



**Office of the Administrative Director of the Courts – THE JUDICIARY • STATE OF HAWAII**  
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**Rodney A. Maile**  
ADMINISTRATIVE DIRECTOR

**Brandon M. Kimura**  
DEPUTY ADMINISTRATIVE DIRECTOR

December 13, 2019

The Honorable Ronald D. Kouchi  
President  
Hawaii State Senate  
State Capitol, Room 409  
Honolulu, HI 96813

The Honorable Scott K. Saiki  
Speaker  
House of Representatives  
State Capitol, Room 431  
Honolulu, HI 96813

Dear President Kouchi and Speaker Saiki:

Pursuant to Section 607-5.7(j), Hawaii Revised Statutes, the Judiciary is transmitting a copy of the *Biennial Report on the Indigent Legal Assistance Fund (ILAF)*.

In accordance with Section 93-16, Hawaii Revised Statutes, we are also transmitting a copy of this report to the Legislative Reference Bureau Library.

The public may view an electronic copy of this report on the Judiciary's website at the following link: [http://www.courts.state.hi.us/news\\_and\\_reports/reports/reports.html](http://www.courts.state.hi.us/news_and_reports/reports/reports.html).

Should you have any questions regarding this report, please feel free to contact Karen Takahashi of the Judiciary's Legislative Coordinating Office at 539-4896, or via e-mail at [Karen.T.Takahashi@courts.hawaii.gov](mailto:Karen.T.Takahashi@courts.hawaii.gov).

Sincerely,

A handwritten signature in blue ink that reads "Rodney A. Maile".

Rodney A. Maile  
Administrative Director of the Courts

Enclosure

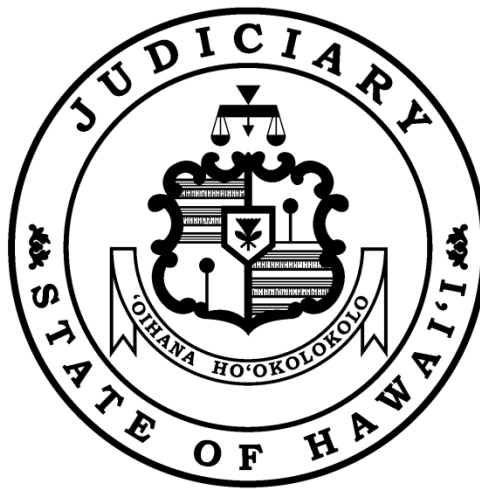
c: Legislative Reference Bureau Library  
Office of the Clerk, Hawaii State Senate  
Office of the Clerk, Hawaii House of Representatives

**ANNUAL REPORT TO THE THIRTIETH LEGISLATURE  
2020 REGULAR SESSION**

**ON**

**ACT 180, SESSION LAWS OF HAWAI'I 2011  
HRS § 607-5.7**

**Biennial Report on the Indigent Legal Assistance Fund (ILAF)**



**Prepared by:**

**The Hawai'i Justice Foundation  
and  
Office of the Administrative Director of the Courts  
The Judiciary, State of Hawai'i**

**December 2019**

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## **SECTION I: EXECUTIVE SUMMARY RECOMMENDING CONTINUATION OF ILAF**

The following report has been prepared for the Judiciary by the Hawai'i Justice Foundation (HJF), which serves as the Fund Administrator for the Indigent Legal Assistance Fund (ILAF), pursuant to contract with the Judiciary, State of Hawai'i.

ILAF was created pursuant to Act 305, Session Laws of Hawai'i (SLH) 1996 (hereinafter Act 305) and codified as Hawai'i Revised Statutes (HRS) § 605-7. Act 305 created a special fund that receives surcharges collected on selected types of civil cases filed in Hawai'i's various state courts. These surcharges are then distributed to qualifying organizations that provide direct civil legal services to those in Hawai'i whose income does not exceed 125% of federal poverty guidelines or who are eligible for free services under the Older Americans Act or Developmentally Disabled Act.

ILAF was further amended by Act 180, SLH 2011 (hereinafter Act 180) by extending the types of cases for which surcharges are collected and providing step increases in the amount of the indigent legal fees. Act 180 also required the Administrative Director of the Courts, or the contractor administering the fund pursuant to contract with the Administrative Director of the Courts, to review ILAF on a biennial basis to determine whether it is meeting the civil legal needs of indigent persons, and to report its findings and recommendations to the legislature no later than twenty days prior to the convening of the regular session of the legislature in each even-numbered year beginning with the regular session of 2014.

**Findings and Conclusion:** HJF, serving as fund administrator for ILAF, pursuant to a contract with the Judiciary, has reviewed the effectiveness of ILAF and recommends that ILAF be continued in its current format. ILAF has positively affected the organizations receiving funds under this special fund, and each of these organizations has been effective in delivering requisite legal services to qualifying clients. The hard reality is that funds distributed under ILAF are not sufficient to fully fund any of the organizations. There still remains a need for other funding sources, including but not limited to federal and private foundation funding, private charitable contributions, and state legislative funding. The ILAF program is an excellent example of the partnership between the Judiciary, HJF, and the ILAF legal service providers. The Hawai'i State Legislature is to be commended for its creation and continued support of ILAF and for its positive actions increasing the surcharges through Act 180, SLH 2011.

ILAF, as amended by Act 180, is an acknowledgment of the serious need for legal services for those of low-income. Current national and local economic conditions remain very unstable and uncertain. Legal needs of people are higher than ever, due to these economic conditions. Low-income legal service providers have experienced cuts in governmental funding sources and reduced contributions from private donations, which makes it critical that ILAF be continued. With the increased surcharges resulting from Act 180, funding to qualifying organizations has increased from about \$330,000 per year to \$1,000,000 in FY 2020.

