creation of an attorney-client relationship (exempt from HPRC Rules 1.17 and 1.9(a)), so long as the lawyer does not know of any conflict of interest.
11. The Commission sent a letter of general support for federal funding of Hawai'i organizations that provide legal services to the indigent.
12. Through the Committee on Initiatives to Enhance Civil Justice, the Commission considered recommendations on further changes to the

Residential Foreclosure Mediation Initiative; support for the Hawai'i Street Law Project; and a Foreclosure Dispute Resolution proposal.

13. The Committee on Maximizing Use of Available Resources prepared a descriptive summary of the services provided by various legal services providers and dispute resolution centers.

**HAWAI‘I ACCESS TO JUSTICE COMMISSION
HIGHLIGHTS: 2012**

1. In accordance with Supreme Court Rule 21, the Commission’s Annual Report for 2012 was distributed in May 2013.
2. The Commission sponsored the fourth Hawai‘i Access to Justice Conference on June 12, 2012, with the theme: “Justice in Jeopardy: Expanding Access to Justice in Challenging Economic Times. Almost 300 persons had the opportunity to hear Dean Martha L. Minow, Harvard Law School and Vice-Chair of the Legal Services Corporation share insights on the challenges for increasing access to justice. Two morning workshops presented at the conference were “Implicit Bias: An Obstacle to Access to Justice and “Strengths and Limitations of Pro Bono.”
3. During the Pro Bono Celebration on October 23, 2012, outstanding pro bono attorneys were recognized. The honorees included Sean K. Clark, who was instrumental in the launch and implementation of the Business Law Corps, a new legal nonprofit entity; Blaine Rogers for his work in ensuring that low-income families had timely access to food stamps and for successfully arguing Sound v. Koller; Mariah Holden, for her contributions as a pro bono guardian ad litem; Charles H. Hurd, for his steadfast commitment as a mediator to assist parties in addressing a myriad of issues, particularly in the civil rights and elder arenas; Scott C. Suzuki, for his work with the elderly population; and, Gavin K. Doi, for the countless hours he devoted to Volunteer Legal Services Hawai‘i.
4. In 2012, four self-help centers opened: in the Hilo courthouse in June; in the Honolulu District Court in August; in the Maui courthouse in August; and the Kapolei courthouse in December. The self-help centers are a collaboration of the Judiciary, the Commission, HSBA, Legal Aid Society of Hawaii, the AmeriCorps program, and the county bar associations.
5. The Commission sponsored community briefings to discuss the importance of equal access to justice, to describe the past and ongoing work of the Commission, the explain the resources available to the public, and to collect community input regarding the needs for increased access to justice for all. The first was held at the Parish of St. Clement on January 11, 2012. Another was held at the Windward Community College on May 9, 2012. The final one was held at the Wai‘anae District Park on December 11, 2012.

6. The Commission approved the formation of a task force to work on an appellate pro bono project that would provide pro bono help in civil cases for indigent parties.
7. The Commission submitted a proposal to the Hawai'i Supreme Court for a statewide foreclosure mediation program.
8. The Commission approved the formation of the Pro Bono Initiative Task Force to plan events to highlight volunteer opportunities not only at the Access to Justice Room (self-help center) at the Honolulu District Court, but other opportunities with the various nonprofit legal service entities.
9. Under consideration by the Commission was a proposal to allow limited scope representation and amendments to HRPC Rule 1.2 that would allow the "objectives of the representation" to be limited if the client consents in writing after consultation. Additionally, there would be a new Rule 11.1 on the limited appearance and withdrawal of an attorney.
10. The Commission was examining a proposed amendment to Rule 1101 of the Hawai'i Rules of Evidence, which would provide that the rules of evidence would not apply where one or more parties was not represented by counsel in civil proceedings in the state district court or in family court.
11. The Commission applied for a Phase II grant from the ABA Access to Justice Commission Expansion Project for language services, which would include translation of informational brochures to meet the needs of limited English proficient individuals, seminars to educate attorneys about language access, and a conference for court, staff, and attorneys on implicit bias. A grant in the amount of \$20,000 was awarded to the Hawaii Justice Foundation on behalf of the Commission for the aforementioned three projects.
12. In April 2012, the Hawaii Bar Journal published an article based on Commission hearings entitled, "Access to Justice of Hawaii Migrants from Pacific Islands Associated with the United States."

