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**HAWAI'I
ACCESS TO JUSTICE COMMISSION**

ANNUAL REPORT FOR 2020



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I. HAWAI'I ACCESS TO JUSTICE COMMISSION

This report highlights the Hawai'i Access to Justice Commission's ("Commission") activities in 2020.

A. Commissioners

The Commission is comprised of twenty-two Commissioners. The various Commissioners are appointed as designated in Rule 21 of the Rules of the Supreme Court of the State of Hawai'i by separate appointing authorities:

- Chief Justice of the Hawai'i Supreme Court
- Hawai'i State Bar Association ("HSBA")
- Hawai'i Consortium of Legal Service Providers
- Hawaii Justice Foundation ("HJF")
- Williams S. Richardson School of Law
- Hawai'i Paralegal Association
- Governor of the State of Hawai'i
- Attorney General of the State of Hawai'i
- State of Hawai'i Senate President
- State of Hawai'i Speaker of the House

The Commissioners who served in 2020 are listed below.



	Name	Appointed By	Term Ends
1.	Hon. Simeon R. Acoba, Jr. (Ret.)	Chief Justice	12/31/21
2.	Hon. Joseph E. Cardoza (Ret.) (Chair)	Chief Justice	12/31/20
3.	Hon. Brian A. Costa	Chief Justice	12/31/21
4.	Hon. Ronald Ibarra (Ret.)	Chief Justice	12/31/21
5.	Hon. Michael K. Soong	Chief Justice	12/31/21
6.	Derek R. Kobayashi (Vice Chair)	Hawai'i State Bar Association	12/31/22
7.	Katherine G.W. Bennett	Hawai'i State Bar Association	12/31/20
8.	Joanna E. Sokolow	Hawai'i State Bar Association	12/31/22
9.	Carol K. Muranaka	Hawai'i State Bar Association	12/31/20
10.	Angela Kuo Min (Volunteer Legal Services of Hawai'i)	Hawai'i Consortium of Legal Services Providers	12/31/22
11.	M. Nalani Fujimori Kaina (Legal Aid Society of Hawai'i)	Hawai'i Consortium of Legal Services Providers	12/31/21
12.	Nanci Kreidman (Domestic Action Violence Center)	Hawai'i Consortium of Legal Services Providers	12/31/22
13.	Thomas A. Helper (Lawyers for Equal Justice)	Hawai'i Consortium of Legal Services Providers	12/31/22
14.	Heather Lusk (Non-attorney public representative)	Hawai'i Consortium of Legal Services Providers in consultation with Chief Justice	12/31/21
15.	Rona Fukumoto (Non-attorney public representative)	Hawai'i Consortium of Legal Services Providers in consultation with Chief Justice	12/31/20
16.	Gary M. Slovin	Hawaii Justice Foundation	12/31/22
17.	Dean Aviam Soifer	William S. Richardson School of Law	12/31/22
18.	Denise M. Arestad-Asuncion	Hawai'i Paralegal Association	12/31/22
19.	Diane T. Ono	Governor	n/a
20.	Marie M. Gavigan	Attorney General	n/a
21.	Hon. Gilbert Keith-Agaran	Senate President	n/a
22.	Hon. Della Au Belatti	House Speaker	n/a



B. Committees

Rule 21(f) of the Rules of the Hawai'i Supreme Court provides that the Commission may create such committees as it deems necessary or desirable to facilitate the work of the Commission.

The Commission created committees and various other ad hoc subcommittees and task force groups to carry out and facilitate its mission. Commissioners serve as chairs for the committees. The role of each committee is advisory only, and each committee is intended to make such recommendations to the Commission as the committee determines to be appropriate. The committees, their chairs, their members, and the areas of responsibility assigned to them may be changed at any time by the Commission.

There are two committees that primarily have organizational or administrative functions (Administration Committee and the Annual Report Committee). The Administration Committee provides the following functions:

- Assist the Chair of the Commission in developing an agenda for each Commission meeting and assist in arranging for presenters and written materials in support of agenda items.
- Assist in providing reports on the status of operations.
- Assist in providing administrative and logistical assistance to the Commission and its committees and task forces.
- Coordinate the activities of volunteers in support of the Commission's initiatives.

During 2020, the members of this committee are Associate Justice Simeon R. Acoba, Jr. (Chair), David Reber (Vice Chair), Judge Joseph E. Cardoza (Ret.), Judge Brian Costa, Jill Hasegawa, Derek Kobayashi, Angela Kuo Min, Carol K. Muranaka, and Tracey Wiltgen.

The Annual Report Committee, which assists in preparing an annual report of the activities of the Commission for filing with the Supreme Court in accordance with Supreme Court Rule 21(j)(1), is chaired by Rona Yagi Fukumoto. Commissioners and members of the Administration Committee assisted in the preparation of the Commission's annual report for 2019.

The initial charters for the subject matter committees are drawn largely from two sources—the fourteen purposes of the Commission set forth in Supreme Court Rule 21 and the action steps proposed by the Hawai'i Access to Justice Hui in its "Community Wide Action Plan To Increase Access to Justice in Hawai'i by 2010" (the "Community Wide Action Plan"). The Community Wide Action Plan grew out of "The 2007 Assessment of Civil Legal Needs and Barriers



of Low- and Moderate-Income People in Hawai'i," and both the Assessment and the Action Plan are included in the Report provided to each Commissioner entitled "Achieving Access to Justice for Hawai'i's People" (the "Report").

The subject matter committees are listed below:

1. Committee on Education, Communications and Conference Planning

Action Step 9(d) of the Community Wide Action Plan stated as follows:

Judges, lawyers and legal services providers should prepare a series of articles on access to justice topics for publication in the Hawaii Bar Journal and make access to justice a regular feature."

Purpose 8 of Supreme Rule 21 provides as follows:

Encourage lawyers, judges, government officials, and other public and private leaders in Hawai'i to take a leadership role in expanding access to civil justice.

Purpose 9 of Supreme Court Rule 21 provides as follows:

Educate governmental leaders and the public about the importance of equal access to justice and of the problems low-income people in Hawai'i face in gaining access to the civil justice system through informational briefings, communication campaigns, statewide conferences (including an annual summit to report on and consider the progress of efforts to increase access to justice), testimony at hearings, and other means, and increase awareness of low-income people's legal rights and where they can go when legal assistance is needed.

The Committee on Education, Communications, and Conference Planning facilitates the work of the Commission by the following functions:

- a. Assist in organizing an annual conference for presentation of issues related to access to justice.
- b. Make recommendations on encouraging lawyers, judges, government officials, and other public and private leaders in Hawai'i to take a leadership role in expanding access to justice.
- c. Assist in developing strategies for educating governmental leaders



- and the public about the importance of equal access to justice and of the problems that low-income persons in Hawai'i face in gaining access to the civil justice system. Strategies include informational briefings, communication campaigns, statewide conferences, testimony at hearings, and other means.
- d. Increase awareness of legal rights of low-income persons and where they can go when legal assistance is needed.
 - e. Assist in developing a communications strategy and preparing communications consistent with that strategy.
 - f. Encourage judges, lawyers, and legal services providers to prepare a series of articles on access to justice topics for publication in the *Hawaii Bar Journal* and other media.

The members of the committee are former Dean Aviam Soifer (Chair); Sergio Alcubilla, Rep. Della Au Belatti, Sonny Ganaden, Mihoko Ito, Robert J. LeClair, Michelle Moorhead, Carol K. Muranaka (Vice Chair), Teri-Ann Nagata, Leila Rothwell Sullivan, and Lorenn Walker.

2. Committee on Funding of Civil Legal Services

Action Step 2 of the Community Wide Action Plan adopted by the Access to Justice Hui in 2007 stated: "Increase funding to support the delivery of legal services to ensure access to justice." That goal was incorporated in Purpose 4 of Supreme Court Rule 21 as follows:

Increase pro bono contributions by Hawai'i attorneys through such things as rule changes, recruitment campaigns, and increased judicial involvement, and increased recognition for contributors.

The Committee on Funding of Civil Legal Services facilitates the work of the Commission by the following functions:

- a. Make recommendations and provide advocacy in support of establishing a permanent "home" for the legislative funding of providers of civil legal services to low-income individuals. The aim is that funding for such services may be stable and secure. Make recommendations and provide advocacy in support of increased legislative funding for civil legal services providers.
- b. Make recommendations and provide advocacy in support of increased funding for civil legal services providers by the federal Legal Services Corporation and other federal and state agencies.
- c. Make recommendations and provide advocacy in support of increased funding of civil legal services through the indigent legal services filing fee surcharge and other measures. Assist providers of



legal services in exploring additional public and private funding sources and in developing programs or projects for which funding may be sought.

- d. Make recommendations in collaboration with the Judiciary, the HSBA, law firms, and other employers of lawyers, to encourage attorneys to provide substantial financial support to providers of legal services, including additional amounts in years when such attorneys do not meet the aspirational pro bono goals of Rule 6.1 of the *Hawai'i Rules of Professional Conduct*.

The members of this committee are Gary M. Slovin (Chair), M. Nalani Fujimori Kaina, Robert LeClair, Angela Kuo Min, and Dean Aviam Soifer.

3. Committee on Increasing Pro Bono Legal Services

Action Step 2 of the Community Wide Action Plan adopted by the Access to Justice Hui in 2007 stated: “Develop a culture that values providing pro bono services.”

Purpose 6 of Supreme Court Rule 21 provides as follows:

Increase pro bono contributions by Hawai'i attorneys through such things as rule changes, recruitment campaigns, increased judicial involvement, and increased recognition for contributors.

The Committee on Increasing Pro Bono Legal Services aids in the work of the Commission by the following functions:

- a. Study best practices in other jurisdictions for increasing the level of pro bono services by lawyers, paralegals, and others who may assist in over-coming barriers to access to justice. Methods include developing effective recruitment campaigns.
- b. Make recommendations concerning ways to develop a culture of commitment to pro bono service among Hawai'i's lawyers.
- c. Maintain a list of providers of legal services and others who offer opportunities for pro bono service (including adjustments due to COVID-19), describe the nature of those opportunities, and explore and assist providers in increasing the opportunities they provide for such service.
- d. Make recommendations concerning ways in which to make providing pro bono service more attractive to attorneys. Methods include assisting in developing resources for the pre-screening of cases, ensuring proper training, providing support, and recognizing service.



- e. Make recommendations concerning ways in which the Commission, the Judiciary, and the HSBA—acting alone or in partnership with others—can encourage attorneys to provide higher levels of pro bono service.
- e. Make recommendations concerning ways to encourage law firms and others who employ lawyers (including governmental agencies and corporate law departments) to promote increased pro bono service among their attorneys.
- f. Make recommendations concerning ways to encourage retired lawyers and judges to provide pro bono or staff legal services to low-income persons.

The members of this committee are Angela Kuo Min (Chair), Jennifer Chin (Vice-Chair), Judge Edmund D. Acoba, Sergio Alcubilla, Nicole Altman, Judge Rebecca A. Copeland, Gilbert Doles, Olan Leimomi Fisher, Representative Linda Ichiyama, Judge Blaine J. Kobayashi, Derek Kobayashi, Clarissa Malinao, Emily Marr, Maya Scimeca, Catherine Taschner, Shannon Wack, and Tracey Wiltgen.

