



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

Brandon M. Kimura
DEPUTY ADMINISTRATIVE DIRECTOR

December 21, 2021

Via electronic submission

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

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

Dear President Kouchi and Speaker Saiki:

Pursuant to Section 607-5.7, Hawai'i Revised Statutes (HRS), the Judiciary is transmitting a copy of the *Biennial Report on the Indigent Legal Assistance Fund*.

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

The public may view an electronic copy of this report on the Judiciary's website at the following link: https://www.courts.state.hi.us/news_and_reports/reports/reports.

Should you have any questions regarding this report, please feel free to contact Karen Takahashi of the Judiciary's Legislative Coordinating Office at 808-539-4896, or via e-mail at Karen.T.Takahashi@courts.hawaii.gov.

Sincerely,

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

Rodney A. Maile
Administrative Director of the Courts

Attachment

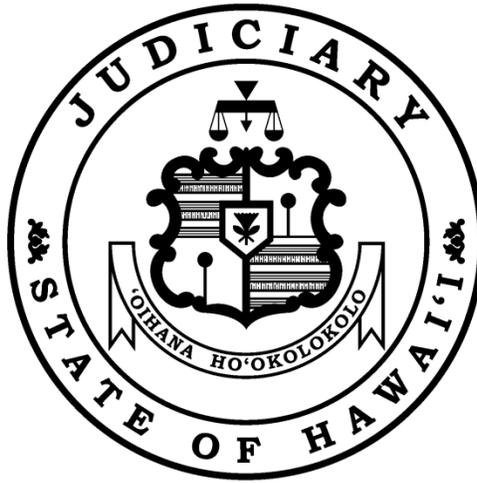
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Office of the Clerk, Hawai'i House of Representatives

**ANNUAL REPORT TO THE THIRTY-FIRST LEGISLATURE
2022 REGULAR SESSION**

ON

HRS § 607-5.7

Biennial Report on the Indigent Legal Assistance Fund (ILAF)



Prepared by:

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

December 2021

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SECTION I: EXECUTIVE SUMMARY RECOMMENDING CONTINUATION OF ILAF

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

The Indigent Legal Assistance Fund (ILAF) was created pursuant to Act 305, Session Laws of Hawai'i 1996 (hereinafter Act 305) and codified as Hawai'i Revised Statutes (HRS) § 607-5.7. Act 305 created a special fund that receives surcharges collected on selected types of civil cases filed in Hawai'i's various state courts. These surcharges are then distributed to qualifying organizations that provide direct civil legal services to those in Hawai'i whose income does not exceed 125% of federal poverty guidelines or who are eligible for free services under the Older Americans Act or Developmentally Disabled Act. The Program has operated successfully for more than 25 years. No general funds are involved in the process, and all the funding is generated from surcharges on selected court case filings (no government case filings are surcharged.)

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

Findings and Conclusion: The Hawai'i Justice Foundation, serving as fund administrator for ILAF pursuant to a contract with the Judiciary, has reviewed the effectiveness of ILAF and recommends that ILAF be continued in its current format. ILAF has positively affected the organizations receiving funds under this special fund, and each of these organizations has been effective in delivering requisite legal services to qualifying clients. Legal needs of the limited-income involve critical legal issues such as landlord and tenant, housing, financial situations, family law, and elder law. For FY 2020-21, which are the latest figures available for a year, the total number of cases handled under the ILAF program exceeded 10,000. These cases range from full representation in complex cases to providing legal information or making appropriate referrals for assistance. All cases meet the statutory requirements of ILAF, including poverty income guidelines and/or type of case (i.e., elderly or disabled.). The current process ensures that all funds collected under program will be used only for the intended purposes.

The ILAF program is an excellent example of the partnership between the Judiciary, HJF, and the ILAF legal service providers. The Hawai'i State Legislature is to

be commended for its creation and continued support of ILAF and for its positive actions increasing the surcharges through Act 180, SLH 2011.