**HAWAI‘I ACCESS TO JUSTICE COMMISSION
HIGHLIGHTS: 2013**

1. In accordance with Supreme Court Rule 21, the Commission’s Annual Report for 2013 was distributed in November 2014.
2. “Justice in Jeopardy: Expanding Access to Justice in Challenging Economic Times” was the theme of the fifth annual Hawai‘i Access to Justice Conference attended by over 260 people. Professor Charles R. Lawrence, III, Centennial Professor at the William S. Richardson School of Law gave the keynote address on “Sustaining the Struggle for Justice: Remembering and Renewing Abolitionist Advocacy.”
3. The annual Pro Bono Celebration, which recognized Hawaii’s outstanding pro bono attorneys for 2013 was held on October 24, 2013 at the Hawai‘i Supreme Court courtroom. This year’s Pro Bono Celebration included an essay contest involving high school students. This year’s essay theme was, “Meaningful Volunteering and What It Means to Me.” Over 200 students from public and private schools across the state submitted essays for consideration.
4. On February 21, 2013, the Commission sponsored the Pro Bono Initiative Program designed to identify opportunities for lawyers and law firms to work with existing legal service organizations to expand pro bono services within the community. Over 150 attendees explored potential pro bono opportunities with Business Law Corps, Hawaii Disability Rights Center, Domestic Violence Action Center, Hawai‘i Appleseed Center for Law and Economic Justice, Legal Aid Society of Hawai‘i, Volunteer Legal Services of Hawai‘i, Mediation Center of the Pacific, University of Hawai‘i Elder Law Clinic.
5. In 2013, over 2,250 people received legal assistance through the self-help centers in each of the four judicial circuits in the state.
6. During the year, the Kona Court Self Help desk opened, allowing litigants to receive legal assistance from volunteer attorneys on civil and family court matters. Some litigants travelled from as far as Waikoloa and Kohala (approximately 30 miles away) to receive these services.
7. The Access to Justice Room in Honolulu District Court expanded its hours of operation. As a result, approximately 700 people received short-term legal advice from volunteer attorneys on district court civil matters such as landlord-tenant, debt collection, and temporary restraining order and injunction against harassment (involving non-family members or parties who have not been in a dating relationship) issues. The difference between the Access to Justice Rooms (at the Honolulu District

Court and the Kapolei Family Court) and the self-help centers on the neighbor islands is that the volunteer attorneys staffing the Access to Justice Rooms are able to provide legal advice. The neighbor island volunteer attorneys currently are only able to provide legal information.

8. The Access to Justice Room in Kapolei expanded its volunteer staffing by 50%. As a result, several hundred people received short-term legal advice from volunteer attorneys on family court matters.
9. In April 2013, Hawai'i Supreme Court Chief Justice Mark Recktenwald and Associate Justice and former Commission Chair Simeon Acoba attended the White House Forum on Increasing Access to Justice, a national event co-hosted by the Legal Services Corporation and the White House.
10. In November 2013, the Commission sponsored a community briefing at Farrington High. Hawai'i Supreme Court Chief Justice Mark E. Recktenwald and Associate Intermediate Court of Appeals Judge and Commission Chair Daniel R. Foley discussed the Judiciary's efforts toward improving access to the judicial system. Representatives from Volunteer Legal Services Hawai'i, Mediation Center of the Pacific, Hawai'i Disability Rights Center, Hawai'i Appleseed Center for Law and Economic Justice, and Legal Aid Society of Hawai'i gave presentations and met with interested individuals.
11. The Commission proposed that HRPC Rule 6.1, Pro Bono Service, and its commentary be amended to include "organizations in matters which are designed primarily to address the needs of persons of limited means" in the rule and to include in Comment [2] "the provision of legal advice or information under nonprofit or court-annexed programs such as court self-help centers and access to justice rooms which are designed primarily to serve persons of limited means." The proposed amendments were adopted in the HRPC, effective January 1, 2014.
12. The Commission completed the projects pursuant to the ABA expansion grant with (1) development of an interpreter request court form and a brochure explaining how to request an interpreter for limited English proficient court users in Hawai'i; (2) additional translated materials were prepared about the Kapolei Access to Justice Room; frequently asked divorce-related questions; and landlord-tenant law; (3) a three-hour seminar entitled "Working Effectively with Limited English Proficient Clients" was presented in Kona, Island of Hawai'i in the courtroom of Circuit Court Judge Ronald Ibarra, Commissioner, on August 5, 2013; (4) an all-day training session for all state judges on implicit bias occurred on November 1, 2013.