Although ILAF funding cannot supplant all required funding sources for participating organizations, it has become a vital and essential source of stable funding for qualifying

organizations. As further outlined in this report, ILAF has an extensive application and reporting process that ensures that organizations receiving ILAF funds are providing requisite services to qualified clients. This application and review process is quite onerous on both the applying organizations and on HJF, but the process is invaluable in ensuring that the available funds are fairly awarded based upon only those clients that qualify under the ILAF statute. On behalf of all of those people in Hawai'i who have received legal services under ILAF, it is respectfully requested that the Hawai'i State Legislature continue ILAF in its current form.

## **SECTION II: ILAF FUNDING AND OPERATIONAL MECHANISMS**

HRS § 605-7 sets forth the operating details for ILAF, and these requirements are rigorously followed by the Judiciary, HJF, and all the participating organizations. The statute sets out the amount of surcharges and the types of cases for which surcharges apply. The Judiciary collects the surcharges when cases are filed, and funds collected during a particular fiscal year are largely distributed in the following fiscal year. Act 180 expanded the types of cases to which the surcharges were applied and also provided for step increases in the amounts of surcharges, with the final step increase taking effect on January 1, 2014. While the amount of funds available through ILAF varies each year depending upon the number and type of case filings, it is clear that Act 180 has operated to provide significant additional distribution to civil legal service providers.

The Judiciary has annually contracted with HJF to serve as the ILAF Fund Administrator. Pursuant to HRS § 605-7, HJF manages the annual application process. Any organization that meets the eligibility criteria mandated by statute is allowed to participate in ILAF. The amount received by each organization is determined by that organization's pro rata share of the eligible expenses for its provision of direct legal services. Each organization has the opportunity to appeal any decisions regarding its pro rata share or other issues relating to its application, but no appeals have been made for more than the last fifteen years.

It should be noted that the formula by which funds are distributed has remained unchanged from the inception of ILAF in 1996, other than the minor language corrections contained in Act 180. The statutory provision regarding the formula for distribution reads as follows:

*(k) Funds shall be distributed on a pro rata basis to organizations that meet the criteria in subsection (i), based upon the portion of their total budget expended in the prior year for civil legal services to indigent persons as compared to the combined total expended in the prior year for legal services by all qualifying organizations applying for funding. An applicant that provides services other than civil legal services to indigent persons may establish its proportionate entitlement to funds based upon financial statements that strictly segregate the portion of the organization's expenditures in the prior year that were devoted exclusively to the provision of civil legal services for indigents. (Act 180, SLH 2011; H.R.S. § 605-7)*

Prior to the impact of Act 180, the amount distributed each year to eligible ILAF organizations was approximately \$330,000. Act 180 has had a very positive impact upon

the amount of funds distributed. The amount distributed from ILAF was \$330,000 in FY 2011; \$513,000 in FY 2012; \$472,039 in FY 2013; \$1,410,289 in FY 2014; \$1,425,000 in FY 2015; \$1,300,000 in FY 2016; \$1,000,000 in FY 2017; \$1,100,001 in FY 2018; and \$1,000,001 in FY 2019. The amount scheduled for initial distribution from ILAF in current FY 2020 is \$1,000,000, as detailed below:

Domestic Violence Action Center	\$156,813
Hawai'i Disability Rights Center	\$ 87,573
Hawai'i Appleseed Center for Law and Economic Justice, fka Lawyers for Equal Justice	\$ 29,474
Legal Aid Society of Hawai'i	\$547,004
Mediation Center of the Pacific	\$ 19,588
Native Hawaiian Legal Corporation	\$ 70,130
University of Hawai'i Elder Law Program	\$ 26,770
Univ. of Haw. Medical Legal Partnership	\$ 26,966
Volunteer Legal Services Hawai'i	\$ 35,682
<b>Total</b>	<b>\$1,000,000</b>

The amounts available for future years vary with the number of eligible cases filed, but it is estimated that approximately \$1,000,000 will be available each year for distribution among the eligible civil legal service providers. It is clear that Act 180 has had a very positive impact upon the amount of ILAF distributions, making ILAF an essential element for stable funding for Hawai'i's legal service provider organizations.

### **SECTION III: PROCEDURAL SAFEGUARDS IN PLACE TO ENSURE ACCURACY AND ACCOUNTABILITY**

The ILAF Program has procedural safeguards to ensure accuracy and accountability. All organizations receiving funds under ILAF are strictly monitored by HJF. Monitoring the ILAF process is extremely burdensome and time-consuming for HJF, but attention to detail is essential to the operation of a program that accurately determines eligibility and allocation of funds between those organizations that qualify for ILAF funds. The Program also requires significant efforts from participating organizations, in both the application process and the reporting process.

Quarterly reports and a yearly summary report are required of each organization and are reviewed by HJF prior to submittal to the Judiciary for its review. Each February, formal notice is provided in the *Honolulu Star Advertiser* announcing that applications for ILAF funds are being solicited, with a deadline set for early April. The application process is

quite extensive, with thorough documentation required. The application includes an attestation clause which requires the Executive Director of each organization to attest to the truthfulness of the application. State unemployment reporting forms are used for verification of each employee, and individual signed statements are received from each employee attesting to the veracity of the percentage of time spent by that person providing qualified direct legal services to ILAF-eligible clients. Using this information, the pro rata percentage for each qualifying organization is calculated by HJF to 1/1000<sup>th</sup> of a percent. After the Judiciary reviews HJF's percentage recommendations, the Judiciary sends letters of award percentages to each applicant that meets ILAF requirements and qualifies for fund distribution.

Each organization has the opportunity to appeal any decision regarding its pro rata share or other application issues, but no appeals have been filed for more than fifteen years. Once the current fiscal year has closed and the Judiciary has determined the total amount of funds that are available for distribution, the percentage allocation for each qualifying applicant is applied against the total available funds to determine each organization's yearly dollar award. These awards are then distributed quarterly, with HJF reviewing all invoices and the required quarterly and year-end reports. Quarterly checks are processed by the Judiciary to an organization only after that organization has submitted all required paperwork to HJF for certification and HJF has formally requested the Judiciary to pay the sum to the organization.

