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IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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In the Matter of the  
VOLUNTEER COURT NAVIGATOR PILOT PROGRAM

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ORDER ESTABLISHING A VOLUNTEER  
COURT NAVIGATOR PILOT PROGRAM IN THE SECOND CIRCUIT  
(By: Recktenwald, C.J., Nakayama, McKenna, Pollack, and Wilson, JJ.)

Upon consideration of the Volunteer Court Navigator materials approved by the Hawai'i Access to Justice Commission and submitted to this court for review, we note with approval the purpose of the pilot project is to complement and supplement existing services to assist those in our community with limited financial means. Therefore,

IT IS HEREBY ORDERED that the Volunteer Court Navigator Pilot Program is established in the Second Circuit of the State of Hawai'i effective as of the filing of this order, and expiring on December 31, 2018, unless extended or made permanent by order of this court. The materials reviewed and approved by this court for use in the Second Circuit program are appended to this order.

IT IS FURTHER ORDERED that the Chief Staff Attorney of this court shall designate a staff attorney to file a report on the performance of the pilot project at least one year after the entry date of this order, but no later than November 15, 2018.

DATED: Honolulu, Hawai'i, November 3, 2017.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson



## **VOLUNTEER COURT NAVIGATOR PROTOCOL**

### **Second Judicial Circuit, State of Hawai'i**

#### **1. Purpose**

The purpose of the Volunteer Court Navigator Protocol is to establish a court-based volunteer program to assist the self-represented litigants who are appearing in the Second Judicial Circuit, including but not limited to landlord-tenant, debt collection, and temporary restraining orders (non-family) cases. The project is modeled after the New York Court Navigator program, which has been successful.

This pilot program also supplements the pro bono services offered by the volunteer attorneys in the Self-Help Center at Hoapili Hale, 2145 Main Street, Wailuku, Hawai'i on Thursdays from 9:00 a.m. to noon.

#### **2. Process**

a. The Judiciary's Communications and Community Relations Office already coordinates the various volunteers for the Judiciary. The Volunteers in Public Service to the Courts ("VIPS") specifically allows for opportunities as a case aide, bailiff aide, court clerk aide, docent, computer operator, clerical aide, court-appointed special advocate (for child abuse and neglect victims), Project Visitation volunteer, and Kids First volunteer (to help children of divorcing parents).

The Volunteer Court Navigator will learn about Mediation Services of Maui, Inc., which provides mediation services that are recommended in the landlord-tenant cases and small claims cases, and about the availability of the volunteer attorneys in the Self-Help Center on Thursdays from 9:00 a.m. to noon and access by telephone for Molokai, Lanai, and Hana residents when the center is open at 808-495-5527.

b. The volunteer will complete an on-line application form after reviewing the duties of the Volunteer Court Navigator.

c. The Communications and Community Relations Office will review and screen the applications. Training will be provided. After the training is completed, the Volunteer Court Navigator will be assigned to the Second Circuit.

d. For the pilot period, the Volunteer Court Navigator will be assigned to the Special Services Branch, Second Circuit. A Judiciary staff member will provide on-the-job training, immediate guidance, and direction.

e. A brochure about the Volunteer Court Navigator program will be given to the self-represented litigant when assistance is needed.

3. Evaluation

In order to assess the viability and feasibility of the program, an evaluation form will be given to each self-represented litigant to complete.

4. Pilot Period

The pilot period for this project is one year after approval of the establishment of the Volunteer Court Navigator program.



# **VOLUNTEER COURT NAVIGATOR PROGRAM**

**Second Judicial Circuit, State of Hawai‘i**

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## Prospective Volunteer Court Navigator



Register at Communications and Community Relations Office under “Community Outreach” on the Judiciary Webpage:

<http://www.courts.state.hi.us/>



### Volunteer Opportunities – Volunteer Court Navigator

Applicant reviews the responsibilities and completes the application.



### Communications and Community Relations Office:

Receiving and screening applications and interviewing applicants.

Selected Volunteers will be provided:

- Training: an hour seminar (Lunch and Learn style). Training topics – (1) District Court civil matters overview and (2) Interviewing and communication skills
- Guidelines including frequently asked questions
- Identification badge – Volunteer Court Navigator

After the training is completed, the Volunteer Court Navigator will be assigned to the Second Circuit: Hoapili Hale, 2145 Main Street, Wailuku, Hawai‘i.



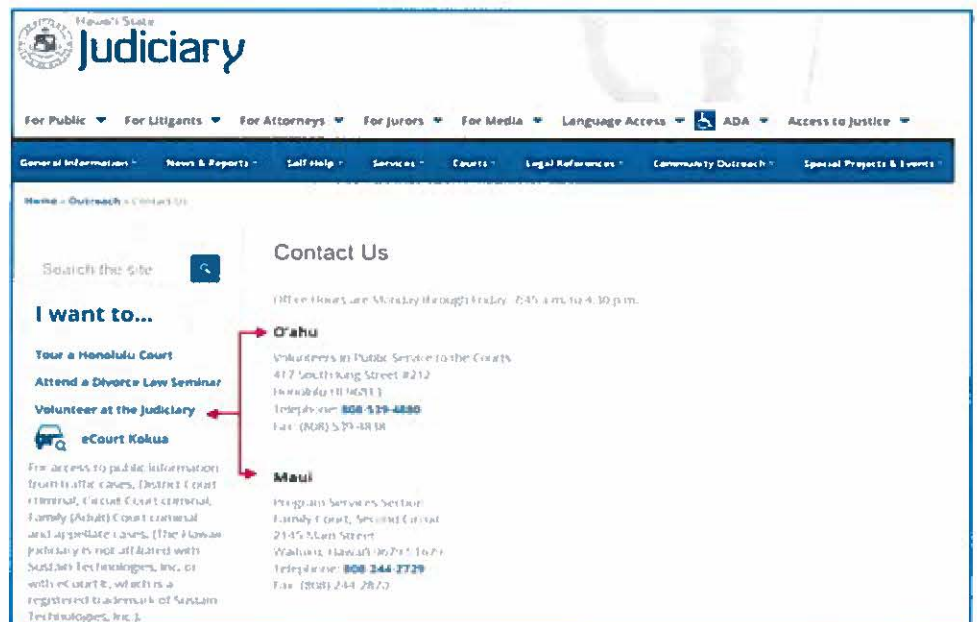
### Special Services Branch, Second Circuit:

Under the supervision of the Court Administrator of the Second Circuit, the Volunteer Court Navigator will be assigned to the Special Services Branch for daily activities.