13. The Pro Bono Appellate Pilot Project was being developed by the Commission's Committee on Increasing Pro Bono Legal Services. Additional planning included further defining the role of the program for cases in the Intermediate Court of Appeals and expansion of the program in the Hawai'i Supreme Court.

**HAWAI‘I ACCESS TO JUSTICE COMMISSION
HIGHLIGHTS: 2014**

1. In accordance with Supreme Court Rule 21, the Commission’s Annual Report for 2014 was distributed in March 2015.
2. “Meeting the Challenges to Equal Justice for All” was the theme of the sixth annual Hawai‘i Access to Justice Conference, which drew 265 attendees on June 20, 2014. Legal Services Corporation President James J. Sandman gave the keynote address on “Rethinking Access to Justice.” In redefining access to justice, there are two questions to ask, he said: Is it access? Is it justice?
3. Approximately 150 people attended the 2014 Pro Bono Celebration on October 23, 2014 in the Hawai‘i Supreme Court Courtroom. A high school essay contest was also part of the celebration. Writing on the topic, “How to Inspire Others to Volunteer” approximately 280 students from public and private high schools across the state submitted essays for consideration by the Commission. Cash awards sponsored by local law firms and offices were presented to the essay award recipient from each island. The outstanding volunteers for 2014, all of whom were selected by the legal services providers, were recognized. Additionally, attorneys who volunteered to staff the Access to Justice Rooms at the Honolulu District Court and the Kapolei Family Court were honored.
4. In 2014, approximately 3,650 people received legal assistance through the self-help centers in each of the four judicial circuits in the state.
5. In 2014, the Commission partnered with other community organizations to bring legal services to Ka‘u, a rural community on Hawai‘i Island. The one-day Ka‘u Legal Clinic was designed as a pilot for delivery of legal services to underserved rural communities, where scarce legal resources and limited transportation hinder access to legal services. Using a neighborhood legal clinic model, on-site and telephonic services were provided to over a dozen participants during a three-hour block, with follow-up services provided through Volunteer Legal Services of Hawai‘i and the Native Hawaiian Legal Corporation.
6. The Commission continued its work on a proposal to allow limited scope representation. The proposals were discussed in workshops at the 2013 and 2014 Hawai‘i Access to Justice Conferences. Discussion is ongoing.
7. The Commission continued its work on a pilot project that aims to match pro se appellate litigants with volunteer appellate attorneys. The project is modeled after similar programs in other jurisdictions, but has been tailored to meet the needs of litigants in Hawai‘i. The project would

match eligible pro se appellate litigants with volunteer appellate attorneys willing to provide pro bono legal services.

8. During the 2014 legislative session, the Hawai`i State Senate requested that the Commission convene a working group to develop an educational loan repayment program for William S. Richardson School of Law graduates to expand opportunities to pursue public interest careers in Hawaii for the benefit of underserved communities.
9. The National Center for Access to Justice's ("NCAJ") created the "Justice Index" to measure what is being done nationally to make access to justice a reality for all. The Justice Index reported on four elements of state-based justice systems: attorney access, self-representation, language assistance, and disability assistance. In 2014, Hawaii was ranked first in the nation for providing support to self-represented litigants and fourth overall by the NCAJ.
10. The Commission determined that its subpages at the Hawaii Justice Foundation website needed to be updated. The Commission also examined whether the Commission should have its own independent website and decided that at the present time, the Commission would remain a subpage at the Hawaii Justice Foundation website because of lack of funding and administrative staff.