HJF has worked with each organization to ensure that the organization has in place effective methods for: a) screening potential clients for ILAF eligibility; b) generating accurate and complete information regarding cases handled under ILAF; c) using the organization's "client grievance policy"; and d) developing tight mechanisms for demonstrating that ILAF funds are being effectively utilized. Each participating organization enters into a contract with the Judiciary about the duties and responsibilities of the organization receiving ILAF funds. These contracts contain strong provisions that require participating organizations to work closely with HJF and/or the Judiciary if so requested, should it appear that a specific organization might need to improve its ILAF screening or reporting process.

At the end of the Fiscal Year, each organization must submit a final report, which includes detailed information on the number of cases handled under ILAF. The case numbers are not set forth here, since the missions of the various ILAF organizations vary greatly. Comparison of number of cases handled is not an accurate means of determining the "efficiency" or "effectiveness" of any specific ILAF legal service provider. For example, some of the organizations do a great deal of information and referral, while other organizations handle a higher percentage of court cases. All of the ILAF organizations provide different but essential parts of meeting the needs for legal services, but their missions and approaches do and should vary greatly.

For many years, ILAF has operated smoothly and without complaints regarding accuracy or accountability from the Judiciary, HJF, or the ILAF legal service providers. The ILAF Program is an example of how mutual cooperation and competency can produce an effective process that works for the betterment of Hawai'i's people.

#### **SECTION IV: REMAINING CHALLENGES FOR THE ILAF PROGRAM AND THE PARTICIPATING LEGAL SERVICE PROVIDERS**

ILAF is a very solid program, with strong relationships and cooperation between the Judiciary, HJF, and the legal service providers. However, there is still a substantial unmet need for legal services. In order to ensure the need is being met in the most effective way possible, current efforts are focused upon developing more comprehensive statistics on the results from ILAF. These efforts include determining the initial objectives of the client and then determining whether those initial objectives were ultimately achieved. This effort is a difficult one, since the initial objective stated by the client may be unclear or may not be the ultimate objective of the client. The goal of ILAF is client representation, and this is no guarantee that the client will “win.” There also exists an ongoing tension between the desire for more extensive statistics and the need for the organizations to provide the services without expending significant amounts of staff time compiling data.

It would be highly desirable to be able to determine more precisely what percentage of existing legal needs are not being met. The last formal study undertaken in Hawai‘i was the 2007 Assessment of Civil Legal Needs, which found that four out of five low-income Hawai‘i residents do not have their legal needs met and that legal service providers are able to assist only one in three persons who contact them for assistance. National studies contain similar figures regarding percentage of legal needs being met. However, it is very difficult for any ILAF organization to provide accurate data on unmet legal needs, since the organizations do not have any contact with people who have legal needs but have not contacted the organizations for help.

The ILAF legal service providers are facing serious challenges. The need for legal services continues to increase, due to poor economic conditions and the expanding percentage of the population who are below 125% of federal poverty guidelines. At the same time, total funding for legal service providers has decreased. Federal Legal Services Corporation funding remains a controversial and unresolved political issue. Many ILAF organizations have had to reduce staff hours and reduce intake of cases. Additionally, throughout Hawai‘i and the rest of the country, legal service providers have been forced to move from “full-representation” cases to primarily giving information and advice or to providing basic legal information in group situations in various community locations. The Judiciary, in conjunction with the Hawai‘i State Bar Association and legal service providers, has now established Self-Help Centers in each Judicial Circuit. Hawai‘i’s legal community is working together to help meet the serious legal needs, but the situation remains a daunting one.

Community support for pro bono and low-income legal services is extremely strong, but the fact remains that a large proportion of legal needs go unmet for those in Hawai‘i’s low-income population.



## **SECTION V: SUMMARY AND CONCLUSIONS**

HJF has reviewed the effectiveness of ILAF and recommends that it be continued in its current format. Monies received from ILAF have had a positive effect upon all of the legal service providers that received funds, and each of these organizations has effectively delivered requisite services to qualifying clients. The hard reality is that funds distributed under ILAF are not sufficient to fully fund any of the organizations and there still remains a need for other funding sources, including but not limited to federal funding, private foundation funding, private charitable contributions, and State of Hawaii legislative funding. The ILAF program is an excellent example of the partnership between the Judiciary, HJF, and the ILAF legal service providers. The Hawai'i State Legislature is to be commended for its creation and continued support of ILAF and for its positive actions increasing the surcharges through Act 180, SLH 2011.

## **APPENDIX:**

This Appendix contains letters from each of the participating legal service providers. Review of these letters clearly illustrates the positive impact of ILAF upon each of the nine participating legal service providers.

Domestic Violence Action Center

Hawai'i Disability Rights Center

Hawai'i Appleseed Center for Law and Economic Justice, formerly known as Lawyers  
for Equal Justice

Legal Aid Society of Hawai'i

Mediation Center of the Pacific

Native Hawaiian Legal Corporation

University of Hawai'i Elder Law Program

University of Hawai'i Medical Legal Partnership

Volunteer Legal Services Hawai'i



TO: Hawaii State Legislature

FROM: Nanci Kreidman, M.A.  
Chief Executive Officer

As a member of the Legal Services Provider Consortium, the Domestic Violence Action Center (DVAC) actively works with our community's legal service agencies –which are few in number- to collaborate in the delivery of effective and responsive programs to the many low income families and individuals in desperate need of a voice in the justice system. The support we receive from the Legislature, the Judiciary and the Hawaii State Bar Association is significant, meaningful and deeply appreciated. The work done to pass Act 180, by the 2011 legislature, is a success that cannot be overstated...