- The relevant division will provide on-the-job training, immediate guidance, and direction.
- A brochure on the Volunteer Court Navigator will be developed, and it will be provided to the unrepresented litigants when the assistance is needed.
- An activity log will be filled out by the Volunteer Court Navigator for the purpose of keeping track of the volunteer’s whereabouts.
- An evaluation form will be provided to the unrepresented litigants for feedback.

## Registration

Application form is available at <http://www.courts.state.hi.us/>



## **Volunteer Court Navigator Opportunities**

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### **Volunteer Court Navigator**

The Volunteer Court Navigator will assist self-represented litigants with landlord-tenant, debt collection, and temporary restraining orders (TROs – non-family) cases. These volunteers could include paralegals, law students, paralegal students and others. The Volunteer Court Navigators provide neither legal advice nor legal counseling. The role of the Volunteer Court Navigators would include the following types of assistance:

- Preliminary discussions with the litigants to listen to their concerns and explain the process.
- Help in using computers located in the courthouse to obtain information and to fill out court forms.
- Help in finding information about the law and how to find a lawyer.
- Help in finding resources in the courthouse and outside the court to assist in resolving their cases.
- Help in organizing documents needed for their cases.
- Description of courtroom protocol.
- Description of the various individuals in the court and their roles such as judge, court clerk, bailiff, and law clerk.
- Accompaniment of the litigants during hallway negotiations with opposing attorneys, solely for the purpose of taking notes and assisting with factual inquiries and scheduling.
- Accompaniment of the litigants during the mediation process, solely for the purpose of taking notes and observing the mediation discussions.
- Accompaniment to the court, including giving notes or reminders to the litigants about court proceedings, where and when necessary.
- Taking notes during any court conference or hearing to discuss with the litigants afterwards so that the litigants understand what has been said or decided and what the litigants must do to comply with any directions that they may have been given by the court.
- Statements of fact to the judge, but only if asked a direct factual question by the judge.
- If necessary, provide help with needed social services.

The Volunteer Court Navigators shall not give legal advice or get involved in negotiations or settlement conferences. The Volunteer Court Navigators shall not provide personal advice and shall not perform any service that constitutes the practice of law.



## Volunteer Court Navigator Application

Name: ☐ Mr. ☐ Mrs. ☐ Ms. \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone: Home: \_\_\_\_\_ Cellular: \_\_\_\_\_

Email: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Emergency Contact (Name): \_\_\_\_\_

Emergency Phone: Home: \_\_\_\_\_ Work: \_\_\_\_\_

Medical Plan Provider: \_\_\_\_\_ Telephone: \_\_\_\_\_

Primary

Physician: \_\_\_\_\_ Telephone: \_\_\_\_\_

### Position Preferences

Available Date: From \_\_\_\_\_ To \_\_\_\_\_

Times Available: Monday \_\_\_\_\_ To \_\_\_\_\_

Tuesday \_\_\_\_\_ To \_\_\_\_\_

Wednesday \_\_\_\_\_ To \_\_\_\_\_

Thursday \_\_\_\_\_ To \_\_\_\_\_

Friday \_\_\_\_\_ To \_\_\_\_\_

Have you volunteered before with the Judiciary? ☐ YES ☐ NO

Education/skills: \_\_\_\_\_

### Confidentiality:

Volunteer work at the Judiciary requires you to respect confidential information.

Are you able to do this? ☐ YES ☐ NO \_\_\_\_\_

Any reservations about volunteering? ☐ YES ☐ NO

**(Scenario 1)**



- Self-represented litigant seeks help at the Information Counter
- Staff presents the Volunteer Court Navigator brochure to the self-represented litigant
- Staff refers the self-represented litigant to Volunteer Court Navigator for assistance



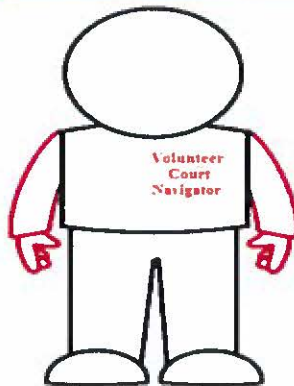
- Litigant seeks help at the Service Center
- Staff presents the Volunteer Court Navigator brochure to the self-represented litigant
- Staff refers the self-represented litigant client to Volunteer Court Navigator for assistance

## Volunteer Court Navigator

1. Meets the litigant.
2. Signs the activity log.

3. Accompanies the litigant to court appearance.

4. Informs the litigant that Volunteer Court Navigator provides only non-legal services.
5. Listens to the litigant's questions.



6. After activity is finished, the VCN, gives an evaluation form to the litigant to fill out.

[illegible]

7. Returns to the workplace and completes the activity log.

| Volunteer Court Navigator (VCN) Activity Log |        |             |               |                          |               |  |
|--|--------|-------------|---------------|--------------------------|---------------|--|
| Date   | VCN    | Time Start: | Client's Name | Location of the Activity | Time Complete | Outcome/Remarks  |
| 10/16/17                                     | VCN #1 | 8:00am      | Mr. Santana   | 1015                     | 8:00am        | Summary<br>Possession case,<br>modification, agree to<br>continue 1 month to<br>appeal |

## Sample of the Brochure

Back  
blank

Front  
3 ½" x 8 ½"



### **Volunteer Court Navigator**

The Volunteer Court Navigator  
provides non-legal services, without cost, to  
unrepresented litigants with District Court  
Civil matters.