**HAWAI‘I ACCESS TO JUSTICE COMMISSION
HIGHLIGHTS: 2015**

1. In accordance with Supreme Court Rule 21, the Commission’s Annual Report for 2015 was distributed in December 2015.
2. The 2015 Hawai‘i Access to Justice Conference, with the theme, "Narrowing the Justice Gap" was held on June 19, 2015 at the William S. Richardson School of Law, University of Hawai‘i. Jonathan D. Asher, Executive Director, Colorado Legal Services was the keynote speaker. Approximately 260 people attended including 140 attorneys seeking continuing legal education credits for their attendance.
3. The Commission’s Pro Bono Celebration on October 29, 2015 attracted more than 150 attendees. The program was held to recognize attorneys doing pro bono services and volunteer attorneys at the Access to Justice Rooms. A special feature of the celebration were the awards presented to high school student essay award recipients from each of the judicial circuits.
4. On January 20, 2015, Commissioner, Retired Associate Justice Simeon R. Acoba, Jr., appeared before the Senate Committee on Judiciary and Labor and the House Committee on Judiciary to provide information about the accomplishments of the Commission.
5. On August 7, 2015, the Hawai‘i Supreme Court established a Hawai‘i Appellate Pro Bono Pilot Project, effective on the filing of its order and expiring on July 1, 2017, unless extended or made permanent by order of the Court. This was the result of two years of work by the Commission’s Committee on Increasing Pro Bono Legal Services.
5. The self-help centers continued to provide services in each judicial circuit, with collaborative support from the Commission, the various bar associations, the Judiciary, and practicing attorneys.
6. The Commission, pursuant to the Senate Concurrent Resolution No. 116, convened a working group to develop an educational loan repayment program for William S. Richardson School of Law graduates to encourage expanded opportunities to pursue public interest careers in Hawai‘i for the benefit of underserved communities. The working group submitted a report to the Hawai‘i legislature dated January 20, 2015, wherein it reached a consensus on several factors that would need to be included in a loan repayment assistance program and supported the adoption of legislation to establish such a program at an estimated initial cost of \$600,000. In addition, an incubator program was also considered that would assist recent law school graduates to develop group or solo

practices aimed at clients of modest means in key legal need areas in Hawai'i.

7. The Commission's Pro Bono Initiatives Task Force sought assistance from Central Pacific Bank ("CPB") to obtain volunteers for the Honolulu Access to Justice Room. The CPB embraced the idea, recruited counterparts at other major banks, and organized a training day for the attorneys. The group committed to staffing the Honolulu Access to Justice Room for the month of October 2015.
8. The Commission received copies of Senate Resolution No. 6 and House Resolution No. 12 from the Hawai'i legislature requesting that the Commission assemble a working group of interested governmental agencies and community entities to develop a plan for determining which agency or organization should administer funding for civil legal services. The recommendations of the working group identified the Judiciary as appropriate entity for administration of funding for civil legal services. The Commission forwarded the report to the Hawaii State Legislature.