4. Committee on Initiatives to Enhance Civil Justice

Action Step 9 of the Community Wide Action Plan stated: “increase access to justice in other ways.” Accordingly, Purpose 2 of Supreme Court Rule 21 provides as follows: “Develop and implement initiatives designed to expand access to civil justice in Hawai‘i.”

In addition, Purpose 3 of Supreme Court Rule 21 provides:

Develop and publish a strategic, integrated plan for statewide delivery of civil legal services to low-income Hawai‘i residents.

Purpose 12 of Supreme Rule 21 provides:

Develop initiatives designed to enhance recruitment and retention of attorneys who work for nonprofit civil legal services providers in Hawai‘i and to encourage law students to consider, when licensed, the practice of poverty law in Hawai‘i.

The Committee on Initiatives to Enhance Civil Justice helps in the mission of the Commission by the following functions:

- a. Develop and publish a strategic, integrated plan for statewide delivery of civil legal services to low-income residents of Hawai‘i.
- b. Study best practices in other jurisdictions and develop and



- recommend new initiatives to expand access to justice in Hawai'i.
- c. Make recommendations and provide advocacy in support of enhancing recruitment and retention of attorneys to work as staff members or to volunteer pro bono for non-profit providers of civil legal services in Hawai'i. Methods may include the following:
 - Establishment by the Hawai'i legislature of a student loan repayment assistance program to help full-time, non-profit civil legal services attorneys pay back their student loans; and
 - Adoption by the Hawai'i Supreme Court of rules to permit attorneys actively licensed to practice law by the highest court of a state or territory of the United States or the District of Columbia or Puerto Rico and who are working on staff or volunteering pro bono for non-profit providers of civil legal services. Permission would allow these providers to practice in that capacity for up to one year without being admitted to practice law in Hawai'i.
 - d. Make recommendations concerning ways in which paralegals and other non-lawyers may assist in meeting specified unmet civil legal needs, including whether ethical or procedural rules would need to be changed to accommodate such assistance.

Members of the Committee are Joanna E. Sokolow (Chair), Kristin Shigemura (Vice-Chair), Earl Edward Aquino, Lincoln Ashida, Charles Crumpton, Elizabeth Fujiwara, Judge Ronald Ibarra (Ret.), Craig Jerome, Patricia Kickland, Gregory Lui-Kwan, Emily Marr, Alberto Montalbano, Michelle Moorhead, Jeffrey Ng, Deja Marie Ostrowski, and Reginald Yee.

5. Committee on Overcoming Barriers to Access to Justice

Action Step 7 of the Community Wide Action Plan stated: "Overcome barriers to access to justice." Purpose 7 of the Supreme Court Rule 21 provides as follows:

Reduce barriers to the civil justice system by developing resources to overcome language, cultural, and other barriers and by giving input on existing and proposed laws, court rules, regulations, procedures, and policies that may affect meaningful access to justice for low-income Hawai'i residents.

The Committee on Overcoming Barriers to Access to Justice facilitates the work of the Commission by the following functions:

- a. Make recommendations concerning ways to remove impediments to accessing the justice system due to language, cultural and other



barriers and make recommendations concerning what programs should be initiated to address this barrier, which may include the following:

- Providing multilingual services, including increasing the number of available staff and pro bono attorneys and court personnel who are bilingual
 - Providing forms in multiple languages
 - Providing translation services in court, administrative agencies, and with legal service providers
 - Partnering with the University of Hawai'i and other schools offering language training to encourage multilingual volunteers to provide outreach and translation services
- b. Identify other barriers to obtaining legal assistance and make recommendations concerning ways to address them, such as through the provision of ancillary services, e.g., providing for childcare during a court hearing or for necessary mental health services
 - c. Seek to reduce barriers by recommending input on existing and proposed laws, court rules, regulations, procedures and policies that may affect meaningful access to justice for low- and moderate-income Hawai'i residents.

Members of the Committee are Heather Lusk (Chair), Judge William M. Domingo (Vice-Chair), Russell Awakuni, Patricia Cookson, Jen Jenkins, Dan Mistak, Calvin Pang, Page Ogata, Jennifer Rose, Brandon Segal, Cynthia Tai, Malia Taum-Deenik, Kristina Toshikiyo, and Randall M. Wat.

6. Committee on the Right to Counsel in Certain Civil Proceedings

Action Step 4 of the Community Wide Action Plan is: “Establish the recognition of the right to a lawyer in civil cases where basic human needs are at stake.

The Committee on the Right to Counsel in Certain Civil Proceedings assists the Commission by the following functions:

- a. The American Bar Association, at its 2006 annual meeting in Hawai'i, adopted a resolution supporting “legal counsel as a matter of right at public expense to low-income persons in those categories of adversarial proceedings where basic human needs are at stake, such as those involving shelter, sustenance, safety, health, or child custody, as determined by each jurisdiction.”



- b. Study developments in other jurisdictions with respect to establishment and implementation of a right to counsel in certain civil proceedings.
- c. Make recommendations concerning the types of civil matters in which the rights or issues involved are of such fundamental importance that counsel should be provided in Hawai'i, assess to what extent attorneys are available for such matters, and make recommendations on how to assure that counsel is available.

The members of this Committee are Marie Gavigan (Chair), Shannon Wack (Vice-Chair), Jessica Freedman, Regina Gormley, Brandon Ito, Judge Blaine Kobayashi, Wilfredo Tungol, James Weisman, and Cheryl Yamaki.

7. Committee on Self-Representation and Unbundling

Action Step 5 of the Community Wide Action Plan stated: "Enable individuals to represent themselves effectively when necessary." Supreme Court Rule 21 provides as Purpose 11 the following: "Increase support for self-represented litigants, such as through self-help centers at the court."

The Committee on Self-Representation and Unbundling facilitates the work of the Commission by the following functions:

- a. Reduce barriers encountered by self-represented litigants in the court system. Examples include using plain English, translations into other languages, and by simplifying procedural rules.
- b. Make changes to court rules and statutes that would streamline and simplify substantive areas of the law such as family, housing, and landlord-tenant law.
- c. Make changes to court rules to permit limited representation or "unbundled" legal services, and if achieved, make recommendations concerning continuing legal education programs and other ways of promoting unbundling to meet currently unmet legal needs and empowering individuals to represent themselves.

The members of the Committee are Derek Kobayashi (Chair), Sarah Courageous, Damien Elefante, Jerel Fonseca, Victor Geminiani, Nalani Fujimori Kaina, Victoria Kalman, Jo Kim, Jay Kimura, Honorable Blaine Kobayashi, Justin Kollar, Daniel Pollard, Judge Rowena Somerville, Kristina Toshikiyo, and Shannon Wack.



C. Task Forces

1. Pro Bono Initiative Task Force

The Pro Bono Initiative Task Force was created in the fall of 2012¹ for the purpose of encouraging law firms and offices to volunteer to staff the Access to Justice Rooms on O‘ahu and self-help centers on the neighbor islands and other legal service provider programs in need of pro bono volunteers.

The Pro Bono Initiative Task Force promotes pro bono service by:

- 1) Coordinating activities with the national pro bono celebration;
- 2) Recognizing significant pro bono service by attorneys at self-help centers, in appellate cases, for legal service providers and in other legally related activities;
- 3) Providing outreach to the statewide community on the importance of volunteerism in general, and pro bono services by attorneys;
- 4) Educating the public on the democratic principles of equal treatment and representation in the legal system; and
- 5) Including the HSBA, the Hawai‘i Supreme Court and judiciary, and the other branches of government in the recognition of pro bono service.

The members of the Task Force in 2020 include Judge Brian Costa (Chair), Tracey Wiltgen (Vice Chair), Justice Simeon Acoba (Ret.), Shawn Benton, Marie Gavigan, Jill Hasegawa, DaylinRose Heather, Regan Iwao, Judge Melanie May, Angela Kuo Min, Trish Morikawa, and Judge Trisha Nakamura.

2. Task Force on Paralegals and Other Non-Lawyers

On January 11, 2016, the Commission approved the creation of the Task Force on Paralegals and Other Nonlawyers (“Task Force”) to examine the role of paralegals and other non-lawyers in expanding access to justice.

The 2020 members of the Task Force on Paralegals and Other Non-lawyers were: Judge Joseph E. Cardoza (Ret.), Second Circuit Chief Judge (Chair); Denise Arestad-Asuncion (Hawai‘i Paralegal Association); Gilbert Doles (attorney); Victor Geminiani (retired Co-Executive Director, Hawai‘i Appleseed Center for Law and Economic Justice); Thomas Helper (Hawai‘i Appleseed Center for Law and

¹ See Minutes of the Commission dated November 26, 2012 and Minutes of the HSBA dated December 13, 2012.



Economic Justice litigation director); Susan Jaworowski (Professor and Paralegal Program Coordinator, Kapiolani Community College); Carol K. Muranaka (attorney commissioner); Angela Kuo Min (Executive Director, Volunteer Legal Services Hawai'i); Dan O'Meara (Legal Aid Society of Hawai'i staff attorney); and Calvin Pang (William S. Richardson School of Law professor) who served as ex officio members of the Task Force.

3. Task Force on the Impact of the Coronavirus Pandemic

In September 2020, following three months of examination of the impact of the Coronavirus pandemic in Hawai'i, the Hawai'i Access to Justice Commission approved the formation of a Task Force on the Impact of the Coronavirus Pandemic ("Task Force") to address the pandemic's impact on access to justice. At the time of its formation, the Task Force was one of two such state task forces in the nation, the other being established in Massachusetts.

The purpose of the Task Force was not to duplicate the efforts of other groups. Instead, its initial areas of focus have included:

- 1) Building awareness of the importance of maintaining critical community services provided by the many private and public agencies involved in access to justice initiatives in Hawai'i.
- 2) Educating the public on the availability of rent assistance.
- 3) Linking tenants experiencing financial difficulty with free mediation services.
- 4) Informing the public of the various services beyond rent assistance that are available to those struggling with maintaining rental housing.
- 5) Expanding the Second Circuit Volunteer Court Navigator Program to other circuits to provide legal information and services to unrepresented persons in landlord-tenant, debt collection, and district court injunctions against harassment cases.

The 2020 members of the Task Force on the impact of the Coronavirus Pandemic were: Judge Joseph E. Cardoza (Ret.), Second Circuit Chief Judge (Chair); Thomas Helper (Litigation Director, Hawai'i Appleseed Center for Law and Economic Justice); Nalani Fujimori Kaina (Executive Director, Legal Aid Society of Hawai'i); Derek Kobayashi (Vice-Chair, Hawai'i Access to Justice Commission, Attorney); Nanci Kreidman (Executive Director, Domestic Violence Action Center); Heather Lusk (Executive Director, Hawai'i Health & Harm Reduction Center); Angela Kuo Min (Executive Director, Volunteer Legal Services



Hawai'i); and Tracey Wiltgen (Executive Director, The Mediation Center of the Pacific, Inc.).