ILAF, as amended by Act 180, is an acknowledgment of the serious need for legal services for those of low-income. Current national and local economic conditions remain very unstable and uncertain. Legal needs of people are higher than ever, due to these economic conditions. In addition to the delivery challenges under COVID-19, low-income legal service providers have experienced cuts in governmental funding sources and reduced contributions from private donations, which makes it critical that ILAF be continued. With the increased surcharges resulting from Act 180, funding to qualifying organizations has increased from about \$330,000 per year to \$1,000,000 in FY 2022.

The hard reality is that funds distributed under ILAF are not sufficient to fully fund any of the organizations. There still remains a need for other funding sources, including but not limited to federal and private foundation funding, private charitable contributions, and state legislative funding. ILAF does constitute a vital and essential source of stable funding for qualifying organizations. As further outlined in this report, ILAF has an extensive application and reporting process that ensures that organizations receiving ILAF funds are providing requisite services to qualified clients. This application and review process is quite onerous on both the applying organizations and on HJF, but the process is invaluable in ensuring that the available funds are fairly awarded based upon only those clients that qualify under the ILAF statute. On behalf of all of those people in Hawai'i who have received legal services under ILAF, it is respectfully requested that the Hawai'i State Legislature continue ILAF in its current form.

SECTION II: ILAF FUNDING AND OPERATIONAL MECHANISMS

HRS § 607-5.7 sets forth the operating details for ILAF, and these requirements are rigorously followed by the Judiciary, HJF, and all the participating organizations. The statute sets out the dollar amount of surcharges and the types of cases for which surcharges apply. The Judiciary collects the surcharges when cases are filed, and funds collected during a particular fiscal year are distributed in the following fiscal year. Act 180 expanded the types of cases to which the surcharges were applied and also provided for step increases in the amounts of surcharges, with the final step increase taking effect on January 1, 2014. While the amount of funds available through ILAF varies each year depending upon the number and type of case filings, it is clear that Act 180 has operated to provide significant additional distribution to qualified civil legal service providers.

Pursuant to HRS § 607-5.7, HJF manages the annual application process. Any organization that meets the eligibility criteria mandated by statute is allowed to participate in ILAF. The amount received by each organization is determined by that organization's pro rata share of the eligible expenses for its provision of direct legal services. Each organization has the opportunity to appeal any decisions regarding its pro rata share or other issues relating to its application, but no appeals have been made within more than 20 years.

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

(k) Funds shall be distributed on a pro rata basis to organizations that meet the criteria in subsection (i), based upon the portion of their total budget expended in the prior year for civil legal services to indigent persons as compared to the combined total expended in the prior year for legal services by all qualifying organizations applying for funding. An applicant that provides services other than civil legal services to indigent persons may establish its proportionate entitlement to funds based upon financial statements that strictly segregate the portion of the organization's expenditures in the prior year that were devoted exclusively to the provision of civil legal services for indigents. (Act 180, SLH 2011; H.R.S. § 607-5.7)

Prior to the impact of Act 180, the amount distributed each year to eligible ILAF organizations was approximately \$330,000. Act 180 has had a very positive impact upon the amount of funds distributed. The amount distributed from ILAF was \$330,000 in FY 2011; \$513,000 in FY 2012; \$472,039 in FY 2013; \$1,410,289 in FY 2014; \$1,425,000 in FY 2015; \$1,300,000 in FY 2016; \$1,000,000 in FY 2017; \$1,100,001 in FY 2018; \$1,000,001 in FY 2019; \$1,000,000 in FY 2020; and \$1,000,000 in FY 2021. The amount scheduled for distribution from ILAF in current FY 2022 is \$1,000,000, as detailed below:

Domestic Violence Action Center	159,684
Hawai'i Disability Rights Center	95,171
Hawai'i Appleseed Center for Law and Economic Justice, fka Lawyers for Equal Justice	16,805
Legal Aid Society of Hawai'i	539,482
Mediation Center of the Pacific	17,725
Native Hawaiian Legal Corporation	48,047
The Legal Clinic (immigration)	24,732
University of Hawai'i Elder Law Program	14,640
Univ. of Haw. Medical Legal Partnership	40,772
Volunteer Legal Services Hawai'i	42,942
Total	\$1,000,000