The potentially life threatening and complex issues faced by the clients of the Domestic Violence Action Center are not well understood by the community at large. However, it has been a great benefit to have the support and understanding of our colleagues in positions of elected and appointed leadership to assist us in making our specialized services available to as many people as possible. We strive to meet the demand, and seek to continue imaginative and innovative service delivery because domestic violence is a grave and costly problem that impacts all of us.

ILAF provides an essential stream of funds to legal service providers like DVAC. DVAC has relied on these funds to stabilize its budget as the economics of providing specialized programs for this constituency is dynamic and dependent on funding from many sources. These past several years have been enormously challenging with threats to funding. Budget shortfalls have resulted in the loss of staff and cutbacks in program services. Where will low income victims turn to if not to the Domestic Violence Action Center and it's allies and community leaders. Fortunately, with the wisdom and voices of community leaders, beneficiaries of program services and the organizations themselves, a formula was arrived at that helps to direct funding to sustain essential services.

Domestic Violence Action Center, in FY 2019, reports the following: telephone contact with 5,387 callers, 207 requests for legal representation, opening 209 legal cases and closing 200 cases. Agency attorneys made 371 court appearances and 2,074 cases were opened by the on-site EXPO court outreach program.

**DOMESTIC VIOLENCE ACTION CENTER**

ADDRESS: P.O. BOX 3198, HONOLULU, HI 96801-3198

LEGAL HELPLINE: (808) 531-3771

TOLL-FREE NEIGHBOR ISLAND HELPLINE: (800) 690-6200

WEBSITE: [WWW.DOMESTICVIOLENCEACTIONCENTER.ORG](http://WWW.DOMESTICVIOLENCEACTIONCENTER.ORG)

EMAIL: [DVAC@STOPTHEVIOLENCE.ORG](mailto:DVAC@STOPTHEVIOLENCE.ORG)



Domestic Violence Action Center staff are well trained and well supervised; this is not work that can be done by anyone. The unending challenges faced by clients in a hostile, violent relationship are brought to staff for resolution.

The need for adequate counsel, which everyone is entitled to, is the foundation upon which ILAF relies. It is our belief that the purposes of ILAF are being met and the practices and procedures are in place for the continued proper use of these public dollars. The Domestic Violence Action Center remains enormously appreciative of the support of our legislators allowing us to serve the community.

Very truly yours,

Nanci Kreidman, M.A.

Chief Executive Officer

**DOMESTIC VIOLENCE ACTION CENTER**

ADDRESS: P.O. BOX 3198, HONOLULU, HI 96801-3198

LEGAL HELPLINE: (808) 531-3771

TOLL-FREE NEIGHBOR ISLAND HELPLINE: (800) 690-6200

WEBSITE: [WWW.DOMESTICVIOLENCEACTIONCENTER.ORG](http://WWW.DOMESTICVIOLENCEACTIONCENTER.ORG)

EMAIL: [DVAC@STOPTHEVIOLENCE.ORG](mailto:DVAC@STOPTHEVIOLENCE.ORG)



## **HAWAII DISABILITY RIGHTS CENTER**

**1132 Bishop Street, Suite 2102, Honolulu, Hawaii 96813**

**Phone/TTY: (808) 949-2922 Toll Free: 1-800-882-1057 Fax: (808) 949-2928**

**E-mail: [info@hawaiidisabilityrights.org](mailto:info@hawaiidisabilityrights.org) Website: [www.hawaiidisabilityrights.org](http://www.hawaiidisabilityrights.org)**

October 8, 2019

To: The Honorable Members of the 2020 Hawaii State Legislature  
From: Louis Erteschik, Executive Director  
Re: Indigent Legal Assistance Fund

The Hawaii Disability Rights Center wishes to express its utmost gratitude for your continued support of Act 180, Session Laws of Hawaii 2011. This measure greatly increased the amount of funds available for distribution from the Indigent Legal Assistance Fund.

The Hawaii Disability Rights Center is the state designated protection and advocacy system. We have been designated by the Governor of Hawaii in Executive Orders No. 77-3, 82-4, 89-2 and 94-06 to provide advocacy services to individuals with disabilities, in accordance with various federal laws. See 42 U.S.C. § 15001, 42 U.S.C. § 10801, and 29 U.S.C. § 732. Hawaii law, at Section 333F -8.5 of the Hawaii Revised Statutes, expressly recognizes the obligation of the state to provide advocacy services to individuals with developmental disabilities and mental illness in order to receive federal funds. The federal statutes require, as a condition of funding services provided by a number of state agencies, that a protection and advocacy agency be established by the State. In requesting federal funding for various state projects, every Governor has provided assurances to the federal government that federal funds distributed to HDRC do not supplant funds that are available from state and local sources.

From 2004 until 2010, the state gave HDRC at least \$165,505 each year under a purchase of services contract. Since July 2010, that state funding for HDRC has been eliminated. Additionally, federal funding has plateaued over the past several years, and been further reduced as a result of sequestration. Expenses, in the meantime, have continued to increase. Fundraising opportunities for a legal services corporation like ours are very limited, and they would force us to compete with other legal services providers for the same donors. For that reason the monies we have received from the Indigent Legal Assistance Fund have truly been a blessing.



The Hawaii Disability Rights Center is a small, efficient agency that serves thousands of individuals each year with legal issues surrounding their various disabilities. It is estimated that approximately fifteen percent of the individuals within the state (two hundred and ten thousand) may have a disability. Most of those individuals are also among the poorest in our state. We effectively utilize our resources and keep our administrative costs to a minimum. Thus, without the additional funds we received from ILAF, we would have been forced to substantially reduce our activities, cut staffing, and provide fewer services to the most needy, vulnerable population in our state at a time when their needs are increasing.