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II. HONORING CHAIRS OF THE COMMISSION

From 2008 to 2020, two judges chaired the Commission, Hawai'i Supreme Court Associate Justice Simeon R. Acoba, Jr., and Hawai'i Intermediate Court of Appeals Associate Judge Daniel R. Foley. The accomplishments and highlights of their terms as chairs are listed below. We honor their leadership and the dedication of those who served on the Commission, on Commission committees, and task forces, as well as the many organizations and individuals who brought to life the initiatives listed below.

A. Associate Justice Simeon R. Acoba, Jr. (Ret.)



On July 23, 2008, the Commission held its first official meeting. Justice Acoba, as Chair of the Commission, noted at that meeting, “The Access to Justice Commission is an effort to institutionalize a commitment to equal justice under the law and the Commission is committed to working together toward that common goal in an objective, constructive, and positive way.”

Justice Acoba was appointed to the Hawai'i Supreme Court in May 2000 and served until his mandatory retirement age in 2014. He served as Chair of the Commission from 2008 to June 2010 and from 2016 to 2020.

From the beginning, Justice Acoba was able to provide the necessary leadership and vision to accomplish much with all the different constituent parties. To illustrate, here are a few of these accomplishments:

- Adoption of a Judicial Pro Bono Policy; a Law Firm Pro Bono Policy, and a Government Pro Bono Policy: Justice Acoba attended an HSBA board of directors meeting to persuade the board to endorse the Law Firm Pro Bono Policy as a policy to be adopted by the Hawai'i law firms. The



board voted to do so. He facilitated the publication of articles in the Hawaii Bar Journal about these model pro bono policies.

- The Commission, through the Committee on Initiatives to Enhance Civil Justice, developed and approved a proposed foreclosure mediation program, which was subsequently approved by the Hawai'i Supreme Court. By order filed on September 29, 2009, the Court established a Foreclosure Mediation Pilot Project in the Third Circuit Court, effective November 1, 2009, to October 31, 2010. The pilot project provided that a Foreclosure Mediation Notice would be served along with the complaint and summons in residential foreclosure actions. The Foreclosure Mediation Notice provided that the party is allowed to participate in mediation under the pilot project if: (1) the party is the borrower or co-borrower, and (2) the party occupies the property as his/her primary residence. If a Foreclosure Mediation Request is filed within fifteen days after service of the notice with the complaint and summons, then the deadline to file and serve an answer to the complaint and to seek relief by dispositive motion would be suspended until further order of the court.
- Proposed judicial guidelines for pro bono service by judges, which guidelines were subsequently adopted.
- Proposed amendment to the Commentary to Rule 2.2 of the Hawai'i Revised Code of Judicial Conduct allowing judges to impose pro bono "sanction." This amendment was also subsequently adopted.
- Inclusion of "access to justice" in the Continuing Legal Education ("CLE") rule: Hawai'i Supreme Court Rule 22 made "access to justice" as one of the qualifying topics for mandatory CLE credits and allowed a maximum of 3 pro bono service hours to count towards nine credit hours of voluntary CLE credits.
- Promoted the Striving to Meet Rule 6.1 Pro Bono Commitment Program: Justice Acoba visited with various law firms and government offices in Honolulu and on the neighbor islands to encourage and receive commitments from these offices to provide 50 hours of pro bono services per attorney annually under the aspirational Rule 6.1 of the Hawai'i Rules of Professional Conduct.
- Proposed amendment to Rule 23 of the Hawai'i Rules of Civil Procedure, which would establish a presumption that organizations providing legal services to the low-income Hawai'i residents would be appropriate beneficiaries of residual funds in class action lawsuits. The Hawai'i



Supreme Court later adopted an amendment in 2011 that provided direction to the parties and the trial court by providing the court with discretion to approve the timing and method of distribution of residual funds to entities, as agreed to by the parties, which may include the nonprofit tax-exempt organizations that provide legal services to indigent persons or to the Hawaii Justice Foundation (for distribution to one or more such organizations).

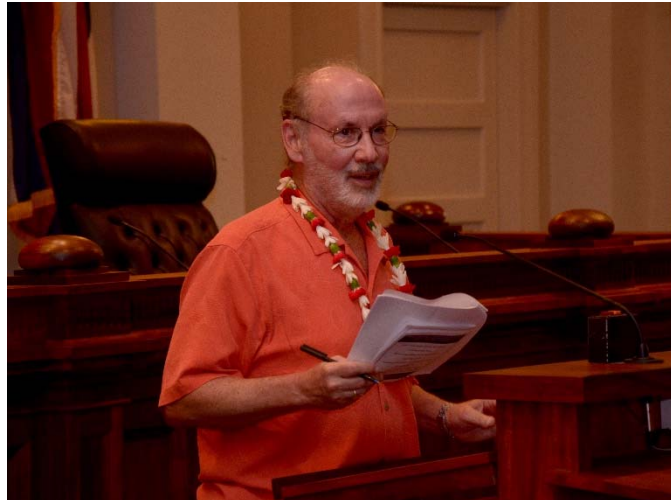
- Following the award of a Justice for All grant to Hawai'i, the Commission prepared a final report to the National Center for State Courts encompassing: (1) an inventory of existing access to justice resources, programs, and projects being undertaken by Hawai'i's access to justice stakeholders, including Hawai'i's Judiciary, Commission, the legislature, and legal service providers; (2) an assessment of Hawai'i's access to justice needs based upon the Justice for All Committee community and network partner meetings undertaken during the court of the year; and (3) a strategic action plan comprising four key recommendations for Hawai'i's access to justice partners to focus on.
- In May 2017, the Commission approved the Task Force's proposal for a Volunteer Court Navigator program to be transmitted to the Hawai'i Supreme Court. The proposal presented a pilot program in the First Circuit (Oahu) and in the Second Circuit (Maui) to assist the self-represented litigants who are appearing in the District Courts on landlord-tenant, debt collection, and temporary restraining orders (non-family) cases. The project was modeled after the New York Court Navigator program, which has been successful. On November 3, 2017, the Hawai'i Supreme Court issued its orders establishing a Volunteer Court Navigator Pilot Program in the First and Second Circuits.
- A Justice for All Implementation Grant, administered through the National Center for State Courts, was awarded to Hawai'i. Two projects were adopted under the grant: The Hawai'i Legal Aid Interagency Roundtable Project and the Community Navigator Project. The Interagency Roundtable Project recruited a consultant and held planning meetings in 2018 with key stakeholders, scheduling the first meeting of the Roundtable for January 2019. The Community Navigator Project developed its curriculum and trained the first eight Community Navigators.
- Additionally, the Commission completed its work in conjunction with the Hawai'i Supreme Court on establishing rules, procedures, and forms for "unbundling" pro bono services. Unbundling services enable



attorneys to provide partial legal assistance to maximize available resources for persons in family, district, and circuit courts in need of legal help.

- The Commission provided a presentation on pro bono assistance in Hilo to augment the Hilo Bar Association's recruitment of volunteer attorneys to staff the Hilo self service center; the Supreme Court ordered the Commission's pilot volunteer court navigator program in the district court for Maui made permanent; the Commission continued its consideration of a non-lawyer advocacy program to assist tenants in landlord-tenant cases.

B. Associate Judge Daniel R. Foley



Judge Daniel R. Foley served as Chair of the Commission from June 30, 2010 to December 31, 2015. He was appointed to the State of Hawai'i Intermediate Court of Appeals ("ICA") in 2000 after a distinguished career in private practice, Hawai'i American Civil Liberties Union's first legal director, and work in Micronesia. Judge Foley served on the ICA until he reached the mandatory retirement age in 2015.

Under his leadership, here are a few of the highlights:

- The Commission approved the following definition of "access to justice" for mandatory continuing legal education ("MCPE") purposes:

To qualify for MCPE credit, access to justice course topics should educate attorneys about equal access to justice, including barriers arising from biases against persons because



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

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

- On November 18, 2010, the Commission co-sponsored the Self-Help Center Conference with the HSBA Committee on the Delivery of Legal Services to the Public, Legal Aid Society of Hawai'i, and Volunteer Legal Services Hawai'i.
- On January 27, 2011, the Hawai'i Supreme Court adopted an amendment to Haw.R.Civ.P. 23 to add a new subsection (f) that provides direction to parties and the trial court regarding the redistribution of residual funds in class action cases. The amended rule provides that it is within the discretion of the court to approve the timing and method of distribution of residual funds to entities, as agreed to by the parties, which may include nonprofit tax-exempt organizations that provide legal services to indigent persons or to HJF (for distribution to one or more such organizations). The Commission created an ad hoc subcommittee to work on a communications plan to educate the Hawai'i legal community about the rule amendment. The subcommittee drafted a “cy pres toolkit” and other information to assist Hawai'i attorneys in state court class action lawsuits or other similar types of suits.
- On February 24, 2011, the Hawai'i Supreme Court approved Rule 1.16 of the Rules of the Hawai'i Supreme Court to allow limited admission of attorneys employed by non-profit civil legal service providers for a period of two years, with a possible extension of another two years. This rule became effective on July 1, 2011.
- On December 13, 2011, the Hawai'i Supreme Court amended Rule 6.1 of the Hawai'i Rules of Professional Conduct (“HRPC”) to allow the



substitution of an appropriate monetary contribution in lieu of the recommended minimum of 50 hours of pro bono service hours per year.

- On December 13, 2011, the Hawai'i Supreme Court adopted HRPC Rule 6.5, which allowed lawyers working with a non-profit organization or the court to provide limited legal services, such as advice over a hotline or through a clinic to a client without the expectation of the creation of an attorney-client relationship (exempt from HRPC Rules 1.17 and 1.9(a)), so long as the lawyer does not know of any conflict of interest.
- The Commission sponsored community briefings to discuss the importance of equal access to justice, to describe the past and ongoing work of the Commission, to explain the resources available to the public, and to collect community input regarding the needs for increased access to justice for all. The first was held at the Parish of St. Clement on January 11, 2012. Another was held at the Windward Community College on May 9, 2012. The final one was held at the Wai'anae District Park on December 11, 2012.
- The Commission approved the formation of the Pro Bono Initiative Task Force to plan events to highlight volunteer opportunities not only at the Access to Justice Room (self-help center) at the Honolulu District Court, but other opportunities with the various nonprofit legal service entities.
- The Commission applied for a Phase II grant in the amount of \$20,000 from the ABA Access to Justice Commission Expansion Project for language services and completed the projects pursuant to the ABA expansion grant with (1) development of an interpreter request court form and a brochure explaining how to request an interpreter for limited English proficient court users in Hawai'i; (2) additional translated materials were prepared about the Kapolei Access to Justice Room; frequently asked divorce-related questions; and landlord-tenant law; (3) a three-hour seminar entitled "Working Effectively with Limited English Proficient Clients" was presented in Kona, Island of Hawai'i in the courtroom of Circuit Court Judge Ronald Ibarra, Commissioner, on August 5, 2013; (4) an all-day training session for all state judges on implicit bias occurred on November 1, 2013.
- The Commission proposed that HRPC Rule 6.1, Pro Bono Service, and its commentary be amended to include "organizations in matters which are designed primarily to address the needs of persons of limited means" in the rule and to include in Comment [2] "the provision of legal advice or information under nonprofit or court-annexed programs such



as court self-help centers and access to justice rooms which are designed primarily to serve persons of limited means.” The proposed amendments were adopted in the HRPC, effective January 1, 2014.