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

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

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

Quarterly reports and a yearly summary report are required of each organization and are reviewed by HJF prior to submittal to the Judiciary for its review. Each February, formal notice is provided in the *Honolulu Star Advertiser* announcing that applications for ILAF funds are being solicited, with a deadline set for early April. The application process is quite extensive, with thorough documentation required. The application includes an attestation clause which requires the Executive Director of each organization to attest to the truthfulness of the application. State unemployment reporting forms are used for verification of each employee, and individual signed statements are received from each employee attesting to the veracity of the percentage of time spent by that person providing qualified direct legal services to ILAF-eligible clients. Using this information, the pro rata percentage for each qualifying organization is calculated by HJF to 1/1000th of a percent. After the Judiciary reviews HJF's percentage recommendations, the Judiciary sends letters of award percentages to each applicant that meets ILAF requirements and qualifies for fund distribution.

Each organization has the opportunity to appeal any decision regarding its pro rata share or other application issues, but no appeals have been filed for more than 20 years. Once the current fiscal year has closed and the Judiciary has determined the total amount of funds that are available for distribution, the percentage allocation for each qualifying applicant is applied against the total available funds to determine each organization's yearly dollar award. These awards are then distributed quarterly, with HJF reviewing all invoices and the required quarterly and year-end reports. Quarterly checks are processed by the Judiciary to an organization only after that organization has submitted all required paperwork to HJF for certification and HJF has formally requested the Judiciary to pay the sum to the organization.

HJF has worked with each organization to ensure that the organization has in place effective methods for: a) screening potential clients for ILAF eligibility; b) generating accurate and complete information regarding cases handled under ILAF; c)

using the organization's "client grievance policy"; and d) developing tight mechanisms for demonstrating that ILAF funds are being effectively utilized. Each participating organization enters into a contract with the Judiciary about the duties and responsibilities of the organization receiving ILAF funds. These contracts contain strong provisions that require participating organizations to work closely with HJF and/or the Judiciary if so requested, should it appear that a specific organization might need to improve its ILAF screening or reporting process.

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

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

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

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

Low-income legal service providers are currently facing extreme financial hardships and increased need for services. COVID-19 has eliminated the traditional private fundraising opportunities of dinners and other fundraising events. No Legislative funding under Grants-In-Aid was provided in 2020 or 2021. Operational details under COVID-19 conditions have created additional challenges for the legal service providers to deliver essential services. The need for legal services continues to increase, due to poor economic conditions and the expanding percentage of the population who are

below 125% of federal poverty guidelines. At the same time, total funding for legal service providers has decreased. ILAF funds are one of the few stable financial sources available to providers. Federal Legal Services Corporation funding remains a controversial and unresolved political issue. Many ILAF organizations have had to reduce staff hours and reduce intake of cases. Additionally, throughout Hawai'i and the rest of the country, legal service providers have been forced to move from "full-representation" cases to primarily giving information and advice or to providing basic legal information in group situations in various community locations. The Judiciary, in conjunction with the Hawai'i State Bar Association and legal service providers, has now established Self-Help Centers in each Judicial Circuit. Hawai'i's legal community is working together to help meet the serious legal needs, but the situation remains a daunting one. Community support for pro bono and low-income legal services is extremely strong, but the fact remains that a large proportion of legal needs go unmet for those in Hawai'i's low-income population.

SECTION V: SUMMARY AND CONCLUSIONS

HJF has reviewed the effectiveness of ILAF and recommends that it be continued in its current format. Monies received from ILAF have had a positive effect upon all of the legal service providers that received funds, and each of these organizations has effectively delivered requisite services to qualifying clients. The ILAF process has operated smoothly and successfully for 25 years, and qualifying organizations know they will receive their fair pro rata share under the Program. More than 10,000 cases were handled under ILAF in FY20-21, helping more than 10,000 of Hawaii's people. The hard reality is that funds distributed under ILAF are not sufficient to fully fund any of the organizations and there still remains a need for other funding sources, including but not limited to federal funding, private foundation funding, private charitable contributions, and State of Hawaii legislative funding. The ILAF program is an excellent example of the partnership between the Judiciary, HJF, and the ILAF legal service providers. The Hawai'i State Legislature is to be commended for its creation and continued support of ILAF and for its positive actions increasing the surcharges through Act 180, SLH 2011.