**HAWAI‘I ACCESS TO JUSTICE COMMISSION
HIGHLIGHTS: 2016**

1. In accordance with Supreme Court Rule 21, the Commission’s Annual Report for 2016 was distributed in July 2017.
2. The 2016 Hawai‘i Access to Justice Conference with the theme “Pursuit of Meaningful Justice for All” was held on June 24, 2016 at the William S. Richardson School of Law, University of Hawai‘i. Approximately 250 people attended, including 96 attorneys seeking CLE credits for attendance. There were forty-one speakers or panelists. Former New York Courts Chief Judge Jonathan Lippman (ret.) was the keynote speaker.
3. The 2016 Pro Bono Celebration on October 27, 2016 in the Hawai‘i Supreme Court Courtroom attracted 140 attendees. The program was held to honor attorneys who volunteer at the Access to Justice Rooms and the attorneys who volunteer for the legal service providers. High school students who participated in the Commission’s essay contest and selected as the essay award recipients were also acknowledged at the event.
4. Hawai‘i Supreme Court Associate Justice Simeon Acoba (ret.) was appointed Chair of the Commission in 2016.
5. On February 29, 2016, the Commission members enjoyed an informal luncheon with the Justices of the Hawai‘i Supreme Court in the courtroom at Ali‘iolani Hale (Supreme Court building). The luncheon was a gracious gesture of appreciation by the Court and an opportunity to briefly discuss to discuss the work of the Commission with the Justices and with other Commissioners, outside of the usual official Commission meeting format.
6. The Justice Index’s “2016 Findings,” released by the National Center for Access to Justice at Fordham Law School, ranked Hawai‘i among the top three states in the country for practices aimed at making access to justice a reality for all people. The report measures the accessibility of each state’s justice system in four categories: attorney access to low-income litigants; support for self-represented litigants; support for litigants with limited language proficiency; and support for people with disabilities.
7. A summary report titled “Progress Toward Increasing Access to Justice and Summary of Unmet Civil Legal Needs Pursuant to Hawai‘i’s Supreme Court Rule 21(b)(14),” was prepared in early 2016. The report covered the period from May 1, 2008 through the end of 2015. It also identified

challenges and forecasts associated with the Commission's efforts on behalf of Hawai'i's low- and moderate-income people.

8. On March 28, 2016, the Commission submitted testimony in support of House Bill 2121, HD 3, SD 1, which passed the 2016 legislative session with a \$750,000 appropriation for the Judiciary's efforts on behalf of low- and moderate-income people for fiscal year 2016 - 2017. About \$600,000 of that amount maintained service contracts administered by the Judiciary.
9. In May 2016, the Court ruled in favor of the Appellate Pro Bono Pilot Project client in Gao v. State, the first case orally argued through the pilot project. In July 2016, the Commission's Committee on Increasing Pro Bono Legal Services submitted a one-year report to the Supreme Court, as required by the order that established the project. The Hawai'i Appellate Pro Bono Pilot Project was designed by a subcommittee of the Committee on Increasing Pro Bono Legal Services, to match eligible pro-se appellate litigants with volunteer appellate attorneys willing to provide pro bono legal services.
10. There was a strong Hawai'i contingent in attendance at the 2016 national ABA Equal Justice Conference from May 12 to 14, 2016 in Chicago. There were more than 85 sessions and pre-conference sessions covering a variety of topics from pro bono to language access.
11. Hawai'i was well represented at the 2016 National Meeting of State Access to Justice Chairs on May 13 and 14, 2016.
12. On June 14, 2016, Volunteer Legal Services Hawai'i and Legal Aid Society of Hawai'i received over \$100,000 each in cy pres funds from a local law firm.
13. At its October 2016 Commission meeting, the commissioners were introduced to the new legal service platform called Hawai'i Online Pro Bono ("HOP"). The new website, which is part of the American Bar Association Free Legal Answers project, was officially launched during National Pro Bono Week. Hawai'i joined over forty jurisdictions now participating in this virtual walk-in clinic concept.
14. The Commission continued to support efforts to promote limited representation or 'unbundled' legal services" and "unbundling as a way to meet currently unmet legal needs." Comments were provided to the Hawai'i Supreme Court on behalf of the Commission regarding proposed amendments to the pending rules for adoption.