## Inside

3 ½" x 8 ½" (after folded)

### Volunteer Court Navigator

The Volunteer Court Navigator will assist self-represented litigants with landlord-tenant, debt collection, and temporary restraining orders (TROs – non-family) cases. These volunteers could include paralegals, law students, paralegal students and others.

The Volunteer Court Navigators neither provide legal advice nor legal counseling. The role of the Volunteer Court Navigators would include the following types of assistance:

- Preliminary discussions with the litigants to listen to their concerns and explain the process.
- Help in using computers located in the courthouse to obtain information and to fill out court forms.
- Help in finding information about the law and how to find a lawyer.

• Help in finding resources in the courthouse and outside the court to assist in resolving their cases.

• Help in organizing documents needed for their cases.

• Description of courtroom protocol.

• Description of the various individuals in the court and their roles such as judge, court clerk, bailiff, and law clerk.

• Accompaniment of the litigants during hallway negotiations with opposing attorneys.

• Accompaniment of the litigants during the mediation process.

• Accompaniment to the court, including giving notes or reminders to the litigants about court proceedings, where and when necessary.

• Taking notes during any court conference or hearing to discuss with the litigants afterwards so that the litigants understand what has been said or decided and what the litigants must do to comply with any directions that they may have been given by the court.

• Statements of fact to the judge, but only if asked a direct factual question by the judge.

• If necessary, provide help with needed social services.

The Volunteer Court Navigators shall not give legal advice or get involved in negotiations or settlement conferences.

The Volunteer Court Navigators shall not provide personal advice and shall not perform any service that constitutes the practice of law.



**Volunteer Court Navigator (VCN) Activity Log**

| Date     | VCN    | Time Start: | Client's Name | Location of the Activity | Time Complete | Outcome/Remarks  |
|----------|--------|-------------|---------------|--------------------------|---------------|--|
| 10/10/17 | VCN #1 | 8:03am      | M. Smith      | 10B                      | 8:55am        | Summary Possession case, mediation, agree to continue 1 month to settle. |
| 10/10/17 | VCN #2 | 8:05am      | J. Nagata     | 10B                      | 8:15am        | Landlord no show. Case dismissed.  |
|          |        |             |               |                          |               |  |
|          |        |             |               |                          |               |  |
|          |        |             |               |                          |               |  |
|          |        |             |               |                          |               |  |
|          |        |             |               |                          |               |  |
|          |        |             |               |                          |               |  |
|          |        |             |               |                          |               |  |
|          |        |             |               |                          |               |  |

# The Volunteer Court Navigator Program

## Evaluation Form

Date: \_\_\_\_\_

Time: \_\_\_\_\_

*Please assist us in evaluating the quality of this program by completing this questionnaire. Fill in the bubble that best represents your views. Your feedback will be helpful in planning future programs.*

Use the following scale to rate each item:

**Poor**

**Excellent**

①

②

③

④

⑤

Usefulness of the Volunteer Court Navigator

① ② ③ ④ ⑤

Comments:

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Friendliness of the Volunteer Court Navigator

① ② ③ ④ ⑤

Comments:

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The Volunteer Court Navigator's knowledge of courtroom protocol

① ② ③ ④ ⑤

Comments:

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**Overall Evaluation**

① ② ③ ④ ⑤

Additional questions/suggestions for the Volunteer Court Navigator?

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NAME and CONTACT NUMBER (optional):

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**THANK YOU!**

**VOLUNTEER COURT NAVIGATOR ACKNOWLEDGMENT OF  
THE LIMITATIONS OF THE SCOPE OF THE PROGRAM**

I, \_\_\_\_\_, hereby acknowledge that my role as Volunteer  
[Name of Volunteer Court Navigator]

Court Navigator is limited to providing the *pro se* party to whom I am assigned information and guidance regarding the functioning of the judicial system and assisting in scheduling and attending court hearings and other proceedings. I hereby further acknowledge the fact I am not permitted under any circumstances to provide legal advice to the party, to advocate on the party's behalf, or to engage in negotiations, mediation, or other discussions on behalf of, or in partner with, the party, with regard to the party's legal case.

\_\_\_\_\_  
Signature of Volunteer Court Navigator

\_\_\_\_\_  
Date

**GUIDELINES AND BRIEFING MATERIALS  
FOR THE VOLUNTEER COURT NAVIGATOR  
Second Judicial Circuit, State of Hawai'i**

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## **I. Role and Responsibilities of the Volunteer Court Navigator**

The Volunteer Court Navigator will assist self-represented litigants when appearing in court. Here is a list of what a Volunteer Court Navigator must do and guidelines on what the Volunteer Court Navigator may do and shall not do.

### **What a Volunteer Court Navigator Must Do To Participate in the Program**

- A Volunteer Court Navigator must read these guidelines and participate in the training.
- A Volunteer Court Navigator must come to court on time and on the dates he or she signed up for. If there is an emergency that prevents the Volunteer Court Navigator from coming to court, he or she must notify the appropriate person or persons.
- A Volunteer Court Navigator must fulfill the volunteer hours he or she has agreed to provide.
- A Volunteer Court Navigator must dress appropriately and professionally. A suit is not required, but no jeans, no shorts, no slippers are permitted.
- A Volunteer Court Navigator must wear an identification badge at all times in the courthouse. The identification badge must be returned before leaving the courthouse.
- A Volunteer Court Navigator must act professionally at all times. A Volunteer Court Navigator shall not be rude or hostile and shall not curse or use inappropriate language.