- In 2014, the Commission partnered with other community organizations to bring legal services to Ka‘u, a rural community on Hawai‘i Island. The one-day Ka‘u Legal Clinic was designed as a pilot for delivery of legal services to underserved rural communities, where scarce legal resources and limited transportation hinder access to legal services. Using a neighborhood legal clinic model, on-site and telephonic services were provided to over a dozen participants during a three-hour block, with follow-up services provided through Volunteer Legal Services of Hawai‘i and the Native Hawaiian Legal Corporation.
- The Commission, pursuant to the Senate Concurrent Resolution No. 116, convened a working group to develop an educational loan repayment program for William S. Richardson School of Law graduates to encourage expanded opportunities to pursue public interest careers in Hawai‘i for the benefit of underserved communities. The working group submitted a report to the Hawai‘i legislature dated January 20, 2015, wherein it reached a consensus on several factors that would need to be included in a loan repayment assistance program and supported the adoption of legislation to establish such a program at an estimated initial cost of \$600,000.
- The Commission assembled a working group of interested governmental agencies and community entities to develop a plan for determining which agency or organization should administer funding for civil legal services pursuant to separate legislative resolutions. The recommendations of the working group identified the Judiciary as appropriate entity for administration of funding for civil legal services. The Commission forwarded the report to the Hawai‘i State Legislature.



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III. IMPACT OF THE PANDEMIC

The landscape for Hawai'i changed in March 2020 when there was a stay-at-home order issued from the state's Governor because of the COVID-19 pandemic. The Judiciary closed its doors to ensure the safety of the community.

Although the Commission's Committee on Education, Communications, and Conference Planning was in the midst of planning the 2020 Hawai'i Access to Justice Conference and had confirmed speakers, facilitators, and panelists, the Commission decided to forego the conference in June 2020.

Activities of the other committees are summarized below:

A. Committee on Increasing Pro Bono Legal Services

1. Completed full volunteer staffing of Access to Justice Rooms for the First Circuit for all months of 2021 by law firms, individual lawyers, and groups.
2. Continued to support development and expansion of the Appellate Pro Bono Program.
3. Supported ongoing pro bono initiatives implemented by various providers and groups.
4. Assisted in and helped coordinate annual Pro Bono Celebration.

B. Committee on Initiatives to Enhance Civil Justice

1. Civil Pro Bono Counsel Working Group created a survey for state judges on the need for pro bono counsel in civil cases.
2. Created a Working Group to study how paralegals might assist self-represented litigants in the Family Law context, including examining rule and statute changes.
3. Began study of possible use of virtual advisory jury trials in civil cases, to address the backlog of trials due to the global COVID-19 pandemic, and what training/outreach might be necessary to encourage their use.
4. Began discussion on statewide expansion of civil legal outreach to the Micronesian community through a partnership between attorneys and community leaders.
5. Continued to study the ways in which expungement of criminal case records mitigated collateral consequences and improved outcomes in civil arenas. Further examined the ways in which the expungement process could be streamlined or simplified for those entitled to use it.



6. Continued study of transportation to court as a barrier to access to justice and continued developing instructional materials for distribution to the public.

C. Task Force on Paralegals and Other Nonlawyers

During 2020, the Task Force met at least once each month to work on several proposals designed to utilize the talents and dedication of paralegals and non-lawyers to enhance access to justice in Hawai'i.

One of the Task Force's earlier proposals involved the creation of a non-lawyer Volunteer Court Navigator program in the Second Circuit. Volunteer Court Navigators provide important legal information to unrepresented litigants in District Court landlord-tenant, debt collection, and injunction against harassment cases. On November 3, 2017, the Hawai'i Supreme Court issued an order establishing a Volunteer Court Navigator Pilot Program in the Second Circuit. As reported in the 2018 Annual Report, the pilot program was successful and on November 20, 2018, the Hawai'i Supreme Court issued an order establishing the Volunteer Court Navigator Pilot Program in the Second Circuit as a permanent program.

During the first quarter of 2020, Volunteer Court Navigators continued to assist unrepresented litigants during all regular Wailuku District Court civil calendars. This included meeting unrepresented litigants at the main entrance to the courthouse, providing information, and directing unrepresented litigants to the proper courthouse floor and courtroom. Volunteer Court Navigators were also present outside of the courtrooms to provide information. They observed court sessions and took notes. After court, they met with unrepresented litigants, provided information, and directed them to "same day" mediation at the courthouse. Volunteer Court Navigators also directed unrepresented litigants who were interested in meeting with a volunteer attorney to the Maui Self-Help Center.

During 2019, the role of Volunteer Court Navigators expanded to assisting at Maui Self-Help Center sessions. During the first quarter of 2020, Volunteer Court Navigators, serving as a complement to the Legal Aid Services of Hawai'i's AmeriCorps Self-Help Center representative, assisted at all Maui Self-Help Center sessions. At the Self-Help Center, Navigators greeted unrepresented litigants, obtained preliminary information to determine if a question could be answered without waiting to see a volunteer attorney, referred unrepresented litigants to the adjacent Second Circuit Service Center, ensured that each unrepresented litigant signed in to meet with a Self-Help Center volunteer attorney, and assisted unrepresented litigants complete evaluation forms. The services of Volunteer Navigators complement the valuable assistance of the Self-



Help Center volunteer attorneys and make the process more efficient and consumer friendly.

During 2019, planning began on creating a trial preparation and presentation clinic for unrepresented litigants. This was a joint undertaking between the Task Force and members of the Maui County Bar Association. This project rolled-out during February 2020. It involved having Volunteer Court Navigators refer unrepresented litigants to a trial clinic to provide unrepresented litigants with information on preparing for trial and trial presentation. The first trial clinic was conducted during February 2020 with plans to thereafter conduct clinics on at least a monthly basis. In addition to unrepresented litigants and volunteer attorneys, Volunteer Court Navigators attended the clinic and were available to provide information to unrepresented litigants.

Unfortunately, courthouse activities were brought to a halt during March 2020 due to the Coronavirus Pandemic. Also, a moratorium on residential evictions was ordered by the Governor of the State of Hawai'i. In addition, the Maui Self-Help Center ceased in-person sessions and became a remote access program. Other than special requests for a Volunteer Court Navigator, the use of Volunteer Court Navigators has been placed on hold due to the pandemic. Operations will resume when it is safe to do so.

During 2020, the Task Force also presented other projects to the Access to Justice Commission for approval. First, the Task Force presented its final proposal for a Second Circuit Volunteer Attorney and Volunteer Assistant Pilot Project. This project involves training and utilizing the services of volunteer paralegals and non-lawyers to assist volunteer attorneys in providing free representation to tenants in eviction cases. The project requires volunteer assistants and volunteer attorneys to successfully complete a classroom and on-the-job training program.

Under the program, low- and moderate-income unrepresented tenants interested in free representation, complete a Volunteer Legal Services Hawai'i ("VLSH") referral form. VLSH then conducts an intake interview with the unrepresented litigant. If the tenant qualifies for free services, a trained Hawai'i-licensed volunteer attorney serving under this project will provide full representation to the tenant. To lighten the time and financial burden of such free representation, volunteer assistants, working under the direct supervision of the volunteer attorney, will be available to assist the attorney. This project will provide free representation for tenants facing eviction, a critical unmet need in Hawai'i. The Commission approved this pilot project to the Hawai'i Supreme Court on July 20, 2020. On September 18, 2020 the Hawai'i Supreme Court issued an order approving the pilot project. Shortly thereafter, the Task Force commenced its work on implementing this project.



The Task Force also presented to the Commission a First Circuit Advocate Pilot Project. Under this proposal, an advocate will be trained to provide, under the direct supervision of a Hawai'i-licensed attorney employed by a legal services provider, representation to income-qualified tenants in eviction cases. This pilot project was approved by the Commission for referral to the Hawai'i Supreme Court on October 19, 2020. On October 20, 2020 the pilot project was transmitted to the Hawai'i Supreme Court where it is currently under review.

The Task Force continues to work on other projects. The members of the Task Force express their deepest appreciation for the dedication of the many volunteers and agencies who have made the Task Force projects a reality.

D. Task Force on the Impact of the Coronavirus Pandemic

1. Background

During 2020, the coronavirus pandemic continued to impact the nation's and Hawai'i's economic health. The Commission Chair accumulated information gathered over several months and presented his observations by email dated September 14, 2020 to the Commission. His report is attached here as Appendix A. One of the recommendations that was considered by the Commission at its September 21, 2020 meeting was the formation of a Coronavirus Task Force.

2. Activity in 2020

In October 2020, the Task Force held its first formal meeting on Zoom and discussed the various effects of the pandemic on the community.

The Commission, attorneys, mediation centers, realtors, and agencies tasked with processing applications for rent relief participated in six forums to increase rent relief awareness amongst tenants and landlords and ways to avoid facing eviction once the eviction moratorium expired. Each forum reached several hundred persons and educated the public on the availability of rent assistance and the ways to apply for assistance. Five of the forums were held via Zoom, the sixth was on Akaku, a Maui public television station and aired multiple times.

Working with other agencies, the Task Force was also able to assist with identifying the tenants interested in pursuing free mediation services throughout Hawai'i. The state's mediation centers made contact with nearly all of these tenants and provided them with the opportunity to participate in free mediation in hopes of avoiding eviction, moving in with relatives or friends, or becoming



homeless. The Task Force recognizes that homelessness is often the beginning of a downward spiral that can lead to numerous other serious consequences.

During 2020, the Task Force also participated in planning for 2021 and fiscal year 2022. Planning has been challenging as circumstances related to the impact of the Coronavirus have changed often and rapidly.



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IV. 2020 PRO BONO CELEBRATION

The annual 2020 Pro Bono Celebration during National Pro Bono Celebration week took place across the country in October. The 2020 Celebration was Hawai'i Access to Justice Commission's eighth annual Pro Bono Celebration. Due to health and safety concerns during the COVID-19 pandemic, instead of the usual "in-person" event, this year the Pro Bono Initiative Task Force partnered with ThinkTech Hawai'i to tape and livestream the Celebration. In addition, during the weeks leading up to the Celebration, the Task Force worked with ThinkTech Hawai'i to host four segments focusing on various legal service providers, their honorees, pro bono volunteers, and self-help initiatives.

The annual Celebration allows the bar to recognize and thank the attorneys and individuals who generously donate their time to assist hundreds of people each year. It also recognizes those volunteers who have gone above and beyond to assist our legal service providers in helping the public and serves to inspire Hawai'i's young people to volunteer. Equally important, the Celebration is a reminder of the importance of pro bono work and helping those in need, especially during the current COVID-19 pandemic. It is only through the efforts of the many individuals who dedicate hundreds of hours of pro bono service that Hawai'i continues to increase access to justice for all.

Recognition certificates from the Hawai'i State Legislature, the Governor, and the Commission were given to selected honorees from the various legal service providers, as well as the attorneys who provided pro bono services for the Access to Justice Rooms at the state district and family courts, volunteer appellate attorneys, the Volunteer Settlement Master Program, and the Appellate Mediation Program.

