



Hawai'i Access to Justice Commission sponsors the

2023 HAWAI'I ACCESS TO JUSTICE CONFERENCE

"BUILDING TRUST AND UNDERSTANDING ABOUT CIVIL ACCESS TO JUSTICE"

Friday, June 16, 2023

William S. Richardson School of Law, University of Hawai'i
2515 Dole Street, Classrooms 2 and 3

- 8:00 - 8:30 a.m. Continental breakfast; registration
- 8:30 - 9:00 **Welcome: Professor Aviam Soifer and Robert LeClair, co-emcees
Hon. Joseph E. Cardoza, Chair, Hawai'i Access to Justice Commission,
State of Hawai'i Second Circuit Chief Judge (ret.)
Hon. Mark E. Recktenwald, Chief Justice, Hawai'i Supreme Court**
- 9:00 - 10:00 **"Incomplete Sentences: Judging Poverty"**
Hon. Nancy Gertner, Harvard Law School, Federal District Judge (ret.)
- 10:00 - 10:15 Break
- 10:15 - 11:45 **"Perspectives of Access to Justice in the Current Climate"**
[Aviam Soifer (facilitator), Chief Justice Mark Recktenwald, Senator Joy A. San Buenaventura, Representative Della Au Belatti, State of Hawai'i Attorney General Anne E. Lopez] This session will discuss how the three branches of government are addressing the pressing access to civil justice barriers that low- and moderate-income residents of Hawai'i now face.
- 11:45 - 12:45 Light lunch
- 12:45 - 2:00 Afternoon concurrent workshops:
1. **"Alternatives to Incarceration in the Juvenile Justice System"**
[Carla Houser, Judge Jessi Hall, youth representative] This session will discuss what's needed and what is new about pathways being forged by the Opportunity Youth Action Hawai'i ("OYAH") project "Kawailoa: A Transformative Indigenous Model to End Youth Incarceration," which was selected by the Kellogg Foundation as part of its global Racial Equity 2030 challenge over the next eight years. This funding will support strengthening a novel, culturally relevant approach to innovative programs, expanded outreach efforts, and further advocacy to improve the well-being of justice-involved youth locally and beyond. CLASSROOM 4
 2. **"For the Public Good'--Pro Bono--An Obligation or An Opportunity"**
**[Judge Joseph Cardoza (ret.) (moderator), Justice Simeon Acoba (ret.),
Caroline Peters Belsom]** The increasing demand for pro bono legal services to address unmet civil legal needs is a critical concern. This session will include a discussion of pro bono ethical guidelines, an introduction to the Access to Justice Commission and its initiatives that explore ways to increase pro bono services in the private and public sectors. This session will also include a discussion of a wide range of pro bono opportunities, available training and mentoring for those providing pro bono services, and the benefits of pro bono service for the public and attorneys.
CLASSROOM 1

3. **“Access to Justice in Child Welfare”**
[Lise Vaughan-Sekona (moderator), Venus Rosete-Medeiros, Tia Roberts Hartsock] This session will discuss the Malama ‘Ohana proposal, which would bring together those directly affected by the child welfare system in a collective impact process that is desperately needed.
MOOT COURTROOM CLASSROOM
4. **“Access to Justice and Diversity, Equity, and Inclusion”**
[Lisa T.K.O. Lum, Dean Camille Nelson, Judge Rebecca Copeland, Isaac Moriwake] This session will discuss what DEI means, what it looks like to have a designated DEI committee in an institution, and how it may build public trust and community support and relate to access to justice. CLASSROOM 2
5. **“Native Hawaiian Issues and Access to Justice”**
[Makalika Naholowa‘a, Devin Kamealoha Forrest, Zachary Alaka‘i Lum] This session will discuss relevant activities in the last two decades of the Paoakalani Declaration regarding Native Hawaiian traditional knowledge, culture, and intellectual property rights and the needs laid out in the Declaration that remain unaddressed or inadequately addressed. CLASSROOM 3
- 2:00 - 2:15 Break
- 2:15 - 3:30 Afternoon concurrent workshops:
6. **“Hawai‘i Elder and Vulnerable Adult Abuse Laws and Decisional Capacity Considerations”**
[Prof. James Pietsch and Dr. Marvin Acklin] An attorney and a psychologist will lead discussion of intersecting legal and decisional capacity issues relating to elder and vulnerable adult abuse, neglect, and exploitation, including the concepts of undue influence, autonomy, protection, and best interests. CLASSROOM 3
7. **“Language Access, Immigrants, Interpreters, and Access to Justice”**
[Corey Park, Rebecca Leibowitz, Dr. Sue Zeng] It is an established civil right that Limited English Proficient (“LEP”) persons must be provided with effective interpretation and translation services to help ensure meaningful access to the justice system and other governmental services. This panel, which includes an experienced attorney and interpreter/translator, will discuss current law and will provide practice tips on assessing when to request an interpreter, how to select a qualified interpreter, the best practices when using an interpreter, and other matters. MOOT COURTROOM CLASSROOM
8. **“Housing Stability and Mediation: Where We’ve Been and Where We’re Going”**
[Tracey Wiltgen (moderator), Julie Mitchell, Diane Petropulos, Gina Agustin] Over the past two years, mediation played a critical role in helping landlords and tenants negotiate workable solutions before an eviction process was filed. Hawaii’s one-year early eviction mediation program created in response to Act 57 by the community mediation centers throughout the state. It resulted in 1,415 landlords and tenants reaching agreement and staying out of court. In addition to these positive outcomes, many valuable lessons were learned, and important partnerships were formed. The panelists will share how and why the early eviction program was successful and will discuss how the mediation centers continue to work with various partners to apply lessons learned to increase housing stability throughout the state. CLASSROOM 1
9. **“Access to Justice and Restorative Justice”**
[Lorenn Walker, Judge Leslie Hayashi (ret.), Jeannie Lum] This workshop will explore how restorative justice practices, adapted from traditional criminal cases, can be applied to certain civil matters to benefit low-and moderate-income individuals. CLASSROOM 2
- 3:35 - 4:15 **Plenary: “Building Trust and Understanding about Civil Access to Justice”**
[Nancy Gertner, Regan Iwao, Robert LeClair]
- 4:15 “Hawai‘i Pono‘i”