APPENDIX:

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

Domestic Violence Action Center

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

Hawai'i Disability Rights Center

Legal Aid Society of Hawai'i

Mediation Center of the Pacific
Native Hawaiian Legal Corporation
The Legal Clinic
University of Hawai'i Elder Law Program
University of Hawai'i Medical Legal Partnership
Volunteer Legal Services Hawai'i



TO: Hawaii State Legislature

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

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

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

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

Domestic Violence Action Center, in FY 2021, reports the following:

AD-P-959

... Pearls of Hope in a Sea of Change

P.O. Box 3198 Honolulu, Hawaii 96801-3198

@domesticviolenceactioncenter • 808.534.0040 • domesticviolenceactioncenter.org

13,398 Telephone Contacts
125 Requests for Legal Representation:
126 Legal Cases Opened
105 Legal Cases Closed
179 Court Appearances by agency attorneys
1,790 Cases opened by the on-site EXPO Court Outreach Program

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

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

Very truly yours,



Nanci Kreidman, M.A.
Chief Executive Officer



HAWAI'I APPLESEED

CENTER FOR LAW & ECONOMIC JUSTICE

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October 15, 2021

Dear Honorable Members of the Hawaii State Legislature:

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

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

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

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

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

733 Bishop Street, Suite 1180
Honolulu, HI, 96813
(808) 587-7605
hiappleseed.org

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

Affordable Housing: Seventy-five percent of families living in poverty spend more than half of their income on housing. Ninety-five percent of all Hawai'i residents view the lack of affordable housing as a very serious or important problem. We continue to analyze the multiple barriers to creating affordable rental housing for low and moderate income households, and to develop practical solutions to reduce housing costs. One example of our work is developing a recommendations and assisting with implementation of pandemic rental assistance programs, helping Hawai'i to lead the nation on getting critically needed assistance to struggling households.

Legal Representation:

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

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

Aloha,



Gavin Thornton
Executive Director



HAWAII DISABILITY RIGHTS CENTER

1132 Bishop Street, Suite 2102, Honolulu, Hawaii 96813

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

E-mail: info@hawaiidisabilityrights.org Website: www.hawaiidisabilityrights.org

October 1, 2021

To: The Honorable Members of the 2022 Hawaii State Legislature
From: Louis Erteschik, Executive Director
Re: Indigent Legal Assistance Fund

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

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

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

AD-P-959



**HAWAII'S PROTECTION AND ADVOCACY SYSTEM FOR PEOPLE WITH DISABILITIES
HAWAII'S CLIENT ASSISTANCE PROGRAM**



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

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

Thank you again for everything.

Mahalo,

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

Louis Erteschik, Esq.
Executive Director

September 30, 2021

Dear Honorable Members of the Hawai'i State Legislature,

The Legal Aid Society of Hawai'i ("Legal Aid") wishes to express its sincere gratitude to the Honorable Members of the Hawai'i State Legislature for its on-going support of civil legal services through the Indigent Legal Assistance Fund. As the largest and oldest legal service provider in the state, Legal Aid receives the largest percentage of ILAF funds each year. We are a Statewide organization --- the only law firm that has offices located on, and able to deliver legal services to, Oahu, Kauai, Moloka'i, Lana'i, Maui, and Hawai'i through locally based staff. With the assistance of ILAF and even in the midst of the pandemic when Hawai'i was shutdown, in FY21, Legal Aid provided assistance in over 6,207 cases aiding indigent persons and seniors 60 years of age or older throughout Hawai'i.

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

The pandemic made even more important the need for civil legal services and legal information as so many residents were encountering a need to access government programs for the first time. Legal Aid responded quickly to provide essential legal services in the community despite island-wide shutdowns and closures. Noteworthy, were our homeless outreach staff who never stopped going out to the streets and on the beaches to help those most vulnerable during this crisis.

It is important to note that while ILAF support is substantial, it only covers a portion of the costs that it takes to serve the 6,207 cases which we closed last fiscal year. ILAF funds are critical in helping to leverage federal funding for legal services. ILAF currently provides a match for our AmeriCorps program, our Victims of Crime project, and other direct service projects. Funding also supports our front-line staff in our branch offices throughout the state who work directly with and represent clients from Pahoehoe to Hanalei.