In addition to honoring pro bono volunteers, high school students who won the essay contest on the theme: "Standing Together, Six Feet Apart: How Did You Serve the Community During the COVID-19 Pandemic?" were acknowledged. Essays from public and private high school students throughout the state in grades 10 through 12, were submitted with the top three winners from Oahu, and an entrant from Kaua'i, Maui, and West Hawai'i, all receiving the top student awards. Each student awardee received a \$500 cash prize, and an additional \$100 award for educational purposes was given to a teacher named by the student awardee. The law firms who sponsored the essay contest were: Case Lombardi & Pettit; Chong, Nishimoto, Sia, Nakamura & Goya; Damon Key Leong Kupchak Hastert; Ota & Hara; Schlueter Kwiat & Kennedy; and Tateishi & Tanaka.



The Pro Bono Celebration was supported by the Commission, Hawai'i Justice Foundation, the HSBA, and the Hawai'i State Bar Foundation. A detailed description of the Celebration is attached as Appendix B.



V. HAWAI'I APPELLATE PRO BONO PROJECT

The Hawai'i Appellate Pro Bono Project ("Appellate Project") is joint project of the Committee on Increasing Pro Bono Legal Services, the HSBA Appellate Section, Hawai'i appellate courts, and Volunteer Legal Services Hawai'i ("VLSH"). The purpose of the project is to match eligible pro se appellate litigants with volunteer appellate attorneys willing to provide pro bono legal services at the appellate and Supreme Court level.

The Project was designed and implemented by the HSBA Appellate Section Chair Rebecca Copeland² in 2011, and in less than two years, the Supreme Court ordered the Appellate Project be made permanent. Christopher Leong and Lance Collins now serve as the Appellate Project liaisons and regularly work with VLSH to ensure its success and sustainability.

The Appellate Project is focused on civil cases involving foreclosures, summary possessions, employment discrimination, worker's compensation, wrongful termination, denial of unemployment benefits, state tax appeals, probate matters, and paternity and non-married custody cases. The Project liaisons and Appellate Project working group are currently working on expanding the coverage areas and recruiting additional volunteer attorneys to assist at the Appellate and Supreme Court level. Participants must meet income level requirements and are responsible for any costs associated with the appeal, including filing, transcript, or other costs related to the preparation of the record on appeal and presentation of arguments to the appellate courts.

In 2020, seven applications were submitted and qualified based on income/assets and the subject area of the case. Four of the seven were placed with volunteer attorneys. Robert H. Thomas and Bianca Isaki were repeat volunteer attorneys in 2020; Mr. Thomas taking on his third and Ms. Isaki taking on her second appellate case with the Appellate Pro Bono Program.

Since the beginning, there has been a total of 51 applications submitted, 22, which were qualified based on income/asset and subject area of the case. A total of fifteen cases have been matched with volunteer attorneys, of which seven have been heard and prevailed for the clients, with an additional handful of pending oral arguments.

² Rebecca Copeland was appointed a judge in the District Family Court of the First Circuit in December 2019.



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VI. HAWAI'I ONLINE PRO BONO PROJECT

The Hawai'i Online Pro Bono Project (“HOP”), administered by VLSH, was launched in October 2016. This initiative began as one of the projects initiated by the Committee on Initiatives to Enhance Civil Justice based on a model from Tennessee. This legal service platform is part of the American Bar Association Free Legal Answers Project. The goal of HOP is to provide an additional tool for individuals who cannot afford an attorney. Volunteer attorneys can log in at any time, chose a question and then respond. This service is accessible from any computer, including public library computers.

Through HOP, users can register at Hawai'i.FreeLegalAnswers.org and post a specific civil legal question. To qualify to use the service, users must meet income and asset qualifications. Once qualified, the user can post legal questions via an email format, and upload any picture or documents associated with the legal issue. Once posted, the question will be added to the bank of questions on the site which can only be viewed by registered volunteer attorneys.

HOP is an opportunity for attorneys to provide limited assistance to those in need of legal guidance. The commitment is short-term, and there is no expectation for representation beyond the question-and-answer format. Volunteers are provided professional liability insurance through the American Bar Association for pro bono activities provided through HOP. HOP is intended to be an opportunity to engage more attorneys in providing pro bono services to those most in need. The online format makes it easy for users and attorneys to connect with one another whenever and wherever most convenient for them.

Since COVID-19, remote resources have been even more in demand and in use. HOP's site administrator, Grant Teichman, hosted a free CLE to recruit Hawai'i licensed attorneys to sign up for a HOP account during the 2020 National Pro Bono Week. He encouraged all to get involved and shared about various volunteer opportunities, ethical considerations of online pro bono and an overview of poverty law including helpful resources and tips and Hawai'i's pro bono response to COVID-19.

In 2020, 105 attorneys were registered to respond to questions asked by users. During the year, these attorneys donated a total of 413 hours representing a value of these services of over \$103,250 (at an average hourly rate of \$250/hr.). HOP has seen over a 250% increase in the number of questions asked and answered since 2019.

While Honolulu had 54% of users, 28% of the users were residents of the Big Island, with the users on that island representing the highest percentage of the population of the island compared to the user percentages of the population



of each of the other islands. Twelve percent of the users were from Maui County, and 6% percent from Kaua'i. The largest percentage of inquiries (49%) consisted of questions related to family law, divorce, custody, and paternity. Private landlord-tenant issues were the next largest category (19%), followed closely by debt collections (14%), estate planning (6%), small claims (3%) bankruptcy (3%), immigration (2%), and veteran benefits (1%), with all other questions accounting for less than 3% of the total inquiries.



APPENDICES

- Appendix A Email message dated September 14, 2020 from Commission Chair Judge Joseph Cardoza (Ret.) to the Commissioners about a response to the pandemic-related issues.
- Appendix B Article about the 2020 Pro Bono Celebration published in the December 2020 issue of the Hawaii Bar Journal

APPENDIX A

On September 14, 2020, Judge Cardoza transmitted the following email to the Commission members:

This email concerns an item on our September 21, 2020 Commission agenda relating to the formulation of a Commission response to the Coronavirus pandemic. In summary, I am recommending that the Commission form a task force to provide recommendations to effectively respond to pandemic-related issues. I also have several recommendations that may be considered by a task force. In the interest of saving time during the Commission meeting, I will share some of my thoughts by means of this email.

I have been educating myself and consulting with many agencies, organizations, and individuals concerning the impact of the pandemic. A great deal has already been done by many of you to minimize the impact of the pandemic. Responding to the pandemic is problematic because the pandemic and its fallout evolves on almost a daily basis. Some developments are challenging, others are encouraging.

From a health perspective, we know that the Coronavirus has been with us for months. It is difficult to predict if and when it will end. In Hawai`i, new infections and deaths remain a serious problem. On a national and international level, there have been varying predictions concerning the development an effective immunization program. Also, views differ on what interim health measures and practices are necessary.

The Coronavirus continues to impact the nation's and Hawai`i's economic health. The nonpartisan Congressional Budget Office reported that by 2021 the national debt will exceed the nation's gross domestic product, the first time this has occurred since 1946. Indeed, it is possible that Hawai`i has yet to experience the full economic impact of the pandemic. State and county budgets have been strained. The Department of Labor and Industrial Relations reported a seasonally adjusted July 2020 statewide unemployment rate of 13.1% as compared to 2.7% in July 2019. The Hawai`i Department of Business, Economic Development & Tourism reported a 97.7 decrease in visitor arrivals by air in July 2020 as compared to July 2019. Significantly, July is usually one of our strongest months. American Airlines announced an additional 17,500 employees would be furloughed on October 1, 2020. (This is in addition to 23,000 who already took early retirement or voluntary leave and another 1,500 administrative and support staff who were placed on furlough.) American Airlines, an airline that began service three years prior to the Great Depression, stated that the coming weeks and months would be some of the most difficult it has ever faced. During July, United Airlines announced that it might furlough 36,000 employees if travel remained weak and more workers did not accept

concessions such as reduced hours, buyouts, or early retirement. More recently, United announced that it may furlough up to 2,850 pilots in October. Delta Airlines announced that it would furlough 1,941 pilots in October if the airline does not reach a cost-cutting agreement with its employees. While some of these plans may be part of an attempt to secure government assistance and/or employee concessions, there appears to be little question that the airline industry and thus, the visitor industry, are being seriously challenged. Indeed, travel experts are predicting that it will take three to five years for the airline industry to recover.

Hawai'i's cost of living is high. Even in the best of times, it is a struggle to make ends meet. While Hawai'i's economy may improve, it appears unlikely that we will return to a pre-pandemic economy in the foreseeable future.

With respect to housing, there are two moratoriums in place. The Hawai'i eviction moratorium was extended through September 30, 2020. The Center for Disease Control moratorium extends through the end of the year. Some landlords are alleged to have ignored the Hawai'i moratorium and "evicted" tenants. Once the moratoriums end, the estimated number of evictions varies depending on the source. For landlords, eviction may lead to empty units and the inability to pay mortgages or meet monthly expenses. Several of us have spoken at public forums. The level of frustration in the landlord community appears high. Tenants who are unable to pay rent face the prospect of living with family or friends or becoming homeless. Hawai'i has been reported to have one of the highest rates of homelessness in the nation. Post-moratorium evictions carry the potential of adding to the problem. Homelessness is only the beginning of a downward spiral. Eviction can lead to other problems such as a lack of health care, inadequate nutrition, lack of childcare and education, and victimization. Fixing these problems after-the-fact will require a high level of government funding. The impact on court operations could also be great. Fortunately, state and county rent assistance programs are now in place throughout Hawai'i. Once all funds have been released, there will be over \$120 million dollars available for rent and other assistance. However, the funding is scheduled to lapse at the end of the year.

Housing is only one of the areas that may be impacted by the pandemic. One can anticipate issues in other areas such as employment, labor practices, domestic violence, education, access to assistance programs, and health care.

The agencies represented on the Hawai'i Access to Justice Commission and our Administration Committee have been doing an excellent job of responding to the pandemic. For example, the Legal Aid Society of Hawai'i ("LASH") has been working on a plan to respond to evictions that includes education, application for rent assistance, financial counseling, and mediation. The Mediation Center of the Pacific ("MCP") has created a rapid

response mediation program to provide landlords and tenants with quick access to mediation. Mediation centers throughout the state are now poised to help mediate disputes. Members of the Hawai'i State Bar Association have participated in training presented by LASH in order to serve as pro bono legal counsel. Volunteer Legal Services Hawai'i ("VLSH"), Lawyers for Equal Justice, and Partners in Care are also playing a critical role in assisting those impacted by the Coronavirus. Domestic violence programs have increased awareness concerning the risk of violence during lockdowns and have assisted those impacted by domestic violence. The list goes on and on. As a Commission, we need to support all of these efforts.

With the foregoing in mind, I have listed some proposals that a task force might consider as part of a response to the Coronavirus pandemic. The first proposal involves the establishment of a Coronavirus task force. I have listed other proposals that may be considered by a task force. Some of these proposals involve initiatives that are already being implemented by our members.