### **What a Volunteer Court Navigator May Do**

A Volunteer Court Navigator can help self-represented litigants in the following ways:

- Have an initial discussion with the litigants to explain the process and listen to their concerns.
- Help in using computers located in the courthouse to obtain information and to fill out court forms.
- Help to find information about the law and about how to find a lawyer.
- Help in finding resources in the courthouse and outside the court to assist in resolving their cases.
- Help in organizing documents needed for their cases.
- Describe the courtroom protocol.

- Describe the various individuals in the court and their roles as judge, court clerk, bailiff, sheriff, and law clerk.
- Accompany the litigants during hallway negotiations with opposing attorneys, solely to assist in taking notes regarding the negotiations, answering the factual questions, and facilitating scheduling.
- Accompany the litigants during the mediation process, solely to assist in taking notes regarding the discussions.
- Accompany the litigants into the courtroom or conferences with the judge.
- Provide notes or reminders to litigants about court proceedings, where and when necessary.
- Take notes during any court conference or hearing to discuss with litigants afterwards so that the litigants understand what has been said or decided by the court and what the litigants must do to comply with any directions they may have been given.
- Respond to any questions by a judge asking for factual information on the case.
- If necessary, provide help with needed social services.

**What a Volunteer Court Navigator Shall Not Do**

- A Volunteer Court Navigator shall not provide legal advice to an unrepresented person.
- A Volunteer Court Navigator shall not be involved in negotiations or settlement conferences.
- A Volunteer Court Navigator shall not give an unrepresented person personal advice.
- A Volunteer Court Navigator shall not give an unrepresented person or any attorney his or her personal contact information.
- A Volunteer Court Navigator shall not hold himself or herself out as a court employee.
- A Volunteer Court Navigator shall not interpret for the opposing side or in the courtroom.
- A Volunteer Court Navigator shall not participate or interfere in a settlement negotiation.
- A Volunteer Court Navigator shall not act in a hostile or rude manner to anyone in the courthouse.
- A Volunteer Court Navigator shall not disclose health information provided by an unrepresented person.

- A Volunteer Court Navigator shall not provide information to a judge unless directly asked a factual question by the judge.

## **II. Who's Who in the Courtroom**

### **Judge**

A person who is appointed to hear and decide cases in the courtroom.

### **Court Clerk**

A Judiciary employee who files the documents of the parties, including pleadings, motions, judgments, and orders and keeps records of evidence of the court proceedings.

### **Bailiff**

A Judiciary employee who maintains order in the courtroom and has custody of the jury and the prisoners. The bailiff announces the opening and closing of court, calls witnesses, and maintains security for the judge and court staff.

### **Court Reporter**

A person who documents all testimony during court proceedings or at trial or at related proceedings such as pre-motions and depositions.

### **Plaintiff**

A person or party who brings a legal action or files a complaint, for the purpose of obtaining a legal remedy.

### **Defendant**

A person or party being sued.

### **Plaintiff's Attorney**

An attorney who represents and acts in the plaintiff's best legal interest.

### **Defendant's Attorney**

An attorney who represents and acts in the defendant's best legal interest.

### **Witness**

A person who takes an oath to tell the truth and then answers questions about the case. Witnesses may be asked about what they saw, heard, or know. They may also be asked to identify pictures, documents, or other exhibits entered in the trial.

### **Observers**

Most trials are open to observers. Generally, the people that attend a trial have an interest in the case -- either in the people involved or if they care about the issues raised. Courtroom decorum is important for those watching. They can be asked to leave if they are not respectful of the court.



### III. Glossary of Legal Terms

#### A

**action:** a civil judicial proceeding in which one party sues another for a wrong done or for protection of a right or prevention of a wrong; requires service of process on the adversary party or potentially adversary party.

**adjournment:** a temporary postponement of the proceedings of a case until a specified future time.

**adjudicate:** to make a judicial determination resolving a dispute.

**adversary:** an opponent. The defendant is the plaintiff's adversary.

**affiant:** one who swears to an affidavit; deponent.

**affidavit:** a sworn or affirmed statement made in writing and signed; if sworn, it is notarized.

**affirm:** make firm, confirm, establish.

**allegation:** the assertion, declaration, or statement of a party to an action, setting out what the party expects to prove.

**allege:** to assert a fact.

**amend:** to change.

**answer:** a paper filed in court and sent to the plaintiff by the defendant, admitting or denying the statements in the plaintiff's complaint, and briefly stating why the plaintiff's claims are incorrect and why the defendant is not responsible for the plaintiff's injury or loss. It may contain a general denial, any legal or equitable defenses, and any counterclaim.

**appear/appearance:** the participation in the proceedings by a party summoned in an action, either in person or through an attorney.

**argument:** a reason given in proof or rebuttal of an issue involved in the action.

**assumpsit:** an agreement where one person assumes or promises to do an act or pay an amount to another person.

**attachment:** the taking of property into legal custody by an enforcement officer.

## B

**brief:** a written or printed document prepared by the lawyers on each side of a dispute and submitted to the court in support of their arguments - a brief includes the points of law that the lawyer wishes to establish, the arguments the lawyer uses, and the legal authorities on which the lawyer rests his/her conclusions.

## C

**calendar:** a schedule of matters to be heard in court.

**caption:** in a pleading, or other paper connected with a case in court, it is the heading or introductory clause which shows the names of the parties, name of the court, and number of the case.

**cashier:** a court employee in the clerk's office authorized to accept payment for various court services.

**cause of action:** grounds on which a legal action may be brought (e.g., property damage, personal injury, breach of contract.)

**certified copy:** a document which contains a court seal that establishes the document as genuine, as a true copy.

**certificate of service:** a sworn statement made in writing certifying the delivery of copies of legal documents to the correct person or entity. Also referred to as "return of service."