Legal Aid remains committed to providing quality legal assistance for low-income individuals and those eligible for free services under the Older Americans Act. We understand that ILAF monies are public dollars, and we take commensurate care to spend these funds properly and wisely to increase access to justice for our clients. Legal Aid prides itself on providing high quality work. We believe the assistance we provide greatly impacts the lives of our clients. One measure of our success is feedback

AD-P-959

received through client satisfaction surveys. On average, our clients rate our services as good or excellent in 80% of all cases, and the vast majority agree that Legal Aid's services have helped to improve their lives.

Client Doris Maria recently shared, "I was so stressed out getting a divorce with no money to pay for an attorney. My sister told me to call Legal Aid and ask if they could help. So I did. Legal Aid was able to help me with my divorce and get out of an emotionally abusive relationship. I'm so thankful. Now I live a happy and stress-free life. No words can express how happy I am."

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

We thank you again for your support.



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



J. Blaine Rogers
Board President
Legal Aid Society of Hawai'i
924 Bethel Street
Honolulu, Hawai'i 96813



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Tracey S. Wiltgen

September 27, 2021

To: The Hawaii State Legislature
State Capitol
415 South Beretania Street

From: Tracey S. Wiltgen, Executive Director
The Mediation Center of the Pacific
245 N. Kukui Street Suite 206
Honolulu, HI 96817

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

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

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

Over the years, the number of cases managed by MCP has continued to grow. This past year, due to the coronavirus pandemic, MCP's caseload increased significantly. 10,771 people were served (an increase of 3,561 from prior FY), and 2,971 new cases were opened (an increase of 1,535 cases from prior FY). 85% of the people involved in the mediations were in the low-income population while previously only 53% were in the low-income population, and 32% were indigent, and increase of 9% from the previous year. The number of new domestic mediations (a key area where access to justice is critical) increased by 119 cases from the prior Fiscal Year to 803 new cases.

AD-P-959



THE MEDIATION CENTER OF THE PACIFIC, INC.
Bringing People Together to Talk, Negotiate and Resolve Conflict Creatively

1301 Young Street, Honolulu, HI 96814 Tel: 521-6767 Fax: 538-1454 Email: mcp@mediatehawaii.org

Due to the increased caseload and the need to manage most cases remotely via Zoom, mediator hours increased to 5,278 hours (1,351 more hours from prior FY) and staff hours increased requiring the addition of new staff. MCP's allocation of ILAF funds, helped to cover some of these costs.

The dramatic increase in MCP's caseload over the past year was due to the closure of the courts, as well as new issues that were created by the pandemic. For example, many divorcing and divorced couples with children engaged in mediation to negotiate and agree on where the children would live, how they would participate in school remotely, and remain safe during the pandemic. Due to the moratorium on evictions, in 2020, MCP created a new Rapid Response Mediation Program to help landlords and tenants negotiate payment plans. In 2021, in response to Act 57, MCP created and is currently running, the Eviction Mediation Program for Oahu. A large percentage of the families and tenants participating in these programs were and are indigent. Thus, the ILAF funding is remains critical in enabling MCP to create and manage its regular programs, as well as the new programs that address current community needs.

In the current fiscal year, MCP continues to manage a high volume of cases. In fact, in this past July and August, MCP opened 718 cases, more than half of the number of cases opened in the first six months of calendar year 2021. The ILAF funds continue to be a key source of support for MCP's continued growth, and a foundation that helps MCP secure the support of other funders.

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

Sincerely,

Tracey S. Wiltgen
Executive Director

AD-P-959



Native Hawaiian LEGAL CORPORATION



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

October 1, 2021

Aloha e Members of the Hawai'i State Legislature:

Mahalo for your generous support of the Indigent Legal Assistance Fund (ILAF) which enables the Native Hawaiian Legal Corporation (NHLC) to serve the most vulnerable members of our community. NHLC has long been the only non-profit law firm dedicated exclusively to advancing Native Hawaiian rights and, by extension, safeguarding Hawai'i's most precious natural and cultural resources for present and future generations. For the last 47 years, NHLC has undertaken this important kuleana with deep humility and an abiding commitment to serving Hawai'i's historically underserved indigenous population, particularly when stakes are high, resources are scarce, and litigation is necessary to secure justice.