1. **Creation of an ATJ Coronavirus Task Force:** The pandemic will continue to evolve in ways that may be difficult to predict. A task force consisting of a combination of certain Commissioners who have the time to serve (some agencies are already working at maximum level and probably cannot take on more responsibilities) and other volunteers will provide a means of responding to anticipated and unanticipated impacts. Over time, the Task Force will acquire specialized knowledge on the pandemic and its impacts. Alternatively, we can simply refer pandemic-related issues to our existing committees. However, having a Task Force dedicated to pandemic issues may prove more efficient. When appropriate, the Task Force can always recommend that a particular issue be referred to a committee or task force.

I can stop here and leave it to the task force to develop responses as needs arise. If a task force is established, the following recommendations, among others, may be considered.

1. **Assist Agencies In Publicizing State and County Programs Such As Rent Assistance Programs:** For many individuals impacted by the pandemic, there may be no need to resort to the courts to resolve issues related to unpaid rent. The City and County of Honolulu has had a \$22 million rent assistance program in place since May 18, 2020. The program provides up to \$2,000 per month in rent relief for those impacted by the pandemic. The relief covers the period of April 1, 2020 through December 31, 2020. Other counties have similar programs in place. The State has just commenced the first phase of its own \$100 million two-phase rent relief program. This program provides up to \$2,000 per month in rent relief on O`ahu and up to \$1,500 per month on the neighbor islands for March 1, 2020

through December 31, 2020. Collectively, these programs have over \$120 million in rent assistance that could make a significant difference for landlords and tenants in Hawai'i. Unfortunately, the rent relief programs that have been available since May 2020 appear to be underutilized. Many individuals have been unaware of their existence. Several individuals were referred to me. All were unaware of the rent assistance programs. In response, Commission/Administration Committee members and others have been participating in public forums to publicize these programs. Also, the Judiciary's Public Affairs Office has offered to assist in publicizing Judiciary initiatives and relief programs. Thus, we may wish to consider supporting the Judiciary, the State and County programs, and other agencies in publicizing these relief programs as well as other programs that may emerge.

2. **Rapid Response Pre-Complaint and Post-Complaint Mediation:** The Mediation Center of the Pacific (MCP) has already established a free rapid response mediation program for landlords and tenants. MCP plans to schedule multiple mediation sessions per day depending on the demand. The Commission can play an active role in supporting MCP and the other mediation centers throughout the state in providing pre-complaint and post-complaint rapid response mediation. Whenever a dispute is successfully mediated, everyone benefits.
3. **LASH's Modified Mediation Proposal:** Although a significant number of eviction cases might be resolved without commencing an eviction proceeding, there will be others that may not settle because the tenant does not qualify for rent relief or the parties are unaware of the availability of relief programs. LASH has proposed that courts utilize a modified version of the successful foreclosure mediation program developed in the Third Circuit during the Great Recession of 2008. It appears that at least some of the circuits will use this model. This program provides education, application assistance for relief programs, financial counseling, and mediation and should prove beneficial for all concerned. The need for this program may increase when there are no moratoriums in place in January 2021.
4. **Identifying Potential Sources of Settlement Funds:** As noted, some individuals will not qualify for pandemic relief. Given the current state of the economy, some unpaid rent disputes may be able to settle using a combination of tenant, government, and private sector funds. With this in mind, an inventory of available government and private sector funding/programs should be compiled for use by mediators. An inventory of private sector funds should also prove valuable.
5. **Volunteer Court Navigator Programs:** This proposal comes at the request Director of the Department of Community Needs for the City and County of Honolulu, Pamela Witty Oakland. Specifically, she requested that court navigators be present during landlord-tenant cases to personally provide

information on assistance programs. She offered to provide the training for the navigators. While the same information can be provided in writing, providing information personally may prove more effective and allow for follow-up questions. Previously, the Hawai`i Supreme Court authorized the implementation of Volunteer Court Navigator Programs as pilot projects in the First and Second Circuits. The program continues to operate as a permanent program in the Second Circuit, although it has been temporarily impacted by the pandemic. The documents needed to once again implement the program in the First Circuit still exist. Hawai`i Supreme Court approval will be necessary.

6. **Creation of an Island-Wide Inventory of Available Rental Units:** In eviction cases, if it becomes apparent that the parties will be unable to settle, it may help to have access to an island-wide inventory of available rental units. Presently, such an inventory does not exist. Certain agencies and businesses maintain limited lists of available rental units. Building and property managers have their own inventories. Government and nonprofit agencies have lists of available assistance or transition units. A complete inventory of available units would allow the parties to consider the option of giving the tenant more time to vacate and transition into an affordable rental unit thus, preventing the tenant from becoming temporarily homeless.
7. **Volunteer Attorneys:** We may wish to assist LASH and VLSH with securing the services of as many volunteer attorneys as possible. As noted above, landlord-tenant training for volunteer attorneys has already been provided by LASH. As the pandemic evolves, other areas of the law may emerge as areas of need.
8. **Collecting, Publicizing, and Maintaining Program Information:** Many excellent assistance programs already exist. Lists of programs have been compiled. For example, Partners in Care has done an excellent job of compiling information. We need to encourage system-wide use of this valuable information. Unfortunately, some individuals remain unaware of these programs and/or program information is not current. Accordingly, collecting a list of programs, keeping the information current, and disseminating this information may prove beneficial. For example, programs that provide temporary storage of valuables for those evicted are extremely important but may be underutilized.
9. **Responding to Violations:** It has been reported that there have been violations of certain orders or statutes. For example, it has been alleged that there were violations of the Hawai`i eviction moratorium. The task force can consider whether it would be appropriate to address such violations in some fashion.

10. **Support for Existing Pandemic Protocols:** Certain agencies have had pandemic protocols in place for years. To the extent that these touch on access to justice issues, the Commission may wish to play a supportive role if the agencies desire our assistance.

11. **Avoiding the Digital Divide:** During the pandemic, our courts have made effective use of remote access technology to conduct hearings. The Judiciary has done outstanding work in this area. The Judiciary has been mindful of the fact that creating more access through technology can produce the unintended consequence of reducing access for those who cannot afford modern technology. As the pandemic unfolds, it will be important to provide remote access for those who desire such access. There is not enough time to develop and purchase the technology required for a remote access program that can serve everyone. However, our member agencies utilize such technology and may be able to make this available to those desiring its use. I also understand that a pilot project has been or will be implemented at the Supreme Court Library. In the long term, developing a program that provides technological access is something the Access to Justice Commission should consider a priority. In the interim, our member agencies should consider making remote access immediately available to those in need.

This concludes some of my observations to date. I will continue to learn more and rely on you, our experts, for guidance.

2020 PRO BONO CELEBRATION

by Shawn L.M. Benton

National Pro Bono Celebration week took place across the country in October. As part of the festivities, the Hawaii Access to Justice Commission (“Commission”) celebrated its eighth annual Pro Bono Celebration in a very different way this year. Due to health and safety concerns during the COVID-19 pandemic, instead of an “in-person” event, the Commission partnered with ThinkTech Hawaii to tape and livestream the Celebration.¹ In addition, during the weeks leading up to the Celebration, ThinkTech Hawaii hosted four segments focusing on various legal service providers, their honorees, pro bono volunteers, and self-help initiatives.

The annual Celebration allows the Bar to recognize and thank the attorneys and individuals who generously donate their time to assist hundreds of people each year. It also recognizes those volunteers who have gone above and beyond to assist our legal service providers in helping the public and serves to inspire Hawaii’s young people to volunteer. Equally important, the Celebration is a reminder of the importance of pro bono work and helping those in need, especially during the current COVID-19 pandemic. It is only through the efforts of the many individuals who dedicate hundreds of hours of pro bono service that Hawaii continues to increase access to justice for all.

This year’s Pro Bono Celebration was supported by the Hawaii Access to Justice Commission, Hawaii Justice Foundation (“HJF”), the Hawaii State Bar Association (“HSBA”), and the Hawaii State Bar Foundation (“HSBF”). The Celebration honored a number of dedicated organizations and individuals throughout the state—including legal service providers, volunteers, and students.

Chief Justice Mark Recktenwald opened the celebration by recognizing the commitment of the legal service

providers and volunteer attorneys and the students’ desire to serve their communities:

Today’s student and pro bono honorees possess a quality of selflessness that helps to make Hawaii a better place for all. I had the honor of reviewing the finalists for the student essay competition and was touched by their inspiring messages of hope and compassion. Many students expressed that volunteering helped them to build a better sense of community with those whom they were helping or inspired surprising changes in attitude and perspective within themselves. Many also encouraged their peers and siblings to get involved and volunteer. Some noted that because they were home during the pandemic, they had to be creative to find new ways to provide community service and saw the impact that their service had on the lives of others. In many ways the sentiments expressed by the student submissions are universal and remind me of the best attributes of our own Access to Justice Commission members and attorney volunteers. Those attorneys, the pro bono attorneys, who we are recognizing today, along with Hawaii’s dedicated legal service provider staff attorneys, are the heart and soul of our access to justice community and help to inspire hope in those who may be experiencing some of the most challenging times in their lives. The pandemic has made this work even more difficult than ever, but I’ve been amazed by the creative and innovative ways that these folks have found ways to continue to serve—particularly now when so many in our community need greater support than ever.

Justice Simeon Acoba (ret.), former Chair of the Commission, also discussed the history of the



Commission and some of its accomplishments over the last ten years, noting:

[D]uring the great recession in 2008, the Commission formulated and recommended a court-initiated mediation program in mortgage foreclosure cases. The Supreme Court adopted this program and, on the Big Island, this project successfully covered close to six hundred cases. Second, the Commission helped to initiate the Access to Justice Room program ... and, in this program, the Judiciary, the Legal Aid Society, and the [HSBA] partnered to provide free legal service and/or information at the courthouses on every island. Third, beginning in 2014, the Commission partnered with the [HSBA] to initiate a pro bono appellate project in which attorneys provide free legal representation in certain appellate cases. This program was permanently approved by the Hawaii Supreme Court in 2017. As a fourth matter, in 2018, the Supreme Court approved a Commission-proposed court navigator system for Maui, where Judge [Joseph] Cardoza resides ... in which volunteer laypersons are trained to provide in-person assistance at the courthouse for unrepresented litigants regarding court forms, procedures, and hearings. And finally, ... the Commission coordinated two national grants of one hundred thousand dollars each that resulted in a community navigator program which trains trusted leaders in different communities to provide assistance to persons in need and a government roundtable program that brings agencies together to promote the effective delivery of legal services.

Finally, Judge Joseph Cardoza (ret.), Chair of the Commission, addressed the continuing challenges the Commission will face as a result of the COVID-19 pandemic and the commitment necessary to provide access to justice to meet the critical needs in the community:

Access to justice requires a system-wide collaborative effort involving the judiciary, many individuals, agencies, and the community itself. The coronavirus pandemic has challenged our ability to fully engage in that collaborative endeavor. At the same time, the pandemic has resulted in the needs of the community dramatically increasing in number, complexity, and urgency. Effectively meeting these needs through an ongoing system-wide collaborative effort is both a challenge and an opportunity. We are fortunate in Hawaii to have individuals and agencies who consistently place service above self and a judiciary that places the highest priority on service. This Pro Bono Celebration is a confirmation of the commitment of those involved in access to justice. The challenge to meet the critical needs of Hawaii in these difficult and unprecedented times will be with us for some time to come and may become even more challenging. However, we will emerge from this period having embraced the challenge. This will make us stronger, more innovative, and responsive to the needs of our community as well as the individuals and agencies that provide the critical services for those in our community.