**change of venue:** the removal of a suit begun in one division to another division within the judicial circuit.

**civil contempt:** a failure to comply with a court order.

**complaint:** a paper filed in court stating the plaintiff's claims against the defendant.

**constructive eviction:** this occurs when the landlord's wrongful acts keep the tenant from the use of a dwelling, such as a house, an apartment, or a room. In a constructive eviction a tenant, though not physically barred from the apartment or room in question, the tenant is unable to use the whole dwelling for the purpose intended.

**costs:** litigation expenses set out in statutes and court rules that a judge can order a losing party to reimburse to the prevailing party.

**counterclaim:** a legal claim by the defendant against the plaintiff or the respondent against the petitioner.

**court record:** a documentary account of what happened in the action or proceeding, which includes the court file, exhibits, clerk's minutes, and transcripts.

**court reporter:** a person who transcribes by shorthand or stenographically takes down testimony during court proceedings.

**crossclaim:** claim litigated by co-defendants or co-plaintiffs against each other and not against a party on the opposite side of the litigation.

**cross-examination:** questioning by a party, or by the party's attorney, of an adverse party or a witness called by an adverse party.

## D

**decision:** the determination reached by a court in any judicial proceeding, which is the basis of the judgment.

**default:** a "default" occurs when a party fails to plead or otherwise defend within the time allowed or fails to appear at a court appearance.

**default judgment:** a judgment against a defendant as a result of his/her failure to appear or submit papers at an appointed time during a legal proceeding.

**defendant:** the one being sued. This party is called the "respondent" in a summary proceeding.

**defenses:** the defendant's, or the respondent's, or legal reasons why the plaintiff or petitioner has no valid case against the defendant or respondent.

**direct examination:** the interrogation of a witness by the party on whose behalf the witness is called.

**disbursements (or costs):** out of pocket expenses awarded to the winner in a judgment.

**discovery:** the efforts of a party to a lawsuit to get information about the other party's contentions and evidence before trial. During discovery in regular claims cases, a party may: (1) demand that the other party produce documents or other physical evidence, (2) request answers under oath to written interrogatories, which are written questions, and (3) ask the court for permission to take depositions, which involve an in-person session at which one party has the opportunity to ask oral questions of the other party or his or her witnesses under oath before a court reporter. Formal discovery is not usually required or permitted in small claims cases.

**dismissal:** termination of a case or proceeding for a procedural reason.

**dismissal with prejudice:** action dismissed on the merits that prevents renewal of the same claim or cause of action.

**dismissal without prejudice:** action dismissed, not on the merits, which means the action may be re-instituted.

**disposition:** the result of a judicial proceeding by withdrawal, settlement, order, judgment or sentence.

**disprove:** to show to be false.

## **E**

**entry of judgment:** in order to start enforcing a judgment, the judgment must be "entered." Entry occurs when the judgment is signed by the judge and is filed by a clerk.

**eviction:** removal of the tenant and his or her personal property from a residential or non-residential premises. Also referred to as “summary possession.”

**eviction proceeding:** any proceeding that could result in the eviction of a respondent, such as a holdover (where the tenant continues to occupy the dwelling after expiration of the lease) or nonpayment proceeding. Also referred to as “summary possession proceeding.”

**evidence:** a form of proof of an issue through the use of witnesses, records, or other documents, legally presented at the trial by one of the parties.

**execution:** (1) the performance of all acts necessary to render a written instrument complete, such as signing, sealing, acknowledging, and delivering the instruments, or (2) supplementary proceedings to enforce a judgment, which, if monetary, involves a direction to the sheriff to take the necessary steps to collect the judgment.

**execution of the writ of possession:** when an authorized person (e.g., a sheriff's deputy) evicts the occupants of a premises listed on the writ of possession and puts the landlord in possession.

**exhibit:** a paper, document or other item marked for identification (with a number or letter) during a trial or hearing which, on being accepted by the court, is admitted in evidence.

**ex parte:** a proceeding, order, motion, application, request, submission etc., made by or granted for the benefit of one party only; done for, in behalf of, or on application of one party only without notice to the other parties.

## G

**garnish/garnishment:** a legal proceeding to take a portion of the wages or other property of a debtor to repay the debt. The garnishing party notifies a third party, such as a bank or an employer, to retain something it has belonging to the defendant-debtor, to make disclosure to the court concerning it, and to dispose of it as the court shall direct.

**general denial:** a defendant's or respondent's denial of the claims in the complaint.

## I

**interpreter:** a person sworn at a judicial proceeding to simultaneously or consecutively interpret oral testimony or sight translate a written document from one language to another.

**interrogatories:** written questions asked by one party and served on the opposing party, who must provide written answers to the questions under oath.

## J

**judgment:** the final decision of the judge. It is a determination of the rights and obligations of the parties. In a given lawsuit, a judgment may direct a dismissal of the lawsuit, order payment of a money amount or direct one or more of the parties to do an act.

**jurisdiction:** the court's authority to hear and decide a case. It is based upon the geographical, subject matter and monetary limitations of a court. To hear and decide a case a court must have both "personal jurisdiction" and "subject matter" jurisdiction. Personal jurisdiction refers to the court's power over the parties involved in the lawsuit. Subject matter jurisdiction refers to the court's power over the type or category of the lawsuit.

## L

**lessee:** a person who has signed a lease to rent real property.

**levy:** to take or seize property in execution of a judgment.

**liability:** an obligation to do or to eventually do something; money owed; or according to law one's responsibility for his/her conduct; or one's responsibility for causing an injury.

**lien:** a claim on specific property for payment of a debt.

**litigant:** party to a lawsuit.

## M

**mediation:** a discussion led by an impartial third party to facilitate a settlement of the lawsuit. The results of mediation are not binding unless the parties have signed a settlement agreement or placed their agreement on the record.

