

Chief Justice Mark E. Recktenwald
Welcoming Remarks for Access to Justice Conference
William S. Richardson School of Law
June 19, 2015

Good morning and aloha.

I'd like to start by thanking the Access to Justice Commission for sponsoring this seventh annual access to justice conference. I also want to thank Bob LeClair and the Hawai'i Justice Foundation, Dean Avi Soifer and the William S. Richardson School of Law, Greg Markham, Pat Mau-Shimizu and the Hawai'i State Bar Association, and the Cades Foundation for their continued support of the access to justice movement in Hawai'i. I also want to recognize everyone who has worked so hard to plan today's conference, including Carol Muranaka and the Access to Justice Commission's Committee on Education, Communications, and Conference Planning, and all of the distinguished speakers and panel members who will be participating. In particular, I would like to extend a warm aloha to Jonathan Asher, Executive Director of Colorado Legal Services, who will present this year's keynote address. Will you please join me in acknowledging everyone who helped make this conference possible?

The theme of today's conference is "Narrowing the Justice Gap." One of the greatest challenges to equal justice today is the lack of effective access to our civil justice system. The reason is simple--people who have low or even

moderate incomes cannot afford to hire an attorney to represent them in their civil legal cases. Although there are legal services providers like the Legal Aid Society of Hawai'i who do an amazing job representing indigent clients, they have nowhere near enough resources to meet the need. As a result, every year in Hawai'i, thousands of people must represent themselves in our civil courts, trying to navigate a system that is foreign to the average layperson. Many of them simply give up.

Ensuring that every person's voice is heard when their legal rights are threatened is not a luxury—rather it is at the very *foundation* of the legitimacy of our courts, and therefore, our democracy. We are talking about fundamental human needs--housing, health care, the ability to participate in raising one's child. When these decisions are made without hearing every side of the story, the promise of justice for all rings hollow.

The good news is that here in Hawai'i, we decided to focus attention on this crisis in a very systematic way, through the creation of our Access to Justice Commission. Since it was created back in 2008, the Commission has achieved significant results with very limited resources. Those accomplishments range from successfully advocating at the legislature for increased funding for our legal services providers, to proposing rule amendments and model policies to promote pro bono service, to establishing self-help centers in our courthouses, where

volunteer attorneys provide legal information and advice to self-represented parties. We opened the first such center on Kauai in 2011, and now have six centers operating, in every circuit in the state. To date, more than 8,600 people have been assisted, at almost no cost to the public.

All of these accomplishments are a testament to the outstanding leadership of the commission's chair, Judge Daniel Foley, and his predecessor, retired Supreme Court Justice Simeon Acoba. It is also a testament to the commitment and passion of the members of the commission and the many volunteers and other partners who support the Commission's work, including the HSBA, the county bar associations, and the individual attorneys who volunteer their time at the self-help centers and in countless other ways. This web of support and stakeholders has continued to grow and build momentum as more people have come to understand the need, and how they can help meet it.

Hawaii's work on access to justice issues is being noticed across the country. Last year, the National Center for Access to Justice completed an independent study of each state justice system across the country. Hawai'i was ranked among the top five for expanding access to justice. We were rated number one for providing services to litigants who represent themselves and tied for first in providing support for people with disabilities. I'm very proud of what this says about the

strength of the access to justice movement here in Hawai'i, and I am grateful for all the hard work it represents.

But we all know that we have much work to do. We have to find ways to keep this momentum going--to keep our existing volunteers coming back, and new ones coming on board. To do that, we need to develop new partnerships, and innovate to find ways to maximize the impact of our limited resources. One great example is the partnership between the judiciary and the Legal Aid Society to develop interactive software to assist self-represented parties. This software asks the user plain-language questions about their case, and then utilizes the responses to prepare the most commonly-used legal forms. The software is now available at workstations in six courthouses, and on our website.

We are also fostering a partnership with the Hawai'i State Library System, where so many of our citizens go when they need information. We have trained librarians across the state, and the interactive interviews are now available in 50 libraries statewide, on almost 1,000 computers. We are very excited about this partnership with the libraries, and in just a few months, more than 2,500 people have used the system.

But we need to find new sources of talent and support, including from the business community. I will be moderating a panel today discussing engaging the business community in access to justice efforts, and just two weeks ago, thanks to the

leadership of Central Pacific Bank, in-house counsel from nearly every bank in town were trained to volunteer in the self-help centers.

Although increasing access to justice is the right thing to do, it also makes good business sense. Throughout the country, economic value studies have shown that increased provision of legal services to those of low and moderate incomes benefits not only those individuals, but also the economy. Studies are showing that the time and money invested pays off at an exceptional rate: a New York study suggested there was a \$5 return to the economy for every dollar spent on civil legal services.

Why is that return so high? There are a number of reasons. Legal aid makes neighborhoods safer and more stable and desirable. It reduces the number of abused and elderly who require emergency services and subsequent followup social services, thereby reducing the costs of those services for taxpayers. It brings federal monies into the state through assisting those in need with disability claims. Legal aid saves jobs by helping families obtain the right services for their children, leading to a more stable workforce. We need to find ways to convey this message and build more partnerships.

Another way we can make our justice system more accessible is by making it more transparent, and by focusing

resources on areas that affect fundamental human interests. One of those interests, which is explicitly recognized in the Hawai'i constitution, is "the right to a clean and healthful environment." Hawai'i is about to embark on a significant new chapter in the history of our judiciary: on July 1, we will open for business statewide environmental courts. The environmental courts will handle a number of specialized cases ranging from violations of fishing and other natural resources laws to civil litigation involving environmental impact statements and land use. When the legislature provided for establishment of environmental courts in Act 218 last year, it noted that the purpose was "to promote and protect Hawaii's natural environment through consistent and uniform application of environmental laws by establishing environmental courts."

We are only the second state to have a statewide environmental court, so we are breaking new ground. However, on the international level, we are part of a recent dramatic increase in Environmental Courts and Tribunals around the world, with at least 41 countries having 350 ECTs of some kind. This is consistent with the recognition in international law of importance of access to justice in the environmental context. Indeed, the 1992 Rio Declaration at the Earth Summit concluded that "environmental issues are best handled with participation of all concerned citizens. . . . effective access to judicial and

administrative proceedings, including redress and remedy, shall be provided.”

It will be exciting to see these new environmental courts develop in the months and years ahead. We have been working hard to be ready. We established a working group to help guide the implementation of the courts, under the leadership of my colleague Justice Michael Wilson. I thank Justice Wilson and our many partners in the community, including the William S. Richardson School of Law, for their help in preparing for the implementation of this important new court.

In closing, I return to the theme of this conference, Narrowing the Justice Gap. Fifty-two years ago today, President Kennedy transmitted a message to Congress asking it to enact what eventually became the Civil Rights Act of 1964. In that message, he asked Congress to be guided by what he termed “the one plain, proud and priceless quality that unites us all as Americans: a sense of justice.” I hope that each of you will be guided by that same quality, and inspired by today’s conference, to find ways in which you can help meet the very great need for increasing access to justice in our community.

Aloha and mahalo.