Pro Bono Honorees

Legal service providers play a key role in increasing access to justice in Hawaii. The dedicated attorneys throughout the islands who provided pro bono services are vital in assisting these legal service providers. These individuals were honored at the Pro Bono Celebration.

The Mediation Center of the Pacific

The Mediation Center of the Pacific (“MCP”) is a non-profit community service organization that provides affordable and accessible mediation to the local community. MCP brings people together to facilitate conversations between each other and help them negotiate agreements that work for them. According to Tracey Wiltgen, MCP’s Executive Director, MCP’s services are important because they allow the parties to be creative and to come up with their own solutions on how best to resolve a dispute. Wiltgen explained that MCP services close to 1,800 individuals through mediation each year. MCP’s volunteer mediators also volunteer thousands of hours each year and attend training and continuing education to ensure that they are providing quality service.

MCP honored Samantha “Sam” Kasnetz. A passionate, high-energy personality, Kasnetz quickly became a regular mediator following her participation in MCP’s Mediation Training in April 2016. Since that time, she has mediated over 328 cases, primarily in the domestic arena, involving 432 sessions and over 1,161 hours. In addition to mediating some of the most challenging cases, Kasnetz regularly assists with MCP’s trainings, as well as at various government, private, and non-profit businesses throughout Oahu. Last year, Kasnetz assisted with trainings for the Honolulu Police Department, the Department of Education, the Department of Labor, and more. She also helped with outreach and education at various conferences and pop-up events coordinated by MCP in Honolulu, Wahiawa, Waianae, and other communities throughout the island. Kasnetz’s “can-do” attitude and willingness to help whenever and wherever she is needed has been an inspiration to MCP staff, mediators, and clients alike. When asked why she volunteers for MCP, Kasnetz responded:

It feeds my soul. I love meeting new people. It is an amazing feeling to be able to help people move on with their lives, to get an apology that’s been sought after for years. People come to us, they bare their souls, they tell us very, very intimate details about themselves, about their lives, their children, their spouses. ... it’s very humbling that people come and share their lives with us the way they do and being given the opportunity to help somebody resolve something so they can move on with their lives and look forward, instead of back, it’s an honor and it’s very humbling and I’m very grateful and for me personally, I learn and grow every single time I mediate.

Volunteer Legal Services of Hawaii

Volunteer Legal Services of Hawaii (“VLSH”) initially started as a project by the HSBA Young Lawyers Division to provide pro bono legal services to the community and it has been providing free legal services for the low to moderate income community for almost forty years. VLSH also provides education and outreach to individuals so they have the knowledge of the type of services available to assist them in their time of need. There are approximately two hundred individual attorneys and law firms that currently volunteer their time with VLSH to assist with services.

According to Angela Kuo Min, Executive Director for VLSH, “Pro Bono work shows that we are part of and care about the community. Providing free legal services is especially important and critical during these unprecedented times. VLSH pro bono attorneys are the backbone of the organization, without whom access to justice could not be achieved in Hawaii.”

VLSH honored Oahu attorney, Clarissa Malinao. Malinao is one of VLSH’s regular Neighborhood Legal Clinic volunteer attorneys, assisting those with family law matters. Additionally, Malinao volunteered and represented numerous VLSH Re-Employment and Community Services Work Program clients prior to her appointment as a per diem judge for the District Court of the First Circuit in August of 2019. Since her appointment, she continues to recruit additional volunteers for VLSH and volunteers for VLSH’s monthly family law clinic. Malinao also joined Judge Melanie May in leading a training program for new volunteer attorneys. Malinao explained why pro bono services are important, saying, “People generally just need to know where to begin. They need someone to listen to their needs of what they’re feeling in that moment and to be able to commit to that is so rewarding.”

Legal Aid Society of Hawaii

The Legal Aid Society of Hawaii (“LASH”) provides free legal services for civil matters to individuals who meet certain income criteria. LASH’s mission is to address critical legal needs in Hawaii through high quality legal advocacy, outreach, and education in the pursuit of fairness and justice. LASH also partners with the Judiciary and the HSBA to maintain the Access to Justice Rooms and self-help centers available in the courthouses across the state.

This year, LASH honored Maui attorney, Benjamin Acob. Acob has been a longtime supporter and volunteer with the Maui Self-Help Center, dedicating countless hours to assist the people of Maui with their needs, ever since the Center opened in Wailuku in 2012. In 2016, Acob was recognized by Chief Justice Recktenwald at an event for Self-Help Center volunteers, for going above and beyond in his volunteer work at the Center, taking on representation of a family, who had limited English proficiency, and who were facing eviction from low-income housing. Over the past year, Acob signed up for more shifts at the Maui Self-Help Center than any other volunteer. Beyond this, Acob would often stop by the Center if he were at the courthouse and would end up taking shifts spontaneously if it was short-staffed that day. For every pro se litigant he assisted, Acob would take the time to listen with care, no matter how long it took. Both customers and those who worked with Acob alike have expressed admiration and appreciation over not only his legal expertise but also the way he is able to deliver legal services in a manner that is compassionate and with dignity. This year alone, Acob has helped hundreds of those in need who have come to the Maui Self-Help Center and has proved indispensable in increasing access to justice for those without legal representation.

University of Hawai‘i Elder Law Program

The University of Hawai‘i Elder Law Program’s (“UHELP”) is celebrating over thirty years of service to the local community. UHELP plays a vital role in educating students and in providing qualified legal services to older people and their caregivers in our community. UHELP’s goal is to enhance, protect and preserve the autonomy and independence of older persons through education, training, and direct legal services. UHELP places particular emphasis on assisting older persons with limited assets and income. Jim Pietsch, Director of UHELP, emphasized the need for serving the elderly because of the significant impact of aging, such as diminished capacity, abuse, neglect, exploitation, and disappointment at the end of life, especially during the current COVID-19 pandemic.

UHELP honored Christy Matsuba. Matsuba has been volunteering with UHELP since she graduated from the William S. Richardson School of Law in 2007. During law school, she worked as the senior law student legal clerk for UHELP. Matsuba has always made herself available to help when UHELP needed assistance and participates in a wide range of activities from assisting with major conferences, to making presentations in the community, to mentoring, and going on outreach with elder law clinic students. Having a depth of legal knowledge developed in a range of legal settings, Matsuba is particularly helpful to law students on issues relating to estate planning, including wills, trusts, and probate. She is a valued volunteer with UHELP and always exhibits the highest levels of competence, confidence, civility, and cheerfulness.

Kapolei Access to Justice Room

The Kapolei Access to Justice Room (“KAJR”) provides limited legal advice regarding family law matters by volunteer

attorneys. The volunteer attorneys for KAJR offer their time, expertise, and guidance to individuals on a variety of family court civil issues, including divorce, paternity, custody/visitation, child support, adoptions, and guardianships.

In talking about the KAJR volunteers, Judge Brian Costa noted:

Pro bono means for the public good. It's a Latin phrase for professional work undertaken voluntarily and without payment... [The KAJR volunteer attorneys'] time and expertise is invaluable and they provide these individuals with a level of comfort as to the process and as to what's coming up next.

Judge Costa acknowledged the individuals who volunteered at KAJR including: Kevin Adaniya, Caitlyn Axe, Leslie Ching Allen, Richard Diehl, Shelby Ferrer, Noah Gibson, Shannon Hackett, Thomas Haia, Jill Hasegawa, Steve Hioki, Ann Isobe, Mari Kishimoto Doi, Lynnae Lee,


Marianita Lopez, Elsa McGehee, Dyan Mitsuyama, Juan Montalbano, Courtney Naso, Gemma-Rose Poland Soon, Ellen Politano, Tom Tanimoto, Jackie Thurston, Carol Tribbey, and Cheryl Yamaki.

Volunteer Settlement Master Program

The Volunteer Settlement Master ("VSM") Program was established in 2004 to assist divorcing spouses and unmarried couples with children to resolve their custody and financial issues by making fair and workable agreements with each other, as an alternative to litigating those issues before the Family Court. The VSM Program is a collaboration between the Family Court, the HSBA Family Law Section, and MCP. Licensed family law attorneys are appointed by the Senior Judge of the Family Court to serve as VSMs. A VSM will typically be appointed by the Family Court following a conference conducted in response to a request by one divorcing spouse to set the case for trial. The Family

Court may also assign a VSM to address pre-divorce, post-divorce, and paternity issues.

Judge Costa thanked the VSM Program volunteer attorneys including: Kevin Adaniya, Marrionette Andrews, Cheryl Arakaki, Sara Jo Buehler, Jennifer Chan, Bradley Chong, Tom Crowley, Nicole Cummings, Everett Cuskaden, William Darrah, Richard Diehl, Gavin Doi, Huilin Dong, Thomas Farrell, Shelby Ferrer, P. Gregory Frey, Stacey Fukuhara-Barclay, Noah Gibson, Christian (Christy) Gray, Donna Davis Green, Geoff Hamilton, Seth Harris, Steve Hartley, Jill Hasegawa, Denise Havicon, Stephen Hioki, Debbie Jew, Curtis Kam, Kevin Kimura, Charles Kleintop, Erin Kobayashi, Jackie Kong, Ed Lebb, Lynnae Lee, Kendal Luke, Katherine Lukela, Tim Luria, Michael McEnery, Elsa McGehee, Lynne McGivern, Dyan Mitsuyama, Naoko Miyamoto, Juan Montalbano, Courtney Naso, Blake Okimoto, Maria Penn, Anthony Perrault, Ellen Politano, Pablo



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Honolulu District Court Access to Justice Room

The Honolulu District Court Access to Justice Room provides free legal advice to unrepresented litigants involved in civil cases. Self-represented litigants are able to ask questions and get free legal advice about landlord-tenant matters, credit card and debt collection cases, contract cases, such as personal loans, car repairs, and personal service cases, tort cases, and temporary restraining orders. Judge Melanie May discussed how the shift from in-person to remote legal services presented new and improved ways for attorneys to provide legal advice and for the public to receive legal assistance. This shift also provided additional access for attorneys to be able to volunteer from their homes or offices.

Judge May thanked the Honolulu District Court Access to Justice Room volunteer law firms and organizations including: Bronster Fujichaku Robbins; Cades Schutte; Carlsmith Ball; Case Lombardi & Pettit; Chun Kerr; Damon Key Leong Kupchak Hastert; Filipino Lawyers Association; Goodsill Anderson Quinn & Stifel; Hawaii Association of Justice; Hawaii Women Lawyers; Marr Jones & Wang; McCorrison Miller Mukai MacKinnon; Office of Disciplinary Counsel; Schlack Ito; and Yamamoto Caliboso.