**mediator:** an impartial third party who intervenes in a dispute. Mediators help parties define issues, improve communication, find alternative solutions and reach agreements.

**minutes:** notes of what happened in the courtroom.

**money judgment:** a judgment for an amount of money.

**motion:** a request to the court, usually in writing, for relief before the trial on the parties' claims, or for different or additional relief after the trial decision.

**motion to reconsider:** a request that seeks to persuade a judge that the decision/order rendered is incorrect, because the judge has misapprehended the facts or the applicable law, or because new evidence has become available that would change the prior decision and there is a good reason why the evidence was not presented earlier.

**moving party:** the party who is requesting the court for relief.

## N

**notarize:** to have a notary public attest to the authenticity of a signature on a document by signing the document and affixing his/her own stamp.

**notary public:** a person authorized by the State of Hawai'i to administer oaths, certify documents, and attest to the authenticity of signatures.

**notice of motion:** a notice informing the court and the opposing party when and where a motion will be heard, which lists the relief requested, the grounds for that relief, and provides a list of the supporting papers upon which the motion is based.

**nunc pro tunc:** meaning "now for then," used to indicate something is presently considered as if occurring at an earlier date; effective retroactively.

## O

**order:** an oral or written command or direction from a judge.

**order to show cause:** a written direction by the court, sometimes prepared by one of the parties, directing one or both of the parties to provide the court,



within a limited time frame, with any argument as to why the court should not take a particular proposed action either on the court's own initiative or in response to a motion filed with the court; the order may also direct the parties to refrain from some specific activity until the court hears the motion.

## **P**

**party:** a person having a direct interest in a legal matter, transaction or proceeding.

**personal service:** when the notice of eviction or other document is given to the respondent by in-hand delivery.

**petition:** in special or summary proceedings, a complaint filed in court and delivered to the respondents, stating what the petitioner requests from the court and the respondents.

**petitioner:** in a special or summary proceeding, one who commences a formal action, requesting some action or relief, addressed to a court for determination. Also known as a plaintiff in a civil action.

**plaintiff:** the one suing.

**possession:** the right to occupy a premises.

**proceeding:** a type of lawsuit.

**proof of service:** documentation filed in court as evidence that a person or entity in a lawsuit was properly served. This consists of an affidavit of service by the person who served the court papers, as well as any supporting documentation, such as receipts from the post office and/or the signature of a person receiving such papers.

**pro se:** a party who does not retain a lawyer and appears for him/herself in court.

## **R**

**record:** a permanent written account of some act, court proceeding or transaction that is drawn up by a proper officer and designated to remain as permanent evidence of what has been done in a lawsuit.



**relevant:** logically connected and tending to prove or disprove a matter at issue.

**relief:** a remedy that is sought by a party.

**replevin:** an action brought for the owner of items to recover possession of those items when those items were wrongfully taken or are being wrongfully kept.

**reply:** a plaintiff's response to a defendant's answer, prompted when the defendant's answer contains a counterclaim directed against the plaintiff.

**respondent:** one who formally answers the allegations stated in a petition that has been filed with the court. Also known as a defendant in a civil action.

**restore/reinstate to calendar:** to reinstate the action to active status within a court's calendar.

## S

**seizure:** the process by which a person authorized under the law to do so takes into custody the property, real property or personal property, of a person against whom a judgment has been issued or might be issued. The seized property may be held to guarantee a judgment is paid or may be sold to satisfy a judgment.

**self-represented litigant:** a party who does not retain a lawyer and appears for himself/herself in court. Also known as a pro se or unrepresented litigant.

**service of process:** the delivery of copies of legal documents to the defendant or other person to whom the documents are directed. Legal documents that must be served include, but are not limited to, a summons, complaints, petitions, orders to show cause, subpoenas, and notices to quit the premises. The procedure for service of process is specifically set out in statutes.

**sever:** to remove an issue or claim from a lawsuit or a counterclaim, with the ability to re-institute it at another time in another court proceeding.

**sheriff:** a county's top law enforcement officer, responsible for, among other duties, management of the county jail, providing bailiffs for protection at the courts, and such civil activities as serving summonses, subpoenas, and writs, conducting judgment sales, and fulfilling various functions ordered by the courts.

**standing:** the right to make a legal claim or to seek judicial enforcement of a duty or a right.

**stay:** the postponement or halting of a proceeding, action, or enforcement of an order or judgment

**settlement:** a formal agreement between litigants and/or their attorneys resolving their dispute.

**subpoena:** a court document used to compel a witness to testify at the hearing or to produce records.

**sum certain:** damages easily computed based upon the terms of a contract, promissory note, or law.

**summary judgment:** a determination of an action based upon the law, on the grounds that there is no genuine issue of fact in dispute.

**summary possession:** a remedy sought by a landlord to secure the repossession of a rental property based upon a failure by the tenant to pay the rent or due to other violations of the lease.

**summons:** a plaintiff's written notice, in a specific form, delivered to the parties being sued, that they must answer the plaintiff's attached complaint within a specific time or appear in court on a specific date.

## T

**testimony:** an oral declaration made by a witness or party under oath.

**transcript:** the written, word-for-word record of all legal proceedings, including testimony at trial, hearings, or depositions. A copy of the transcript may be ordered for a fee from the court reporter.

**trial:** the formal examination of a legal controversy in court so as to determine the issues.

## V

**vacate:** to cancel or invalidate.

**venue:** the physical location or place within the court's jurisdiction where a lawsuit will be decided.

**verification:** confirmation of the correctness, truth or authenticity of a pleading, account, or other paper by an affidavit or oath.

**voir dire:** a questioning of prospective jurors by the attorney and, on application of any party, by the judge, to determine if any of the prospective jurors should be disqualified or removed by challenge or examination.