NHLC's mission is to perpetuate, through legal and other advocacy, the rights, customs, and practices that strengthen Native Hawaiian identity and culture. As frontline advocates for a community still healing from historical traumas, NHLC's legal services assist those actively and affirmatively engaged in revitalizing Hawaiian language, arts, and culture; restoring ancestral lo'i kalo and watersheds; preserving and protecting culturally significant sites, including wahi pana and iwi kupuna burials; securing multi-generational housing stability for Native Hawaiian families; and combatting land dispossession and breaches of trust that, if left unaddressed, give aid and comfort to injustice. Because the values and priorities of native peoples often find themselves in conflict with the status quo and competing economic agendas, native peoples – particularly the most indigent and vulnerable among them – require the vital support and high-quality legal assistance made possible through ILAF funding even more so. To avert homelessness, they too need legal representation to defend against illegal evictions, lease cancellations, and land dispossession. And when financial and legal resources are scarce, as has been the case during COVID, access to justice is not simply access to legal systems but access to resources and entitlement programs that address their basic necessities; programs created specifically for Native Hawaiians to improve bedrock socio-economic conditions, return them to their ancestral lands, and to make right the wrongs of the past. ILAF monies help NHLC provide this assistance and, by extension, meaningfully fulfill the State of Hawai'i's ongoing trust responsibility to and unique, historical trust relationship with the Native Hawaiian community.

Back in 2019, NHLC reported that more than 200 individuals contacted our office annually for legal assistance. Two years later, the number of people served annually by NHLC has more than doubled. Approximately half of those services were provided to indigent individuals and their families and funded, in part, by ILAF. Indeed, the legal needs of the Native Hawaiian

community regularly exceed the funding available to meet them. That growing justice gap is precisely why ILAF funding, including steady increases to annual allocations and their fair distribution among communities in need, is so critical. Poverty and ancestry should never be barriers to accessing justice. Non-profit organizations who prioritize the civil legal needs of Hawai‘i’s most impoverished empower them through legal advocacy and education. Allocating public dollars to support these efforts is a critical reinvestment in community that not only improves outcomes for those facing a life crisis of some sort every day, but prevents long-term problems (e.g., homelessness, economic insecurity, health issues, and incarceration) that could be even more costly and harmful to individuals and the public.

ILAF funding has also long enabled NHLC to sustain its advocacy on high-impact, complex litigation that spans years, sometimes decades; advocacy that has served the Native Hawaiian community well for generations but that requires a prolonged financial commitment and reliable access to resource-intensive services. While such litigation is unique to NHLC and the Native Hawaiian beneficiaries we serve, at its core, our advocacy aims to restore and fulfill the goals of the State’s historical trust responsibility to Native Hawaiians, particularly those with the greatest unmet needs. Why is this work a worthy investment of ILAF funding? Because correcting bad policy, vindicating rights enshrined in our state constitution, and enforcing laws passed by our state legislature help to rebuild and strengthen that trust relationship and improve how society treats and regards Hawai‘i’s indigenous population.

Removing barriers to civil justice for low-income people requires coordinated efforts among allies who provide civil legal assistance or support the efforts of those who do. On behalf of all those who are committed to the continued growth of these services, mahalo nunui for your continued kōkua and kāko‘o.

Me ke aloha pumehana,

NATIVE HAWAIIAN LEGAL CORPORATION



Summer L. H. Sylva, Executive Director



David Kauila Kopper, Director of Litigation



An Affiliate of
National Justice
for Our Neighbors

October 4, 2021

To: The Hawai'i State Legislature
Re: Indigent Legal Assistance Fund

Honorable Members of the Hawai'i State Legislature:

The Legal Clinic (TLC) extends its sincere appreciation to the Legislature for its continued support of the Indigent Legal Assistance Fund (ILAF), which greatly enhances the ability of community-based organizations to provide free legal services to Hawaii's most vulnerable residents. We urge continued support of this critical funding stream, and we are grateful to the Judiciary and the Hawai'i Justice Foundation for their efficient administration of the funding.