We are grateful to the Judiciary and the Hawaii Justice Foundation for their leadership and exemplary efforts to ensure the smooth, efficient functioning of this program. We have worked closely with them on its implementation and we hope that the legislature will continue to fund the ILAF program in the upcoming budget and in the years ahead. Your continued support will enable us to address the needs of the population we serve. Your assistance will be so much appreciated by our clientele.

Thank you again for everything.

Mahalo,

A handwritten signature in black ink, appearing to read "Louis Erteschik", written in a cursive style.

Louis Erteschik, Esq.  
Executive Director



# HAWAI'I APPLESEED

## CENTER FOR LAW & ECONOMIC JUSTICE

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October 14, 2019

Dear Honorable Members of the Hawaii State Legislature:

We are writing to express our gratitude and support for the Indigent Legal Assistance Fund (ILAF), created by the Legislature with the passage of Act 305 of the 1996 session. While Hawai'i Appleseed receives only a relatively small portion of the ILAF funds, ILAF and the other forms of financial assistance for legal services provided by the Legislature are absolutely critical for Hawai'i's well-being and the legal services community as a whole. These funds make an important and significant impact in helping ensure that we have a judicial system that is fair and accessible to all.

The need for legal assistance to low income individuals and families is well established. Hawai'i's legal services organizations recognize the responsibility they have to use public funding as efficiently and effectively as possible to make a real difference in the lives of those we serve. To this end we are continuing to work in close partnership with the judiciary and the Hawai'i Justice Foundation in meeting the needs of low-income people in the state while ensuring full compliance with the requirements of the ILAF program. Some of the work of Hawai'i Appleseed is described below.

**Improving Economic Opportunity for Low-Income Households:** Hawai'i residents face serious financial pressures, which drive many into poverty. We have some of the highest housing costs in the nation and the lowest wages in the nation after accounting for cost of living. On top of that, low-income Hawai'i residents face the second highest state and local tax burden in the nation. Because of these pressures, nearly half of Hawai'i's residents are living paycheck to paycheck.

We are promoting policies that will create greater economic stability and increased prosperity for our state and its residents. For example, we supported the legislature's creation of the state Earned Income Tax Credit (EITC) in 2017. The state EITC is based on the federal EITC program, which is responsible for bringing more low-income children out of poverty than any other program in the nation. Thanks to the legislature's passage of the measure, thousands of low-income working families are keeping more of their earnings so they can pay their rent, cover their bills, and put food on the table.

**Addressing Hunger:** One in eleven households in Hawai'i is at risk of hunger. Hawai'i Appleseed has been working to help Hawai'i make the most of federal resources such as SNAP (formerly known as food stamps), school meals, and summer meals. For example, we are currently working with the Hawai'i Department of Education to implement innovative school breakfast programs designed to increase access to breakfast for Hawai'i school children. By doing so,

we can improve the health of Hawai'i and all its people while capturing additional federal funds and strengthening our local economy.

**Affordable Housing:** Seventy-five percent of families living in poverty spend more than half of their income on housing. Ninety-five percent of all Hawai'i residents view the lack of affordable housing as a very serious or important problem. We continue to analyze the multiple barriers to creating affordable rental housing for low and moderate income households, and to develop practical solutions to reduce housing costs. One example of our work is developing a policy recommendation and successfully pursuing a Honolulu County ordinance to allow development of accessory dwelling units (ADUs)—secondary dwellings built on a lot with an existing primary home. ADUs provide financial benefits to private homeowners while they contribute to alleviating our affordable housing shortage—building affordable housing without the need to use scarce government subsidies.

**Legal Representation:**

While legal representation has become a much smaller part of Hawai'i Appleseed's work in recent years, we continue to pursue litigation where low-income families or other disadvantaged groups have no other viable recourse to obtain fair and equitable treatment. An example of our work in this area is an ongoing case that seeks to enforce a requirement that a property owner maintain affordable rents at an apartment complex that was developed with millions of dollars in government subsidies.

In closing, we again want to thank the members of the legislature for their historical support for legal services for the low-income community. The ILAF program has done much to serve the needs of our most impoverished and it is being well-utilized for this purpose.

Aloha,



Gavin Thornton  
Executive Director





# LEGAL AID SOCIETY OF HAWAI'I



Telephone: (808) 536-4302 • Fax: (808) 527-8088  
Mailing Address: P.O. Box 37375 • Honolulu, Hawai'i 96837-0375  
924 Bethel Street • Honolulu, Hawai'i 96813

Joseph Boivin, Jr.  
President, Board of Directors

M. Nalani Fujimori Kaina, Esq.  
Executive Director

October 7, 2019

Dear Honorable Members of the 2019 Hawai'i State Legislature,

The Legal Aid Society of Hawai'i ("Legal Aid") wishes to express its sincere gratitude to the Honorable Members of the Hawai'i State Legislature for their passage of Act 180 of the 2011 Session, which increased funding to the Indigent Legal Assistance Fund ("ILAF"). As the largest and oldest legal service provider in the state, Legal Aid receives the largest percentage of ILAF funds each year. We are a Statewide organization --- the only law firm that has offices located on, and able to deliver legal services to, Oahu, Kauai, Moloka'i, Lana'i, Maui, and Hawai'i through locally based staff. With the assistance of ILAF, in FY19, Legal Aid closed over 5,954 cases providing assistance to indigent persons and seniors 60 years of age or older throughout Hawai'i.

Legal Aid's principal mission is to substantially improve the lives of our clients by providing civil legal representation on crucial issues affecting their well-being. This includes removing clients and their children from abusive situations; fighting illegal evictions which can lead to homelessness; counseling and representation of those facing foreclosure; helping clients receive critical health benefits; helping families access programs such as unemployment compensation, Federal Supplemental Security Income, general assistance and food stamps; assisting with family reunification; and ensuring safety after human trafficking. The critical support we receive from ILAF helps us to provide this assistance.