## W

**writ of execution:** a document that authorizes the seizure of personal property of the judgment debtor and for the personal property to be sold to satisfy the judgment rendered against the judgment debtor.

**writ of possession:** a document that authorizes an eviction of a party from a premises after a judgment has been awarded against that party. It describes the premises and directs the sheriff or other authorized officer to remove all such persons from those premises and to put the opposing party, to whom the judgment was awarded, in possession.

**writ of replevin:** a document that authorizes the sheriff or other authorized officer to repossess certain items from the defendant and give the items to the plaintiff.

**waste:** permanent harm to real property.

**witness:** one who testifies to what he/she has seen, heard, or otherwise perceived.

#### **IV. Steps to Avoid Eviction ("STAE")**

The Hawaii State Judiciary is a participant in a grassroots effort called STAE – Steps to Avoid Eviction. STAE's mission is to find ways to ensure that landlords get paid the rent they are owed and tenants are not evicted, by encouraging tenants and landlords to use available resources in a more timely and effective manner.

For more information about STAE, go to:

[http://www.courts.state.hi.us/special\\_projects/stae](http://www.courts.state.hi.us/special_projects/stae).

For a list of all of the current organizations providing the services listed below, call Aloha United Way at 211 or (808) 543-2262, or go to: [www.legalaidhawaii.org](http://www.legalaidhawaii.org).

| <b>ASSISTANCE PROGRAMS</b>                          | <b>WHAT ARE THEY</b>   | <b>HOW CAN THEY HELP?</b>  |
|---|--|--|
| <b><i>EMERGENCY FINANCIAL RENTAL ASSISTANCE</i></b> | Emergency financial rental assistance programs provide individuals/families with money to pay rent and/or utilities.   | These programs can help you stay in your rental if you lose your job and can no longer afford to pay rent. Many programs require you to show that you can/will pay your rent in future months.   |
| <b><i>MEDIATION SERVICES</i></b>                    | Mediators are trained professional who assist in resolving landlord-tenant disputes. Mediators will talk with you and your landlord about the problem and help you reach an agreement that is fair for both sides.                         | If you don't feel comfortable negotiating with your landlord or you cannot reach an agreement with your landlord, getting help from a mediator can be a fast, inexpensive approach to finding a solution.  |
| <b><i>FINANCIAL COUNSELING</i></b>                  | A financial counseling agency can help you become a better money manager by getting you back on track with your budget – and your bills – or help you cope with unexpected setbacks, such as unemployment, divorce or medical emergencies. | Financial counselors will explain your rights and responsibilities, and can guide you through creating a budget that works in real life. This includes a plan to help you deal with your debt, start saving for emergencies, and improve your credit for the future. |

|                          |  |  |
|--------------------------|--|--|
| <b>LEGAL COUNSELING</b>  | Legal counseling agencies provide legal advice to help you understand your rights as a tenant.   | Legal counseling can help you understand the rules in your rental agreement, what is expected of you, how to prevent problems, and/or what to do when problems occur.              |
| <b>INCOME ASSISTANCE</b> | Income assistance refers to those programs offering monthly benefits, or employment assistance, such as skills training, education, or help finding a job. | If you're worried that you're not making enough money, or you want to make more money by getting another job, income assistance programs can help you achieve financial stability. |
| <b>OTHER ASSISTANCE</b>  | Other assistance refers to programs that help individuals/families with basic needs, such as food, clothing, shelter, or health care.                      | These assistance programs can help you reduce your costs of living, so that you can afford to pay rent each month while also providing for yourself/your family.                   |

## **V. List of Legal Service Providers and Mediation Services**

### **American Civil Liberties Union of Hawai'i**

**(808) 522-5900**

<http://acluhi.org/need-legal-help/>

Protects individual freedoms guaranteed by the constitution (including freedom of speech/religion, due process, and protection from unlawful searches and seizures). We are a private, non-profit, non-partisan agency; we accept no government funds and we do not charge for our legal services. Contact us at [office@acluhawaii.org](mailto:office@acluhawaii.org); U.S. Mail (P.O. Box 3410, Honolulu, HI 96801); or fax (808-522-5909).

### **Domestic Violence Action Center**

**(808) 531-3771 (1-800-690-6200)**

[www.domesticviolenceactioncenter.org](http://www.domesticviolenceactioncenter.org)

Provides civil legal representation in Family Court and client advocacy (for a year or longer) for survivors of abuse in the interest of safety and self-sufficiency. Additional services include legal helpline, on-site court assistance, services to diverse populations, education, training and technical assistance. Staff works in court and in the community on Oahu. Teen Alert provides outreach education about healthy relationships, safety planning and outreach statewide for public and private schools, youth serving organizations and community events. Helpline assistance is statewide. Bi-lingual and bi-cultural assistance is available for Filipino, Japanese, Hawaiian, and Chinese communities. Policy advocacy and system reform initiatives are aimed at statewide improvements.

### **Hawai'i Appleseed Center for Law & Economic Justice**

**(808) 578-7605**

[www.hiappleseed.org](http://www.hiappleseed.org)

The Hawai'i Appleseed Center for Law & Economic Justice advocates on behalf of low-income and marginalized people in Hawai'i through the use of class-action litigation, advocacy with the legislature and other government entities, and research and report writing. Hawai'i Appleseed typically does not provide individual representation or services, and instead focuses on situations that affect hundreds or thousands of people, for example, where the government is trying to terminate public benefits for a particular ethnic group, or where conditions at a housing project are unsafe and unhealthy for residents.

**Hawai'i Disability Rights Center**  
**(808) 949-2922 (1-800-882-1057)**

[www.hawaiidisabilityrights.org](http://www.hawaiidisabilityrights.org)

The Hawai'i Disability Rights Center is the protection and advocacy system for people with disabilities providing outreach, education, training, individual case advocacy and legal representation. We protect the legal, civil and human rights of persons with disabilities. There are no financial eligibility requirements, but the legal issue must be based upon the person's disability.

