



ACCESS TO JUSTICE: Is This A Promise We Can Keep?

William S. Richardson School of Law
Friday, June 25, 2010

- 8:15 - 8:45 a.m. Continental breakfast; registration
- 8:50 - 9:30 **Equal Access to Justice: A Priority**
Dean Aviam Soifer and Robert LeClair, co-emcees
Chief Justice Ronald T.Y. Moon
Associate Justice Simeon R. Acoba, Jr.
Acknowledgments: Cades Foundation (E. Gunner Schull);
Hawaii Justice Foundation (James A. Kawachika)
- 9:30 - 10:15 **Challenges to Meeting the Needs**
Panel: Derek Kobayashi, Nanci Kreidman, Robert LeClair, facilitator
- 10:15 - 10:25 Break
- 10:30 - 11:15 **Challenges to Providing the Funding**
Legislative leaders
Facilitator: Dean Aviam Soifer
- 11:15 - 12:15 **Maintaining the Momentum:** How the momentum is being sustained by the advisory committees of the Commission: *Facilitator: Calvin Pang.*
Committee on Increasing Pro Bono Legal Services
Committee on Initiatives to Enhance Civil Justice
Committee on Maximizing Use of Available Resources
Committee on Overcoming Barriers to Access to Justice
Committee on Right to Counsel in Certain Civil Proceedings
Committee on Self-Representation and Unbundling
- 12:15 - 1:00 Light lunch

Access to Justice: A Promise We Can Keep

- 1:15 - 2:30 **Workshops I:**
(Choices of different workshops with panel discussions.)
- 1. Dealing with Domestic Violence** (offered twice)
This session will discuss the basics of the domestic violence issues, solutions that work, protective orders. *(Panel: Judge Michael Broderick; Nanci Kreidman; Jan Tamura)*
 - 2. Initiatives to Enhance Civil Justice**
This session will explore initiatives proposed thus far by the Committee on Initiatives to Enhance Civil Justice, as well new initiatives to improve access to justice. These include foreclosure mediation, limited admission for out-of-state attorneys doing pro bono or non-profit work, amendment of judicial policy regarding sanctions that assign pro bono, student loan assistance for law school graduates working for non-profits, model pro bono policies for government attorneys, more effective roles for paralegals, "street law" community outreach, legal assistance for children in high-conflict divorce cases, and others.
(Panel: Judge Greg Nakamura; R. Elton Johnson, III; Linda Krieger)
 - 3. Show Me the Money: Funding and Other Issues**
This session will examine the critical need for funding for the legal service providers; ideas for funding; cy pres and other types of court awards. *(Panel: Justice Richard Guy (ret.); Sen. Suzanne Chun Oakland; Margery Bronster, David Reber)*
 - 4. Right to Counsel in Certain Civil Proceedings**
This session will examine whether the civil right to counsel can become a reality; the challenges; the methodology to make it a reality. Is there a fundamental fairness to the

system without a lawyer? What difference does a lawyer make to a case outcome? What are the ethical duties of a lawyer in a pro bono case?

(Panel: **Mary Anne Magnier; Karen Nakasone; Shannon Wack**)

5. **Self-Representation and Unbundling**

This session will discuss the development of strategies for the self-represented party and explore limited scope legal representation; challenges, ethical issues, court self-help centers.

(Panel: **Judge Barbara Richardson; Jill Hasegawa; Nalani Fujimori Kaina; Jay Kimura**)

6. **Increasing Mediation Effectiveness: When Is It Appropriate and What Makes It Work?** (offered twice)

This session will explore mediation and its usefulness in particular situations.

(Panel: **John Barkai; Charles Hurd; Elizabeth Kent; Tracey Wiltgen**)

2:30 - 2:40

Break

2:45 - 4:00

Workshops II:

7. **Getting to Yes with Pro Bono**

This session will examine issues surrounding pro bono rules and policy such as whether attorneys should be permitted to fulfill the pro bono goal through buyouts or other indirect services, which increase the legal services available to the underserved; is mandatory reporting of pro bono hours working? is mandatory pro bono next? Ethical concerns? The session will also discuss issues of recruitment, including whether experienced attorneys should be recruited to train and mentor pro bono attorneys who request cases in areas in which they have not traditionally practiced or are YLD members; what draws attorneys to volunteer; what pulls them away; explore strategies for addressing the challenges.

(Panel: **Judge Katherine Leonard; Duane Fisher; Moya Gray; David Reber**)

8. **Elder Law Representation**

This session will explore hot topics in elder law and how to represent an elder client; spotting basic issues. (Panel: **Lenora Lee; James Pietsch; Scott Suzuki**)

9. **Overcoming Barriers to Access to Justice**

This session will examine the existing barriers of cultural and linguistic differences; available resources; what more needs to be done; what are the obligations and responsibilities of lawyers for these types of clients.

(Panel: **Judge Daniel Foley; Dew Kaneshiro; Jennifer Rose**)

10. **The Foreclosure Crisis: How to Help**

Hawaii's foreclosure statistics are high. This session will explore the issues of the foreclosure crisis; the foreclosure mediation pilot project on the Big Island; how to get involved to help.

(Panel: **Judge Ronald Ibarra; Judge Greg Nakamura; Alan J. Ma; George Zweibel**)

11. **Dealing with Domestic Violence** (offered in prior session)

This session will discuss the basics of the domestic violence issues, solutions that work, protective orders. (Panel: **Judge Michael Broderick; Nanci Kreidman; Jan Tamura**)

12. **Increasing Mediation Effectiveness: When Is It Appropriate and What Makes It Work?** (offered in prior session)

This session will explore mediation and its usefulness in particular situations.

(Panel: **John Barkai; Charles Hurd; Elizabeth Kent; Tracey Wiltgen**)

4:10 - 4:45

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Hon. Michael A. Town, Circuit Court Judge for the First Judicial Circuit

“Hawai`i Aloha” (led by **Senator Mike Gabbard**)