ILAF support continues to be of vital importance to Legal Aid in maintaining services across the state. ILAF also helps to leverage federal funding for legal services. ILAF currently provides a match for our AmeriCorps program, our Victims of Crime project, and our intake hotline. Funding also supports our front-line staff in our branch offices throughout the state who work directly with and represent clients from Pahoehoe to Hanalei. The increase in ILAF monies has also provided greater stability and predictability in financial planning for legal services programs.

Legal Aid remains committed to providing quality legal assistance for low-income individuals and those eligible for free services under the Older Americans Act. We understand that ILAF monies are public dollars, and we take commensurate care to spend these funds properly and wisely to increase access to justice for our clients. Legal Aid prides itself on providing high quality work. We believe the assistance we provide greatly impacts the lives of our clients. One measure of our success is feedback received through client satisfaction surveys. On average, our clients rate our services as good or excellent in 80% of all cases, and the vast majority agree that Legal Aid's services have helped to improve their lives.

One client shared, "Legal Aid helped me with everything I needed help with doing the legal papers for legal guardianship for my grand baby. What I want people to know about Legal Aid is they are here for us less fortunate and helps us understand all about the legal ways of doing things."

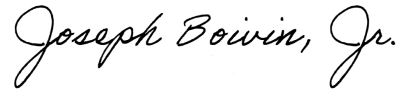


Through ILAF funding, Legal Aid can continue to ensure that we meet the needs of Hawai'i's low-income population.

We thank you again for your support.



M. Nalani Fujimori Kaina  
Executive Director  
Legal Aid Society of Hawai'i  
924 Bethel Street  
Honolulu, Hawai'i 96813



Joseph Boivin, Jr.  
Board President  
Legal Aid Society of Hawai'i  
924 Bethel Street  
Honolulu, Hawai'i 96813



# THE MEDIATION CENTER OF THE PACIFIC, INC.

*Bringing People Together to Talk, Negotiate and Resolve Conflict Creatively*

The Kukui Center - 245 N. Kukui Street # 206, Honolulu, HI 96817 Tel: 521-6767 Fax: 538-1454 Email: [mcp@mediatehawaii.org](mailto:mcp@mediatehawaii.org)

October 7, 2019

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Tracey S. Wiltgen

To: The Hawaii State Legislature

State Capitol

415 South Beretania Street

From: Tracey S. Wiltgen, Executive Director

The Mediation Center of the Pacific

245 N. Kukui Street Suite 206

Honolulu, HI 96817

The Board of Directors and staff of the Mediation Center of the Pacific (Mediation Center) are grateful to you for your continued support of increasing access to justice and the organizations who provide the direct services in this area. The Indigent Legal Assistance Funds (ILAF) have helped to provide critical support for the Mediation Center and other civil legal service providers to strengthen and grow services to members of Hawaii's indigent population.

The Mediation Center is one of the organizations that currently receives funds through ILAF to support the civil legal needs of Hawaii's low income population. The Mediation Center is a 501(c)(3) not for profit corporation that was founded in 1979 to provide Hawaii's people with high quality mediation and dispute resolution services that are affordable and accessible.

Mediation is a preferred process for helping parties resolve a broad array of disputes quickly and cost effectively. The mediation process is less stressful for the participants because it focuses on creative problem solving to meet the respective participants needs, rather than an adversarial process that is used in the legal system. The Mediation Center is the only organization on Oahu that offers mediation and dispute resolution services for people in the low income population.

Over the years, the number of cases managed by the Mediation Center has continued to grow. In Fiscal Year 2018-2019, the Mediation Center managed 1822 cases involving 5,023 people. 21% of those individuals were in the indigent population working through a broad variety of issues such as: divorce agreements; co-parenting plans; evictions; transition plans for elders; and more. 49% of the mediations overall, resulted in final agreements, eliminating the need for additional legal or court intervention. In some specific areas, the impact was even greater. For example, 53% of the domestic cases (divorce and custody matters) referred from Family Court resulted in written agreements.



**THE MEDIATION CENTER OF THE PACIFIC, INC.**  
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In addition to reaching agreements, there are significant long-term benefits achieved through mediation. For example, a divorcing couple who works through the issues they need to agree on to finalize their divorce without fighting or going to court, will move on in their lives with less stress on themselves and their children. With a decrease in stress, they are less likely to suffer from health conditions and their children will perform better in school and adjust to their new lifestyle. Equally important, when couples work through their divorce themselves, they save money and therefore have more finances to support themselves and their children.

These long-term outcomes also result in economic savings for the State. A social and economic impact analysis conducted on the Mediation Center's statistics for the fiscal year ending on 6/30/16 showed that the total net value for the people of Hawaii resulting from the immediate and long-term impacts from the services provided by the Mediation Center during the year was \$7,444,000. This value was determined by assessing the fair market replacement cost of the mediation and dispute resolution services provided by the Mediation Center for the cases that were mediated or facilitated. These consequential benefits include savings in community supports costs, reductions in community medical care expenses, additional community income and taxation revenues from benefit programs, savings in housing and support costs for homeless families, and savings in community law enforcement, court systems, and other government agency costs. Thus, for Every \$1 invested in the Mediation Center's programs, \$8.76 is delivered in immediate and long-term consequential financial benefits to the citizens of Hawaii.

Thanks to the support of the ILAF funds, the Mediation Center continues to provide direct services, as well as create new programs to better meet the needs of Hawaii's people. For example, the Mediation Center recently created an online mediation program to make mediation more accessible for landlord-tenant and small business disputes.

The Board of Directors and staff of the Mediation Center are grateful to the Legislature for your support that has enabled us to serve Hawaii's indigent and create programs that increase access to justice for all. We are committed to the continued growth of these services by partnering with the other organizations who serve Hawaii's poor, as well as the Judiciary and Hawaii Justice Foundation.