**Hawai'i State Bar Association**  
**(808) 537-1868**

[www.hawaiilawyerreferral.com](http://www.hawaiilawyerreferral.com)

The Hawai'i State Bar Association's lawyer referral line can provide the name of three lawyers who may be able to assist you for a reduced fee. Every Wednesday night from 6:00 p.m.– 7:00 p.m. the Hawai'i State Bar Association also runs a Legal Line which provides legal information by volunteer lawyers.

**Kauai Economic Opportunity**  
**(808) 245-4077**

[www.keoinc.org](http://www.keoinc.org)

On Kauai, provides mediation and dispute resolution services that are affordable and accessible to resolve all types of matters including but not limited to: divorce, custody and visitation; landlord/tenant; workplace; civil rights; special education and more.

**Ku'ikahi Mediation Center**  
**(808) 935-7844**

[www.hawaiimediation.org](http://www.hawaiimediation.org)

In East Hawai'i, provides mediation and dispute resolution services that are affordable and accessible to resolve all types of matters including but not limited to: divorce, custody and visitation; landlord/tenant; workplace; civil rights; consumer/merchant; foreclosure; and more.

**Legal Aid Society of Hawai'i**  
**(808) 536-4302 (1-800-499-4302)**

[www.legalaidhawaii.org](http://www.legalaidhawaii.org)

Provides statewide legal assistance for low-income clients in areas, including, but not limited to family, housing and housing discrimination, public benefits, consumer, tax, and immigration. Most services require that clients be under 125% of the federal poverty guidelines (\$2,905/month for a family of four) to qualify. Services available, regardless of income, include legal assistance for seniors on neighbor islands, fair housing, and foreclosure assistance. Intake



hours are 9:00 a.m. – 11:30 a.m. and 1:30 p.m. – 3:30 p.m. every day. Eligible callers will receive legal advice immediately and when necessary referral to one of ten offices for assistance or representation.

**Maui Mediation Services**

**(808) 244-5744**

[www.mauimmediation.org](http://www.mauimmediation.org)

Providing mediation and dispute resolution services for the islands of Maui, Molokai and Lanai. Offering a wide variety of services in cases where individuals or businesses would like assistance in solving conflict in a professional and respectful way.

**The Mediation Center of the Pacific**

**(808) 521-6767**

[www.mediatehawaii.org](http://www.mediatehawaii.org)

Provides mediation and dispute resolution services that are affordable and accessible to resolve all types of matters including but not limited to: divorce, custody and visitation; landlord/tenant; workplace; civil rights; family; elder issue; special education and more.

**Native Hawaiian Legal Corporation**

**(808) 521-2302**

[www.nhlchi.org](http://www.nhlchi.org)

The Native Hawaiian Legal Corporation (NHLHC), a 501(c)(3) non-profit, public interest law firm which asserts, protects and defends Native Hawaiian rights to land, natural resources, and related entitlements, offers direct legal representation in substantive areas encompassing quiet title to land, natural resources, customary and traditional practices, public trust land entitlements and related areas. Services also include: information and referral, counseling, land title research and genealogical research.

**University of Hawai'i Elder Law Program**

**(808) 956-6544**

<http://www.hawaii.edu/uhelp/>

The University of Hawai'i Elder Law Program (UHELP) is located at the William S. Richardson School of Law and provides limited civil legal services and counseling on the island of Oahu to socially and economically needy older persons who are 60 years of age or older. It also provides counseling and legal information to caregivers of older persons on Oahu. UHELP does not handle criminal or traffic violation cases, commercial or income producing cases, nor does it handle personal injury, malpractice or other fee-generating cases.



**Volunteer Legal Services Hawai'i**

**Oahu: (808) 528-7046 Big Island: (808) 313-8210 Maui: (808) 727-8210**

**Kauai: (808) 698-8210**

[www.vlsh.org](http://www.vlsh.org)

Provides free or reduced cost civil legal services, with volunteer attorneys, for low- and moderate-income individuals and families. Applicants must have incomes below 250% of the federal poverty guidelines (\$5,810/month for a family of four) to qualify for free legal assistance. Intake hours via phone are from 9:00 a.m. to 4:00 p.m. Monday to Friday. Walk-ins are welcome at our Kaka'ako office from 9:00 a.m. to 12:00 noon Monday to Friday. Services are for non-criminal legal issues and include legal advice, help with completing court forms, and referrals to pro bono attorneys for direct representation.

**West Hawai'i Mediation Center**

**(808) 885-5525/(808) 326-2666**

[www.whmediation.org](http://www.whmediation.org)

Serving West Hawai'i, providing mediation and dispute resolution services that are affordable and accessible to resolve all types of matters including but not limited to: divorce, custody and visitation; landlord/tenant; workplace; civil rights; consumer/merchant; foreclosure; and more.

## **VI. Judiciary Website/Links**

Hawai'i State Judiciary: <http://www.courts.state.hi.us>

Search engine for cases: <http://hoohiki.courts.hawaii.gov/#/search>  
(Judiciary's public access to court information)

Judiciary History Center: <http://www.jhchawaii.net>

Hawai'i Legal Services Portal:  
<http://www.courts.state.hi.us/you-are-leaving-the-hawaii-state-judiciary-website><sup>1</sup> (Under tab at Judiciary website "Access to Justice")  
or at: [www.lawhelp.org/hi/portal](http://www.lawhelp.org/hi/portal)

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<sup>1</sup> The current list of legal issues that can be searched by the self-represented litigant are: family, abuse and harassment, housing, public benefits, discrimination, money and debt, individual rights, Native Hawaiian rights, seniors and life planning, immigration, government records and documents, and veterans. No criminal or personal injury issues can be searched.