15. The Commission’s Task Force on Paralegals and Other Non-lawyers met regularly during 2016. The Task Force identified areas of greatest unmet need, and recommended the concurrent development of a court-sponsored volunteer Court Navigator program, a dedicated paralegal Tenant Advocate, and a regulated Licensed Paralegal Practitioner to help address substantiated unmet need in housing, family, domestic violence, consumer, health, public benefits, and special education areas. At its October 17, 2016 meeting, the Commission voted to “support the efforts of the Task Force and to send the Task Force report to the Supreme Court for its information and to await response from the Court.
16. The self-help centers were started by and continued to be a collaboration of the Hawai‘i State Judiciary, the Commission, the HSBA (in particular, the Committee on the Delivery of Legal Services to the Public), Legal Aid, the AmeriCorps program, the county bar associations (East Hawai‘i Bar Association, Kauai County Bar Association, Maui County Bar Association, West Hawai‘i Bar Association), and the HSBA Family Law Section. There are now self-help centers in each courthouse in each state judicial circuit.
17. In November 2016, the National Center for State Courts and the Public Welfare Foundation announced that Hawai‘i was one of the seven among the 25 applying states to be awarded a grant of nearly \$100,000 to support efforts to enhance access to justice for all of Hawai‘i’s citizens. The Justice for All grant was distributed in December 2016 and will be used over the course of twelve months to develop an inventory of resources, assessment of needs, and strategic action planning. A Justice for All Committee was formed by the Commission to facilitate the process.

**HAWAI‘I ACCESS TO JUSTICE COMMISSION
HIGHLIGHTS: 2017**

1. In accordance with Supreme Court Rule 21, the Commission’s Annual Report for 2017 was distributed in May 2018.
2. The 2017 Hawai‘i Access to Justice Conference with the theme “Fulfilling the Promise of Equal Justice” was held on Friday, June 16, 2017 at the William S. Richardson School of Law, University of Hawai‘i. Approximately 260 people attended, including 118 attorneys seeking CLE credits for attendance. There were 42 speakers or panelists. Governor David Ige opened the Conference by praising the work of the Commission and encouraging the audience to participate in expanding access to justice. Kellye Y. Testy, former Toni Rembe Dean and Professor of Law at the University of Washington delivered her keynote address, “Just Innovations.”
3. The 2017 Pro Bono Celebration on Thursday, October 26, 2017 in the Hawai‘i Supreme Court Classroom honored ten outstanding persons, including nine attorneys, who volunteer for legal service providers, sixty-five attorneys, law firms, and groups who volunteer for the First Circuit District and Family Court Access to Justice Rooms, and six winners of the student essay/video contest.
4. Following the award of a Justice for All grant to Hawai‘i, the Commission prepared a final report to the National Center for State Courts encompassing: (1) an inventory of existing access to justice resources, programs, and projects being undertaken by Hawaii’s access to justice stakeholders, including Hawaii’s Judiciary, Commission, the legislature, and legal service providers; (2) an assessment of Hawaii’s access to justice needs based upon the Justice for All Committee community and network partner meetings undertaken during the court of the year; and (3) a strategic action plan comprising four key recommendations for Hawaii’s access to justice partners to focus on.
5. In 2017, Hawaii’s Online Pro Bono, administered by Volunteer Legal Services Hawai‘i, successfully finished its first full year of services. A total of 226 questions were asked by qualified clients, who meet income and asset requirements, and answered by more than 60 volunteer attorneys. In total, 349 hours of professional services were provided with an estimated value exceeding \$83,000.
6. The Hawai‘i Appellate Pro Bono Pilot Project, a joint project of a subcommittee of the Commission’s Committee on Increasing Pro Bono Legal Services, the HSBA Appellate Section, and Hawai‘i appellate courts,

proved to be a successful venue for increasing access to justice by matching eligible pro se appellate litigants with volunteer appellate attorneys willing to provide pro bono legal services to these individuals. The Hawai'i Supreme Court ordered that the pilot project be made permanent. The program is focused on civil cases involving foreclosures, summary possessions, employment discrimination, worker's compensation, wrongful termination, denial of unemployment benefits, state tax appeals, probate matters, and paternity and non-married custody cases.