Sincerely,

Tracey S. Wiltgen  
Executive Director



# NATIVE HAWAIIAN LEGAL CORPORATION

*Serving Hawai'i since 1974*

1164 Bishop Street, Suite 1205 • Honolulu, Hawai'i 96813 • Phone (808) 521-2302 • Fax (808) 537-4268

October 22, 2019

Aloha Members of the 2020 Hawai'i State Legislature:

Mahalo for your generous support of the Indigent Legal Assistance Fund (ILAF) which enables the Native Hawaiian Legal Corporation (NHLC) to serve the most vulnerable members of our community.

All of you are well aware of the statistics that quantify the dire problems faced by Native Hawaiians. More than 200 individuals contact NHLC annually for legal assistance to tackle the panoply of ills and injustices that plague our community. Of that number, 43% are indigent and, on average, require 48-50% of our attorneys' time because of all the challenges unique to those with limited resources and opportunities. ILAF support is critical. Without it, NHLC would be unable to meet the myriad of needs presented to us by our indigent clients, in addition to the hundreds of other clients we represent in over 97 open cases total.

Dispossession and loss occur in many different forms. We have clients who were on the brink of losing kuleana lands or their Hawaiian homestead lease before NHLC intervened on their behalf. Others faced the loss of cultural traditions and practices -- indigenous knowledge systems -- passed down from generation to generation because they were cut off from resources once accessible to them. But *your* kōkua helped to fund our strong, well-resourced advocacy efforts, and now many are able to steward their ancestral ahupua'a in ways that are feeding whole communities and preserving Native Hawaiian values, customs and ways of knowing.

The reliability of ILAF funding enables NHLC to sustain its advocacy on high-impact, complex cases for the long haul -- a tradition that has served the Native Hawaiian community well for over 45 years. Improving the quality and provision of services to those unable to afford legal representation is sorely needed. So thank you again for your commitment to expanding peoples' access to justice through ILAF, and for recognizing that doing so is in the best interest of all who call Hawai'i home.

Mahalo palena 'ole,

Summer Sylva

Interim Executive Director

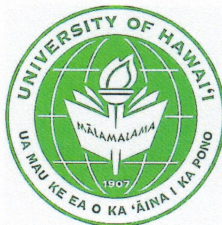
(808) 521-2302 [summer.sylva@nhlchi.org](mailto:summer.sylva@nhlchi.org)

*Services made possible with major funding from the Office of Hawaiian Affairs.*

Niolo. Upright, straight, stately, tall and straight as a tree without branches; sharply peaked, as mountains. Fig., righteous, correct.



UNIVERSITY of HAWAII at MĀNOA  
WILLIAM S. RICHARDSON  
SCHOOL OF LAW



October 7, 2019

MEMORANDUM FOR: Hawai'i State Legislators  
FROM: University of Hawai'i Elder Law Program  
SUBJECT: Impact of Indigent Legal Assistance Fund

The University of Hawai'i Elder Law Program (UHELP) relies heavily on the funding it receives through the Indigent Legal Assistance Program (ILAF). Without this supplemental funding, UHELP would not be able to accomplish its mission. While UHELP is an integral part of the William S. Richardson School of Law, it does not receive any direct appropriations from the state to provide legal services to underserved older persons in our community on a year-round basis, so it relies very much on external funding and, most specifically, funding from ILAF.

UHELP provides direct legal services to socially and economically needy older persons, caregivers and veterans on a year-round basis, while it helps to serve the education and training needs of our law students. At the law school we provide law students with law related academic and experiential opportunities through UHELP by helping its elderly clients. In turn our needy elderly clients benefit from the legal services that the UHELP staff and law students provide under the supervision of UHELP's staff.

UHELP no longer receives a grant from the federal government through the City and County of Honolulu and we are thankful for your funding to the university and for the specific assistance provided by the ILAF funding for our direct legal services program. Through this grant, we work to enhance, protect and preserve the autonomy and independence of our elders. This fiscal year we plan to provide direct legal services, referral and advice to approximately 400 qualified elders and veterans as well as provide continuing educational outreach and informational support to care providers and their elderly care recipients. We also receive a significant number of calls from service providers, health care providers and institutions and governmental agencies on elder law issues, including elder abuse, mental capacity and end-of-life decision-making.

With ILAF funding we hope to maintain our legal services to socially and economically needy elders and veterans as we all face increased budgetary challenges. We will continue to work cooperatively with the Judiciary and the Hawaii Justice Foundation to ensure a smooth and efficient operation at UHELP. Thank you again for your support of access to justice for low-income residents through ILAF funding.

Most Respectfully,

James H. Pietsch  
Professor of Law and Director, UHELP





## Medical-Legal Partnership ♦ Hawai'i

A Project of the William S. Richardson School of Law

2515 Dole Street, Honolulu, Hawai'i 96822

Cell: (808) 371-2698 ♦ E-mail: [MLPCHawaii@gmail.com](mailto:MLPCHawaii@gmail.com)

October 17, 2019

Hawaii State Legislators  
415 South Beretania Street  
Honolulu HI 96813

RE: Support for ILAF Funding

Dear Honorable Members of the Hawai'i State Legislature,

On behalf of the Medical-Legal Partnership in Hawai'i, I am pleased to share this letter of support and gratitude for funding from the Indigent Legal Assistance Fund (ILAF), which was created by the Legislature. As the newest ILAF recipient, these funds have had immediate and significant impact on our capacity to serve some Hawai'i's most vulnerable—and promising—children, families, immigrant communities, and people facing homelessness and mental illness.

MLP Hawai'i is a project of the William S. Richardson School of Law to provide free, on-site legal services for indigent patients at two community health centers, Kokua Kalihi Valley and Waikiki Health. We currently have three full-time MLP Staff Attorneys providing legal representation for housing (eviction defense, public housing, homeless matters); family law (guardianships, power of attorney, child support, domestic violence); public benefits, vital documents, employment matters, disability and civil rights matters, and other legal issues. Our MLP also provides self-advocacy education and community resources for indigent clients, including in areas of pressing need identified by community members, clients, and advocates.