Judge May also recognized individual volunteer attorneys including: William Bagasol, Cassie Bagay, Thomas Berger,



Ben Creps, Gilbert Doles, Ben Fisher, Mike Goodman, Arlette Harada, Walter Hebblethwaite, Nathaniel Higa, Naomi Iwabuchi, Daniel Kim, Matthew Kollinger, Christina Ohira, Megumi Sakae, Katherine Vessels, and Bryant Zane.

When asked about volunteering with the Honolulu District Court Access to Justice Room, longtime attorney volunteer, Bryant Zane, stated: “I’m really fortunate that in my paid job and in my volunteer job I help people who would otherwise not have access to an attorney and that is quite gratifying. So, I’m quite fortunate that those are the people that I work with.”

Appellate Pro Bono Program

The Appellate Pro Bono Program is a joint effort of the Judiciary, the HSBA Appellate Section, and VLSH to match volunteer attorneys with self-represented litigants who are parties to an appeal. Cases in the program are limited to non-criminal appeals in the following civil matters: foreclosure, summary possession, employment discrimination, worker’s compensation, wrongful termination, denial of unemployment benefits, state tax appeals, probate matters, and paternity and non-married custody case.

Justice Michael Wilson noted that the volunteer attorneys participate in cases that have been in the system for an extended length of time because the

cases either involve intractable problems or have great social importance. He also acknowledged that “attorneys volunteer their extremely valuable skill set of appellate legal advocacy to represent citizens for free who cannot afford an attorney but who nonetheless have pursued their cases through our court system to oral argument before our appellate courts.”

Justice Wilson thanked the Appellate Pro Bono volunteer attorneys including:

Sharla Manley, Richard Mitchell, Robert H. Thomas, and Joanna C. Zeigler.

Appellate Mediation Program

The Appellate Mediation Program started in 1995 to offer an alternative to litigation on appeal and for individuals to work with experienced mediators to look at options that might not have been thought of to resolve cases without the cost of litigation on appeal. The program settles an average of 53% of cases each year.

Judge Wilson described the volunteers as “among the finest, most experienced lawyers and retired judges in Hawaii.” Anne Smoke, Appellate Mediation Program Administrator, also explained that the pro bono mediators “really do feel a commitment to the community and a commitment to the courts and having been in the court system and part of that institution they see the value of taking some of these cases out of appeal and settling them to reserve the time for the cases that have to stay on appeal.”

Justice Wilson thanked the volunteer mediators including: Judge Ricki May Amano, Judge Joel August, Judge Karen Blondin, Professor Addison Bowman, Robin Campaniano, Corlis Chang, Louis Chang, Chuck Crumpton, Justice James Duffy, Jaqueline Earle, Judge Max Graham, Diane Hastert, Diane Hifo, Kenneth Hipp, Judge Colleen Hirai, James Hoenig, Judge Walter Ikeda, Elizabeth Kent, Judge

Walter Kirimitsu, Justice Robert G. Klein, Ralph La Fountaine, Roz Loomis, Ivan Lui-Kwan, Judge Vicky Marks, Georgia McMillen, Douglas McNish, Judge Marie Milks, Chief Justice Ronald Moon, Richard Mosher, Judge Gail Nakatani, Patricia Park, Judge Shackley Raffetto, Judge Frank Rothschild, Judge Nancy Ryan, Judge Sandra Simms, Judge Leeland Spencer, Thomas Stirling, Judge Allene Suemori, Owen Tamaoka, Judge Michael A. Town, Judge Diane Warrington, Arne Werchick, Judge Andrew Wilson, and Judge Patrick Yim.

The High School Student Essay Award Recipients

Each year, the Commission sponsors a high school essay contest in order to promote understanding and awareness of the importance of volunteerism in the community. This year's theme: *"Standing Together, Six Feet Apart: How Did You Serve the Community During the COVID-19 Pandemic?"*, asked students to describe their volunteer experiences during the COVID-19 pandemic. The Commission received essay submissions from public and private high school students throughout the State in grades 10 through 12, with the top three winners from Oahu, and an entrant from Kaua'i, Maui, and West Hawaii, all receiving the top student awards. Each student awardee received a \$500 cash prize, and an additional \$100 award for educational purposes was given to a teacher named by the student awardee. The law firms sponsoring this year's essay contest were: Case Lombardi & Pettit; Chong, Nishimoto, Sia, Nakamura & Goya; Damon Key Leong Kupchak Hastert; Ota & Hara; Schlueter Kwiat & Kennedy; and Tateishi & Tanaka.

The preliminary judges for the essay contest included: Judge Todd Eddins, Judge Shirley Kawamura, Judge Catherine Remigio, Judge Rowena Sommerville, Judge Kevin Souza, Judge Rebecca Copeland, Judge Dyan Medeiros, Judge Kristine Yoo, and Judge Natalie Shaw. The finalist judges for the essay contest were: Chief Justice Recktenwald, Judge

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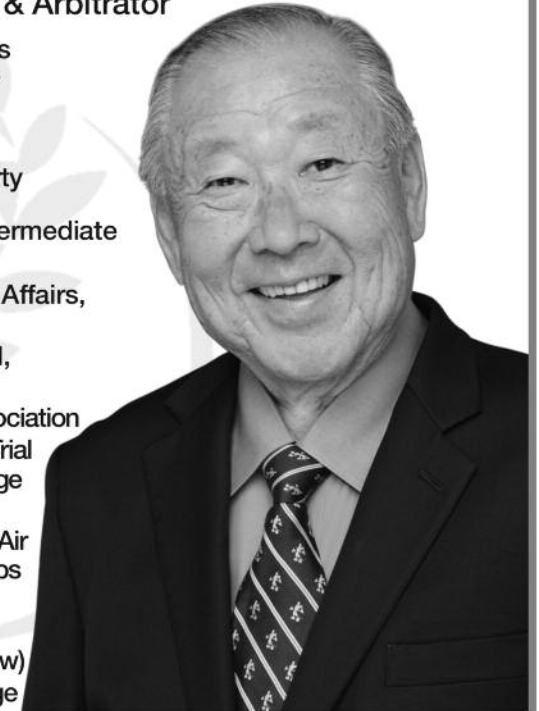
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Greg Nakamura (ret.), and 2020 HSBA President P. Gregory Frey.

The 2020 essay award recipients were: Mariah Ramo (Waipahu High School), Josiah Richards (Makua Lani Christian Academy), Emily Tom (‘Iolani School), Kaitlin Kitagawa (King Kekaulike High School), Valor Ahn (Kaimuki Christian School), and Kai Mottley (Kaua‘i High School).

In recognizing one of the student awardees, Mariah Ramo, Chief Justice Recktenwald thanked Mariah for selflessly giving her time to help others in need. Mariah wrote about her efforts to fundraise for children in her hometown of Bacarra, Ilocos Norte, Philippines, to ensure that they have a stable Wi-Fi connection and technology to be able to continue their education during the pandemic. She also talked about her efforts to assist her peers at Waipahu High School with distance learning, including creating short video tutorials on various google suite applications. Mariah noted, “If we miss educating students for one whole year it can cause catastrophic ripples in a decade or more.”

Chief Justice Recktenwald also thanked Kailua-Kona student, Josiah Richards, for helping to spread compassion and a spirit of volunteerism throughout the community. Josiah volunteered with his local university’s kitchen, to ensure that students trapped in quarantine had access to food. In his essay, Josiah noted, “[w]orking [at the local university’s kitchen] was truly an eye-opening experience to see what togetherness looked like in nearly its purest form. I was confounded by how well the final result of each day turned out when we had to rely on each other so much. It put into perspective how much people can get done if they simply work together as one body.”

Judge Nakamura recognized student Emily Tom for her essay and dedication to the issue of healthcare access. Emily volunteered with Americans for Democratic Action, where she researched healthcare systems throughout the country and world, and compiled her findings in a report,

which included a section on suggested best reforms. In her essay, Emily commented, “[a]s bleak as the future may seem, the best possible takeaway from COVID-19 is lasting reform. Learning about the successes and failures of our current policy and searching for ways to improve not only provides us with the power to bring change, but it also fulfills our civic duty as Americans. Although I am only one person, the time I spent over the summer pushing for change was time well spent. I have contributed to a larger conversation that, hopefully, will encourage policymakers to address the root of the problem and create a better future for our islands.” Judge Nakamura noted that Emily has the potential to make the changes she suggested in her essay and should be encouraged to pursue her ideas.

Judge Nakamura also congratulated King Kekaulike High School student, Kaitlin Kitagawa, for her service to her local upcountry Maui community. Kaitlin participated in food distribution events in her community, cleaning, sorting, and packing hundreds of pounds of locally donated produce. While she was preparing the food packets, she engaged in discussions with other volunteers about the legislative process and elections, and the importance to keep informed and be engaged on the issues that affect her community. Of her volunteer experience, Kaitlin noted: “My summer was restricted much more than in past years, but I still found ways to positively contribute to my community from a safe distance. Although times are tough, there are still ways to serve as a contributing, informed, and masked member of the community.”

Frey recognized the important volunteer work that Kaimuki Christian School student Valor Ahn did during the COVID-19 pandemic. Valor volunteered with the Salvation Army hotline, responding to voicemail messages left by people needing assistance, including many left unemployed or homeless by the COVID-19 pandemic. To many who needed assistance, Valor provided a sympathetic ear, when it was needed. When talking about one particu-

lar experience he had while volunteering, Valor noted, “That summer day [when speaking to one of the people], I felt deeply humbled and my eyes were open to this fact: everyone has a story, and some just need a listening ear.”

Frey also congratulated Kauai High School student, Kai Mottley, for his service to the community. During the COVID-19 pandemic, Kai could not escape hearing about all the needless deaths and the emotional toll that it was having on his local community, especially with mental health issues. While he didn’t have any medical training, Kai heard about the urgent need for face shields for first responders. Kai recognized that with his 3D printer and computer-aided design skills, he could help, and reached out to offer his assistance. Over the next few months, Kai turned his garage into a factory, producing face shields one after another, from 6 a.m. to midnight, providing valuable equipment for our front-line medical professionals. Kai noted of his efforts, “Just like ‘Rosie the Riveter’ during World War II, you don’t have to be a fighter on the frontline to make a difference.”

The Commission is grateful to everyone who supported and participated in the 2020 Pro Bono Celebration. A special thank you to the Pro Bono Initiatives Task Force for planning the Celebration.²

¹ Due to time constraints, the Pro Bono Celebration was taped live on October 9, 2020, prior to National Pro Bono Celebration Week. However, the Pro Bono Celebration is available for viewing on YouTube and Vimeo, as well as the Thinktech Hawaii website.

² The Pro Bono Celebration is coordinated by the Pro Bono Initiatives Task Force comprised of Judge Brian Costa, Co-Chair, Tracey S. Wiltgen, Co-Chair, Justice Simeon Acoba, Justice Michael Wilson, Judge Ronald Ibarra, Judge Melanie May, Judge Trish Morikawa, Shawn L.M. Benton, Marie Gavigan, Jill Hasegawa, Regan Iwao, Angela Kuo Min, and Trisha Nakamura.

Shawn L.M. Benton is Senior Counsel at Cox, Wootton, Lerner, Griffin & Hansen LLP. She is also a member of the Pro Bono Initiatives Task Force Committee.