TLC is one of the newer recipients of ILAF funding, having been established as an independent 501(c)3 nonprofit organization just over two years ago. TLC's mission is "To restore hope, dignity, and justice for low-income immigrants through high-quality immigration legal services, education and advocacy." ILAF funding allows TLC to provide free immigration legal services to local residents whose household income is 125% or less than the federal poverty guidelines.

There are over 40,000 Hawai'i residents who may be eligible to apply for U.S. citizenship, but many have not done so because they lack the resources or knowledge to pursue the process. As such, they forgo the security that citizenship offers and the ability to participate fully as citizens, including by voting. Instead, they face the uncertainties and vagaries of an unpredictable immigration system. Additionally, there are tens of thousands of our immigrant residents who contribute significantly to our economy as part of the workforce in Hawai'i, but whose immigration status may be uncertain or out of compliance. Thousands of these residents could benefit from the assistance of lawyers trained in the complexities of immigration law, but there is a dearth of legal services available to those with low or no income or who are reluctant to seek assistance for fear of exposing themselves to immigration authorities. These include many essential workers, laborers, farmworkers, DACA and DACA eligible residents, family members of U.S. citizens, and unfortunately, also those who have been victims of trafficking.

In our short history, the demand for TLC's services already far exceeds our capacity to serve the growing client base. Thanks to ILAF funding, we have been able to increase our capacity more quickly than planned – with the addition of a staff legal assistant. For such a young organization as TLC, ILAF funding also represents a vote of confidence that is encouraging to our hard working staff who handle tough matters and humanitarian needs on a daily basis.

We are grateful for the Legislature's continued support of ILAF which enables service to so many in need. Often, foundations are less likely to fund legal services than other types of programs or causes, and ILAF funding fills a critical gap in serving Hawaii's low-income communities.

Mahalo nui loa for your continued support.

Bettina Mok
Executive Director
(808) 797-2599director@thelegalclinichawaii.org

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The William S. Richardson School of Law
University of Hawai'i Elder Law Program (UHELP)

October 1, 2021

Memorandum For: Hawai'i State Legislators
From: James H. Pietsch, Director, University of Hawai'i Elder Law Program
SUBJECT: Impact of Indigent Legal Assistance Fund

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

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

This fiscal year we plan to provide direct legal services, referral, and advice to approximately 300 qualified elders, including older veterans, as well as provide continuing educational outreach and informational support to care providers and their elderly care recipients. The Covid-19 Pandemic has had a tremendous impact on older persons and much of our work is accomplished by telephone and, for those with the ability, through Zoom. We also receive a significant number of calls from service providers, health care providers and institutions and governmental agencies on elder law issues, including elder abuse, mental capacity, health care decision-making and, significantly during this pandemic era, end-of-life decision-making.

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

Most Respectfully,

A handwritten signature in cursive script that reads 'James H. Pietsch'.

James H. Pietsch, Professor of Law and Director, UHELP



Medical-Legal Partnership ♦ Hawaii

A Project of the William S. Richardson School of Law
2515 Dole Street, Honolulu, Hawaii 96822
Cell: (808) 371-2698 ♦ E-mail: MLPCHawaii@gmail.com

September 30, 2021

Hawaii State Legislators
415 South Beretania Street
Honolulu HI 96813

RE: Support for ILAF Funding

Dear Honorable Members of the Hawaii State Legislature,

On behalf of the Medical-Legal Partnership in Hawaii (MLP), I am pleased to share this letter of support and gratitude for funding from the Indigent Legal Assistance Fund (ILAF). These funds significantly enhance our capacity to serve Hawaii's historically excluded—and also resilient and promising—low-income children, families, and migrant and immigrant communities.

MLP Hawaii is a project of the William S. Richardson School of Law (University of Hawaii) to provide free, on-site legal services for patients experiencing poverty at Kokua Kalihi Valley Comprehensive Family Services and other healthcare and community settings. We currently have three MLP Staff Attorneys who provide legal representation in housing (eviction defense, public housing, shelter/homeless matters); family law (guardianships, power of attorney, child support, domestic violence); public benefits, immigration, vital documents, employment, disability and civil rights, and other legal issues. Our MLP attorneys also conduct self-advocacy education for clients, providers, and communities, and engage in extensive systemic advocacy work alongside the communities we serve.