A key and unique approach of MLP Hawai'i is how we “triage” cases. Unlike most legal service providers, we are embedded in a healthcare setting and we rely heavily on medical providers' referrals after they screen for social determinants of health. This means that we often tip our legal resources and legal representation towards those who are most in need, rather than the traditional approach of “triaging” services to favor those most amenable to self-help and limited services. Our MLP at Waikiki Health site, for example, has successfully helped numerous homeless clients and clients with dual diagnosis (both mental health and substance abuse challenges) to preserve housing, enter shelters, and maintain benefits. In fact, local police (Honolulu Police Department) have escorted some of their most “difficult” homeless encounters to our MLP site for legal services, knowing our success rate at replacing vital documents and counseling clients to receive shelter and drug treatment services.

We receive just 2% of the overall ILAF funds, which seems small but translates into a significant boost to the MLP annual budget. This funding provides financial stability so that we can continue to provide direct legal services to over 200 individuals and families each year, and hundreds more through community education workshops. ILAF funding also allows us to add immigration legal services to our already robust array of critical poverty legal services for Hawai'i's immigrant communities. Finally, being acknowledged as a recipient of ILAF funds provides recognition and legitimacy to our work that can be leveraged for other supports.

Thank you for your continued support of this critical funding source.

Sincerely,

Dina Shek  
Legal Director, MLP Hawai'i



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Angela Kuo Min  
**Executive Director**

October 7, 2019

To: The Honorable Members of the Hawaii State Legislature

From: Angela Kuo Min, Executive Director  
Volunteer Legal Services Hawaii

Re: Indigent Legal Assistance Fund

On behalf of the Board of Directors, staff, and those we serve at Volunteer Legal Services Hawaii ("Volunteer Legal"), thank you for the continued support for civil legal services. This year, Volunteer Legal celebrates its 38<sup>th</sup> year anniversary of serving the low- to- moderate income community of Hawaii through a partnership with volunteer attorneys.

In 2018, Volunteer Legal provided over 1,800 services and over 2,800 pro bono hours to qualified individuals and families who face legal issues in family law, landlord-tenant, small claims, bankruptcy, estate planning and veteran benefits issues. Nineteen percent identified themselves as those who suffered from domestic violence, 9% were veterans, 20% were elderly (age 60 or older), 25% were disabled, and 26% were homeless and/or not in permanent housing. Approximately 61% of all Volunteer Legal clients in 2018 were ILAF qualified. Those who seek assistance through Volunteer Legal often come after being said "no" and turned astray numerous times. Volunteer Legal is often their last opportunity to speak with an attorney regarding their legal problem and receive legal advice and counsel.

The Indigent Legal Assistance Fund ("ILAF") remains a critical source of financial support for pro bono based civil legal assistance to those least able to afford and access professional legal help. Pro Bono work is not mandatory for Hawaii licensed attorneys but our volunteers understand no one should be denied access to justice simply because they cannot afford an attorney. Hawaii's institutional capacity to provide legal services to indigent persons in our state is strengthened by the pro bono work of attorneys. Volunteer Legal significantly extends the reach of legal aid programs to more people in need with a broader range of legal services through Volunteer Legal's coordination and collaboration with private attorneys.

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545 Queen Street, Suite 100  
Honolulu, Hawai'i 96813  
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Fax: (808) 524-2147

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

Our service delivery model strives to meet the level of services needed by each program participant and carefully balance this with the availability and willingness of volunteer attorneys to help. The current model weaves together legal advice clinics, with pro se self-help assistance and referrals for pro bono full representation. The clients are carefully screened and matched with volunteer attorneys who are willing and able to provide services. Because of the in-depth screening and sending the file and pertinent documents to the volunteer attorney ahead of time, the appointment time is used the most efficiently and effectively. By meeting with that client face-to-face, a relationship and bond are built between the client and attorney and often, the attorney will provide further brief and/or full representation services for the client.

Volunteer Legal continues to operate the Neighborhood Legal Clinic four to six times per month both in-person at our Downtown Honolulu office and via phone for many of the neighbor island residents. In addition, the Neighborhood Legal Clinic model has been made mobile in the past five years through the Pop-Up Legal Clinics which take place in various rural and underserved neighborhoods across Hawaii. The Neighborhood Legal Clinic and Pop-Up Clinic allow individuals to meet in-person with attorneys for on the spot legal advice and limited scope assistance. In 2018, Volunteer Legal held 4 Oahu Pop-Up Clinics (Wahiawa, Kalihi Valley, Waipahu, and Waianae) and 2 on the Big Island (Kona and Hilo). Often, an individual will have legal issues in more than one area of law. There have been more than times than not, where an individual will come for two areas of law issues. We not only provide the legal advice he/she needs in those two areas of law, but they are able to meet with the attorneys and not having to travel to downtown to do so.

Volunteer Legal has over 200+ attorneys who volunteer in, including but not limited to, family law, bankruptcy, estate planning, collections, and small claims. We are very proud and thankful to have a wide spectrum of attorneys from solo practitioners to partners at large firms volunteering. In 2018, volunteer attorneys invested over \$667,000 worth of pro bono hours delivering direct services to qualified individuals and families through Volunteer Legal's Clinics. These pro bono hours were donated via in person, over the phone, as well as online at Hawaii Online Pro Bono (<https://hawaii.freelegalanswers.org/>).

ILAF funds go towards a portion of staff salaries and program costs and as such, is a very important source of income for Volunteer Legal's overall program budget. Volunteer Legal looks forward to helping more of the Hawaii community by continuing current and expanding new programs in the next year and we are very thankful to the Hawaii State Legislature for its continued support of civil legal services.

Sincerely,

A handwritten signature in black ink, appearing to read 'Angela Kuo Min', with a stylized, flowing script.

Angela Kuo Min  
Executive Director