

Chief Justice Mark E. Recktenwald
Welcoming Remarks for Access to Justice Conference
June 12, 2012

Good morning, and aloha everyone.

I'd like to thank the Access to Justice Commission for sponsoring today's conference, as well as Bob LeClair and the Hawai'i Justice Foundation, Dean Avi Soifer and the William S. Richardson School of Law, and President Carol Muranaka and the Hawai'i State Bar Association, for their support.

I'd also like to thank Dean Martha Minow for traveling here to share her thoughts with us. Dean Minow is an important voice nationally for access to justice, and helped to inspire a Harvard law student named Barack Obama to pursue a career in public service. I'd also like to thank all of our other speakers who have put so much effort into preparing an informative and thought-provoking conference.

I'd also like to thank Senators Clayton Hee and David Ige, Representative Marcus Oshiro, and their colleagues in the legislature for their continued support of access to justice. To cite one example, this session the legislature provided more than \$230,000 in additional funding for the judiciary's court interpreter program. We want to ensure that every individual who comes to court -- whatever language they might speak -- can fully understand and meaningfully participate in the proceedings. We deeply appreciate the legislature's support.

It's appropriate that this conference follows a weekend of festivities in honor of Hawaii's first sovereign, King Kamehameha. It was King Kamehameha who formalized the "Law of the Splintered Paddle," which established the rights of all people to travel freely and equally through the kingdom. Nearly two hundred years later, another visionary leader, Chief

Justice William S. Richardson, carried this message of equality forward through his groundbreaking legal opinions, and through his other actions, such as advocating for the formation of this law school. Make no mistake--when you take stock of the resources that we as a community can draw on in the effort to increase access to justice, this school and the people whose lives it has touched are among our greatest assets.

It is altogether fitting that we carry on the legacies of justice and equality of these two great leaders . . . at this place, and at this time. We come together today to continue charting the course toward ensuring that there is equal justice for all in our civil legal system. Five years ago, we embarked on an ambitious endeavor -- identifying and then addressing the civil legal needs of the most vulnerable members of our society. We took up that challenge in many different ways, including by creating the Access to Justice Commission in 2008. Over the past four years, the Commission has worked tirelessly toward the goal of increasing access to justice. From advocating for amending laws and rules, to encouraging attorneys to increase their commitment to pro bono service, to supporting these annual conferences, the Commission has brought about significant changes to increase awareness and to improve access to justice for Hawaii's citizens. Please join me in thanking the Commission, particularly its Chair Judge Daniel Foley and his predecessor Justice Simeon Acoba, for their leadership and for the great work of the Commission.

I wanted to take this opportunity to let you know of one particularly significant initiative that is underway -- the opening of self-help centers in our courts. In recent years, we have seen increases in the number of self-represented parties, many of whom struggle with the judicial system because they don't understand the process and what is expected of them. Self-

help centers are intended to assist them by providing forms and information so that they can navigate the system more effectively. A key element of the self-help center concept is that attorneys will staff the centers on a volunteer basis to provide information to self-represented litigants.

The first center was opened in our courthouse on Kauai in October. Thanks to the hard work and dedication of the Legal Aid Society and the Kaua'i Bar Association, and the leadership of Judge Trudy Senda and others, we currently have sixteen volunteers staffing the center, five days a week from 9:00 a.m. to noon. In two weeks, we will have a grand opening of the self-help center in Hilo. We are working closely with the bar to open a center in Wailuku, Maui as well.

On O'ahu, we have been working with Volunteer Legal Services Hawai'i and the Legal Aid Society to open a center in our Honolulu district court. The concept here will be a little different, since we already have judiciary staff in district court that provide forms and information to self-represented litigants. Thus, we plan to enhance our current services by having volunteer attorneys available to provide legal advice as well. We expect to open this new resource, which will be called the Access to Justice Room, in August. We deeply appreciate the assistance of Volunteer Legal Services, Legal Aid, and the Hawai'i State Bar Association on this important initiative.

Although we have made progress on many fronts, there is much work left to be done. Going forward, we need to find more ways to use technology to leverage our resources, so we can help more people. How do we better serve people in more remote locations of the State, like Moloka'i and Lana'i? What about people whose jobs or personal circumstances make it

difficult or impossible to visit a self-help center? We can use technology to more effectively link our resources to those who need them. Whether it be providing information via an online link from the center on Kaua‘i to a self-represented litigant in Hana, or providing advice by email or live chat, there are many options we can explore.

Another important step we can take to further the cause of access to justice is increasing our outreach to the community. The commission has done so this past year by sponsoring community meetings in Makiki and Windward Oahu, and a forum is planned for Leeward Oahu later this year. There is a compelling case to make for access to justice on many different levels, from telling the stories of those people who have been able to remain in their homes, or avoid domestic violence, through the efforts of legal aid or pro bono attorneys . . . to explaining the economic impact of having Hawai‘i citizens obtain the federal benefits to which they are entitled. We need to take every opportunity to make that case.

I am incredibly optimistic about our ability to accomplish something special in increasing access to justice in Hawai‘i. Last month, I attended a conference in Florida at which access to justice chairs from across the nation came together to talk about the challenges and opportunities they faced. It was a great chance to put what we are doing here in Hawai‘i in perspective, and I came away with a couple of insights. First, we have accomplished a great deal over the past four years, and have done so with very limited resources. *How were we able to do that?* The answer became clear during a session in which representatives from about a half-dozen states, including Hawai‘i, met over lunch to talk about the initiatives they had undertaken. It was a great discussion, but I noticed something as the various people around the table spoke. Most of the people in the room were there because it was part of their job—they were judges,

court administrators, or employees of bar associations or access to justice commissions. In contrast, most of the people from Hawai‘i -- including Shannon Wack, Derek Kobayashi, and Jo Kim -- were there not because it was part of their jobs, but simply because they cared enough about access to justice to get on a plane and fly almost 5,000 miles to see if they could learn something, or share something, that might help bring justice to someone who otherwise would be left without hope.

That is why I am so optimistic that we can make equal justice for all a reality in Hawai‘i. We may not have the financial resources that some other states have at their disposal, but we have something that, in the end, may be even more valuable: the commitment of talented people who care, and who are willing to work hard to make a difference. The roots of our commitment to justice in Hawai‘i run deep, from the great sovereign we honored this past weekend, to the wise jurist after whom this school is named, to the volunteer attorneys, legal aid staffers, and countless others who work long hours to make sure there is justice for those who might not otherwise be able to obtain it.

To harness that commitment and dedication, we need a clear vision of where we want to go and how we propose to get there. You have the opportunity today to help chart that course toward ensuring there is equal justice for all. Now is the time to share your ideas, experiences, and thoughts about the ways that we can accomplish our goal. Thanks to each of you for your commitment, and for your presence here today.

Aloha and mahalo.