Like most legal service providers, our MLP Hawaii program has seen a two-fold increase in legal referrals and “curbside” legal consultations from our healthcare and other community partners since the pandemic restrictions began in March of 2020. Housing and income supports (public benefits, employment, pandemic and unemployment relief, etc.) comprised over 60% of our caseload. We have also collaborated with Hawaii Appleseed, Legal Aid, and other ILAF recipients, to address unlawful evictions, language access violations, and other barriers and systemic failures faced by our client communities. A hallmark of our MLP is that we work *with*, not only for, the people most impacted by the policies and systems we seek to improve.

MLP Hawaii now receives just over 4% of the overall ILAF funds, a small portion that translates into a significant boost to our capacity to serve. This funding provides financial stability so that we can continue to provide direct legal services to over 200 individuals and families each year, and to reach hundreds more through community education workshops. ILAF funding also provides recognition and legitimacy to our work that is leveraged for other supports.

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

Sincerely,

Dina Shek
Legal Director, MLP Hawaii
Faculty Specialist, William S. Richardson School of Law

Grant T Teichman
Acting Executive Director



VOLUNTEER LEGAL
SERVICES HAWAII

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www.vlsh.org

September 28, 2021

To: The Honorable Members of the Hawaii State Legislature

From: Grant T. Teichman, Acting Executive Director
Volunteer Legal Services Hawaii

RE: Indigent Legal Assistance Fund (ILAF)

On behalf of the Board of Directors, staff, and those we serve at Volunteer Legal Services Hawaii ("Volunteer Legal"), thank you for the continued support for civil legal services. This year, Volunteer Legal celebrates its 40th year anniversary of serving low-to-moderate income communities across Hawaii through a partnership with volunteer attorneys.

Due to the nature of the ongoing COVID emergency, usage of civil legal services has significantly increased. Over the past year, Volunteer Legal provided over 2,000 services and over 3,000 pro bono hours to qualified individuals and families who face legal issues in family law, landlord-tenant, small claims, bankruptcy, estate planning, and veteran benefits issues. Nineteen percent identified themselves as those who suffered from domestic violence, 6% were veterans, 16% were elderly (age 60 or older), 26% were disabled, and 21% were homeless and/or not in permanent housing. Approximately 59% of all Volunteer Legal clients over the past 12 months were ILAF qualified. Those who seek assistance through Volunteer Legal often request services only after numerous rejections from conventional legal services entities. Volunteer Legal is often their last opportunity to speak with an attorney regarding their legal problem and receive legal advice and counsel.

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

Our service delivery model strives to meet the level of services needed by each program participant and carefully balance this with the availability and willingness of volunteer attorneys to help. The current model weaves together legal advice clinics, with pro se self-help assistance and referrals for pro bono full representation. The clients are carefully screened and matched



Aloha United Way
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with volunteer attorneys who are willing and able to provide services. Because of the in-depth screening and sending client documents to the volunteer attorney ahead of time, the appointment time is used the most efficiently and effectively. By working with that client, a relationship and bond is built between the client and attorney and often, the attorney will provide further brief and/or full representation services for the client.

During the ongoing COVID emergency, Volunteer Legal continues to operate virtual Neighborhood Legal Clinics four to six times per month for qualified Hawaii residents. Often, an individual will have legal issues in more than one area of law. There have been frequent instances where an individual will come for two areas of law issues.

Volunteer Legal has over 200+ attorneys who volunteer in, including but not limited to, family law, bankruptcy, estate planning, collections, and small claims. We are very proud and thankful to have a wide spectrum of attorneys from solo practitioners to partners at large firms volunteering. In 2020, volunteer attorneys invested over \$771,000 worth of pro bono hours delivering direct services to qualified individuals and families through Volunteer Legal's Clinics. These pro bono hours were donated via in person, over the phone, as well as online at ABA Free Legal Answers Hawaii otherwise known as Hawaii Online Pro Bono: (<https://hawaii.freelegalanswers.org/>).

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

Mahalo,



Grant F. Teichman
Acting Executive Director
Volunteer Legal Services Hawaii