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Chief Justice Mark E. Recktenwald  
Welcoming Remarks for Access to Justice Conference  
William S. Richardson School of Law  
June 16, 2017

Good morning and aloha, and welcome to the ninth annual Access to Justice Conference. I'd like to start by thanking the Access to Justice Commission for sponsoring this event, and acknowledging my good friend and former colleague, Commission Chair Justice Simeon Acoba, for his leadership of the Commission. I want to thank Governor David Ige for his personal commitment to improving access to justice and for continuing the state's commitment to treat all people fairly, no matter their financial means. To my knowledge, this is the first time that a Governor has attended this conference, and it speaks volumes about his commitment to achieving justice for all.

I also want to thank all of the attorneys, staff and volunteers who work at legal services providers across the state, achieving amazing things with very limited resources. I especially want to recognize the folks at the Legal Aid Society of Hawai'i, whose source of funding at the national level, the Legal Services Corporation, is being threatened with de-funding. That action would have devastating consequences for the countless people who depend on Legal Aid to fight for their most basic human needs, and I and many other chief justices from around the country have urged Congress to continue funding the LSC.

I also want to thank Dean Avi Soifer and the William S. Richardson School of Law, Bob LeClair and the Hawai'i Justice

Foundation, the Cades Foundation, and Pat Mau-Shimizu and Nadine Ando of the Hawai'i State Bar Association, as well as the countless attorneys who have volunteered their time to provide pro bono services at our self-help centers and elsewhere, for their tireless support of access to justice in Hawai'i. Mahalo to everyone who has worked so hard to plan today's conference, including Carol Muranaka and the Access to Justice Commission's Education Committee, and all of the distinguished speakers and panel members who will be participating, as well as the women at the Women's Community Correctional Center who made these beautiful lei for the speakers today. Will you please join me in acknowledging everyone who helped make this conference possible?

I would also like to extend a warm aloha to Dean Kellye Testy of the University of Washington Law School, who will present the keynote address today.

Finally, I want to say a special thank you to Ronald Ibarra, Chief Judge of the Third Circuit. He will be retiring at the end of the month, after a long and esteemed career in the Judiciary and as a public servant for Hawai'i County. Notably for all of us here today, Judge Ibarra has been a staunch advocate for access to justice, and a member of the ATJ commission for many years. Can you please join me in thanking Chief Judge Ron Ibarra for his many years of service to the people of Hawai'i?

The legal profession is currently undergoing profound changes that impact how the practice of law is structured, and how legal services are provided. In England, corporations can now engage in the practice of law, and you can buy stock in law firms. Legal Zoom now operates in 48 states (including Hawai'i) plus D.C., and has successfully resolved legal challenges to its business model in a number of jurisdictions. There are multiple new entries in the online legal market, including attorney ratings services, services that pair clients with lawyers, and services that try to predict how judges will rule.

For years, the number of jury trials in civil cases has been decreasing. At the same time, many alternatives to litigation have sprung up. eBay offers online dispute resolution, which resolves tens of millions of disputes each year, and it's expected that more companies will offer voluntary online ADR, with computers taking the initial cut at mediation, followed by an option for referral to an online, human arbitrator. And IBM's artificial intelligence computer system Watson is doing work that associates used to do at some mainland firms, and was recently credited with assisting in the writing of a song.

All of these developments pose challenges to the role of the courts and the legal profession as we have traditionally understood them. At the same time, technology presents great

opportunities for increasing access to justice. Thanks to the leadership of our Access to Justice Commission and legal services providers, Hawai'i has undertaken many cutting-edge initiatives that assist self-represented parties present their side of the story.

To name just a few: We partnered with the Legal Aid Society of Hawai'i and the Hawai'i State Bar Association to make self-help interactive court forms available online. For those individuals who might not own a computer or have access to the internet, these forms are now available on hundreds of computers in 50 state public libraries statewide, and librarians have been trained to assist patrons who wish to use them.

Other online tools include the Hawai'i Legal Services Portal, which went live earlier this year, and allows users to answer a few questions online about themselves and their civil legal issue, and produces helpful information and a referral to the most appropriate civil legal services provider.

Volunteer Legal Services Hawai'i has started Hawai'i Online Pro bono, which allows attorneys to provide pro bono service online on their own time, and users can have questions answered even if they are unable to visit self-help centers.

Another exciting development is a recent grant from the Microsoft Corporation, in partnership with LSC and Pro Bono Net, to the Legal Aid Society of Hawai'i. Microsoft has pledged a

minimum of \$1 million of tech support, developer hours, and project management resources to develop more advanced online legal portals, with that amount to be shared by Hawai'i and Alaska. The project will direct users to the most appropriate form of assistance, focusing on those with critical needs who have not been able to meaningfully participate in the justice system. The goal is to develop a new model for reaching underserved populations which can then be replicated in other states.

The work we are doing here in Hawai'i is being noticed across the country. Recently, Hawai'i was ranked number three in the nation by the National Center for Access to Justice's "Justice Index" for our performance in increasing ATJ for our people. Although we can take pride in this recognition, we have so much work left to do.

Thus, both here in Hawai'i and on a national level, we must ask the question: how can we take these efforts to the next level?

Two years ago, the Conference of State Chief Justices adopted Resolution 5, which set an ambitious overall goal of 100% access to justice, provided through a continuum of meaningful and appropriate services. This is a goal that Hawai'i can achieve, if we plan carefully, build upon our successes, and bring new partners into the effort. Fortunately, we now have the means to

do exactly that, thanks to a \$100,000 "Justice for All" grant that Hawai'i received last fall from the Public Welfare Foundation and the National Center for State Courts. Hawai'i was one of only seven states to obtain a grant, out of twenty-five states that applied. The Hawai'i Justice Foundation, working with the ATJ Commission, the Judiciary, legal services providers and others in the community are now working hard on this project. A statewide meeting was held in April, and a dozen or so community meetings will be held across the state in the coming months. In short, this grant will help us to develop a shared vision of how to get to 100% access, and then to work together to make it a reality.

In addition to technological innovation, we must continue to build relationships and partnerships with those outside the legal field. I will be moderating a panel today about creating innovative partnerships to expand ATJ. This includes the business community, organized labor, and the broader community. There is a great case to be made for new partners to become involved: In addition to being the right thing to do, supporting ATJ also makes good economic sense. Indeed, a study released earlier this year showed that the time and money invested in legal services in Hawai'i pays off at an exceptional rate: a return of more than \$6 to our economy for every dollar spent on civil legal services.

While those who care about improving access to justice have diverse viewpoints and experiences, we are united by a common goal: the pursuit of meaningful justice for all of Hawaii's people. I am proud of the work we have done, I am excited for the challenges that lie ahead, and I am optimistic for a future in which "justice for all" is not just an ideal, but a reality.

Aloha and mahalo nui loa.