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# SENATE CONCURRENT RESOLUTION

REQUESTING THE HAWAII ACCESS TO JUSTICE COMMISSION TO ASSEMBLE  
VARIOUS STATE AND COMMUNITY ENTITIES TO DETERMINE WHICH  
AGENCY OR ORGANIZATION SHOULD ADMINISTER FUNDING FOR CIVIL  
LEGAL SERVICES TO LOW- AND MODERATE-INCOME INDIVIDUALS.

1           WHEREAS, civil legal services can improve community well-  
2 being as a vital part of our social safety net, which ensures  
3 that our keiki, kupuna, family care givers, and all members of a  
4 family are healthy and safe; and

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6           WHEREAS, "The 2007 Assessment of Civil Legal Needs and  
7 Barriers of Low- and Moderate-Income People in Hawaii" found  
8 that only one in five people has civil legal needs addressed and  
9 that only one in three people who contact a civil legal service  
10 provider is able to get assistance; and

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12           WHEREAS, one of the goals set forth in "The Community Wide  
13 Action Plan: Ten Action Steps to Increase Access to Justice in  
14 Hawaii by 2010" was that an appropriate home for funding civil  
15 legal services should be established to ensure stable state  
16 funding; and

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18           WHEREAS, access to civil legal services by the indigent is  
19 critical to providing access to justice for those who cannot  
20 afford an attorney; and

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22           WHEREAS, access to civil legal services results in:

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24           (1) Cost savings to the State by way of recovery of  
25 federal public benefits, such as Social Security and  
26 Veterans Administration benefits;  
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28           (2) Reduction in use of safety net services, such as  
29 foster care, by establishing guardianships for family  
30 caregivers;



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- 2 (3) Reduction of dependency on public assistance by
- 3 securing child support and alimony;
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- 5 (4) Reduction of instances of homelessness through housing
- 6 representation; and
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- 8 (5) Increase in state tax revenues through employment and
- 9 re-employment related legal assistance; and
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11 WHEREAS, civil legal services provide better access to the  
 12 justice system for the indigent, who are immigrants, homeless,  
 13 at risk of homelessness, families in crisis, consumers who have  
 14 been taken advantage of, and individuals who speak English as a  
 15 second language; and

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17 WHEREAS, civil legal services can support efforts to ensure  
 18 that government is providing effective services to help those  
 19 without an attorney navigate the complex legal system; and

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21 WHEREAS, for thirty years, funding for civil legal services  
 22 was provided through the Department of Labor and Industrial  
 23 Relations Office of Community Services; and

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25 WHEREAS, prior to 2005, general funding for civil legal  
 26 services was provided by way of a purchase of service contract;  
 27 and

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29 WHEREAS, since 2005, general funding for civil legal  
 30 services has been made by a grant-in-aid; and

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32 WHEREAS, since 1995, general funding for pro bono legal  
 33 services has been made by grants-in-aid; and

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35 WHEREAS, in 2011, the legislature increased court fees to  
 36 include an amount to be paid into the indigent legal assistance  
 37 fund pursuant to section 607-5.7, Hawaii Revised Statutes. The  
 38 legislature did so upon a finding that there was a need to fund  
 39 legal services for low- and moderate-income individuals who  
 40 would not otherwise have access to legal services; and

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1 WHEREAS, despite the increase in court fees to include an  
2 amount to be paid into the indigent legal assistance fund, the  
3 total amount of funding for general civil legal services  
4 decreased from \$2,017,093 in the 2008 fiscal year to \$1,213,135  
5 in the 2015 fiscal year; and

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7 WHEREAS, grant-in-aid funding for civil legal services and  
8 pro bono legal services decreased from \$1,832,496 in the 2008  
9 fiscal year to \$400,000 in the 2015 fiscal year; and

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11 WHEREAS, general revenue funding is critical to meet the  
12 need for legal services in Hawaii, and the funding of legal  
13 services can promote the resolution of critical community  
14 issues; and

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16 WHEREAS, an examination of executive agencies, the  
17 Judiciary, and community agencies is necessary to determine  
18 which agency or organization is most appropriate and suitable to  
19 administer general funding for civil legal services to obtain  
20 the best results; and

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22 WHEREAS, the examination should require:

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24 (1) The identification and assessment of the problems and  
25 issues relating to the funding of civil legal  
26 services, including the best agency or organization to  
27 administer these funds; and  
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29 (2) The involvement of all interested governmental and  
30 community stakeholders to ensure that the  
31 administration of these funds is workable and  
32 acceptable to the interested stakeholders; now,  
33 therefore,

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35 BE IT RESOLVED by the Senate of the Twenty-eighth  
36 Legislature of the State of Hawaii, Regular Session of 2015, the  
37 House of Representatives concurring, that the Hawaii Access to  
38 Justice Commission is requested to assemble a working group of  
39 interested government agencies and community entities to conduct  
40 meetings to develop a plan for determining which agency or  
41 organization should administer funding for civil legal services;  
42 and



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BE IT FURTHER RESOLVED that the following persons or a representative of the following persons, agencies, or organizations be invited to participate in the working group:

- (1) The Governor;
- (2) The President of the Senate;
- (3) The Speaker of the House of Representatives;
- (4) The Judiciary;
- (5) The Attorney General;
- (6) The Department of Human Services;
- (7) The Department of Labor and Industrial Relations Office of Community Services;
- (8) The Department of Budget and Finance;
- (9) The Department of Accounting and General Services;
- (10) The Hawaii Justice Foundation;
- (11) The Hawaii Access to Justice Commission;
- (12) Legal Aid Society of Hawaii;
- (13) Volunteer Legal Services Hawaii; and
- (14) Any other stakeholders that the Hawaii Access to Justice Commission may invite to participate in the working group; and

BE IT FURTHER RESOLVED that the plan include a history of state funding of civil legal services and the issues historically faced by civil legal service providers in providing service to low- and moderate-income individuals; and

1 BE IT FURTHER RESOLVED that the plan include an analysis of  
2 the benefits and barriers to assigning the administration of  
3 funding for civil legal services to the Judiciary, Department of  
4 the Attorney General, Department of Human Services, Department  
5 of Labor and Industrial Relations Office of Community Services,  
6 Department of Budget and Finance, Department of Accounting and  
7 General Services, and the Hawaii Justice Foundation; and  
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9 BE IT FURTHER RESOLVED that the plan include  
10 recommendations on which agency or organization should  
11 administer funding for civil legal services, levels of funding  
12 for civil legal services, and if enabling legislation is  
13 necessary, a proposal for such enabling legislation; and  
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15 BE IT FURTHER RESOLVED that the Hawaii Access to Justice  
16 Commission is requested to submit the working group's plan to  
17 the legislature no later than twenty days prior to the convening  
18 of the Regular Session of 2016; and  
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20 BE IT FURTHER RESOLVED that the working group be dissolved  
21 on June 30, 2016; and  
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23 BE IT FURTHER RESOLVED that certified copies of this  
24 Concurrent Resolution be transmitted to the Governor, President  
25 of the Senate, Speaker of the House of Representatives, Chief  
26 Justice of the Hawaii Supreme Court, Attorney General, Director  
27 of Human Services, Executive Director of the Department of Labor  
28 and Industrial Relations-Office of Community Services, Director  
29 of Finance, Comptroller, Executive Director of the Hawaii  
30 Justice Foundation, Chair of the Hawaii Access to Justice  
31 Commission, Executive Director of the Legal Aid Society of  
32 Hawaii, and Executive Director of Volunteer Legal Services of  
33 Hawaii.  
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