7. In May 2017, the Commission approved the Task Force's proposal for a Volunteer Court Navigator program to be transmitted to the Hawai'i Supreme Court. The proposal presented a pilot program in the First Circuit (Oahu) and in the Second Circuit (Maui) to assist the self-represented litigants who are appearing in the District Courts on landlord-tenant, debt collection, and temporary restraining orders (non-family) cases. The project was modeled after the New York Court Navigator program, which has been successful. On November 3, 2017, the Hawai'i Supreme Court issued its orders establishing a Volunteer Court Navigator Pilot Program in the First and Second Circuits.
8. The Commission continued to support efforts to promote limited representation through unbundled legal services by working on proposed rule amendments that would allow such limited representation.
9. Hawai'i was well represented at the 2017 national ABA Equal Justice Conference and the 2017 National Meeting of State Access to Justice Chairs in May 2017 at Pittsburgh, Pennsylvania.
10. The self-help centers established in each state judicial circuit continued to provide legal information (and legal advice on Oahu) to unrepresented litigants.

**HAWAI‘I ACCESS TO JUSTICE COMMISSION
HIGHLIGHTS: 2018**

1. In accordance with Supreme Court Rule 21, the Commission’s Annual Report for 2018 was distributed in May 2019.
2. The 2018 Hawai‘i Access to Justice Conference with the theme “Fighting for Access to Justice for All” was held on Friday, June 29, 2018 at the William S. Richardson School of Law, University of Hawai‘i. More than 300 people attended this tenth annual conference with keynote speaker Chief Judge Robert Katzmann of the Second Circuit, United States Court of Appeals, who presented an inspiring talk on “Addressing the Desperate Legal Needs of the Immigrant Poor.” The conference included 46 speakers or panelists.
3. The 2018 Pro Bono Celebration on Thursday, October 25, 2018 in the Hawai‘i Supreme Court Courtroom honored nine outstanding attorneys who volunteer for legal service providers, sixty-six attorneys, law firms, and groups who volunteer for the First Circuit District and Family Court Access to Justice Rooms and the Appellate Pro Bono Program, and six high school student essay/video contest winners.
4. A Justice for All Implementation Grant, administered through the National Center for State Courts, was awarded to Hawai‘i. Two projects were adopted under the grant: The Hawai‘i Legal Aid Interagency Roundtable Project and the Community Navigator Project. The Interagency Roundtable Project recruited a consultant and held planning meetings in 2018 with key stakeholders, scheduling the first meeting of the Roundtable for January 2019. The Community Navigator Project developed its curriculum and trained the first eight Community Navigators.
5. During the Kaua‘i pro bono celebration, the AmeriCorps Advocate was honored by Hawai‘i Supreme Court Chief Justice Mark Recktenwald. Her work with the Kaua‘i Self-Help Center for the past four years enabled the Center to be open five days a week in 2018.
6. Also, in 2018, Hawai‘i began developing the Legal Navigator initiative, hoping to create a scalable platform that can be adopted by other states. Also, many of the tools and processes the initiative is developing continue to serve as learning opportunities on how the use of technology can move the legal community towards the aspirational goal of 100 percent access to effective assistance for essential civil legal needs.

7. On November 20, 2018, based on a proposal submitted by the Commission, the Hawai'i Supreme Court issued an order establishing the Volunteer Court Navigator Pilot Program in the Second Circuit as a permanent program and issued another order extending the pilot program another year in the First Circuit. In the Second Circuit, 18 volunteer navigators were trained and were providing services at the Court.
8. In 2018, more than 70 attorneys registered to provide online pro bono services through the Hawai'i Online Pro Bono Program. A total of 281.1 hours was provided through this program to pro se clients across the state.
9. Under the Hawai'i Appellate Program, four cases have been heard; in all cases the clients prevailed.
10. The Commission submitted to the Hawai'i Supreme Court the Proposal to Amend Rule 11 and to Adopt Rule 11.1 of the District Court Rules of Civil Procedure ("DCRCP"), Hawai'i Rules of Civil Procedure, and the Hawai'i Family Court Rules. The Commission submitted the proposed amendments to Rule 11 and a proposed Rule 11.1 of the DCRCP and related forms.
11. The Self-Help Centers and Access to Justice Rooms continues to offer free consultations to meet the needs of self-represented litigants.
12. Hawai'i was well represented at the 2018 National Meeting of State Access to Justice Chairs on May 12, 2018 as well as at the 2018 Equal Justice Conference.