

A Hawai'i Access to Justice Commission: An Idea Whose Time Has Come

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After determining that low and moderate-income Hawai'i residents have massive unmet civil legal needs, the Access to Justice Hui formulated a ten-step plan for addressing the "justice gap." The first recommended action is creation of a Hawai'i Access to Justice Commission ("Commission"), which would expedite and facilitate successful implementation of the other nine action steps and ensure ongoing attention to access to justice ("ATJ") issues. In late February, the Hui submitted to the Hawai'i Supreme Court a proposed new rule creating such a Commission and formally requested its adoption.

Currently, 24 states and the District of Columbia and Puerto Rico have ATJ commissions or similar entities. Nationwide experience has shown that ATJ efforts are much more likely to succeed where an effective commission exists. There is widespread agreement among stakeholders regarding the need for a Commission in Hawai'i. At least 11 organizations (including the HSBA, the Young Lawyers Division, Hawai'i Justice Foundation, several nonprofit civil legal service providers, and the William S. Richardson School of Law) have adopted the Hui's action plan and specifically support creation of a Commission.

As proposed, the Commission would have 22 members. The members would include the Chief Justice or an Associate Justice and four judges appointed by the Chief Justice who are representative of the state judicial system; two HSBA representatives and two attorneys familiar with ATJ issues appointed by the HSBA; four nonprofit civil legal service provider representatives appointed by a consortium of legal service providers; two non-attorney public representatives appointed by the legal service consortium in consultation with the Chief Justice; one Hawai'i Justice Foundation representative; one law school representative; one paralegal appointed by the Hawai'i Paralegal Association; and four government representatives (the Governor, Attorney General, President of the Senate and Speaker of the House, or their respective appointees).

The Commission would be charged with overseeing efforts to expand and improve statewide delivery of high quality civil legal services to low-income people. Among other things, the Commission would seek to increase and stabilize long-term funding for civil legal assistance, increase pro bono contributions by Hawai'i attorneys, improve collaboration and coordination among legal service providers, reduce language and other barriers to the civil justice system, increase support for self-represented litigants and increase public awareness of ATJ issues.

The Commission would utilize committees and task forces to support its work, which could include persons who are not members of the Commission. Staff and funding

support for the Commission would be provided by a combination of private and public sources of financial and in-kind support.