

**NATIONAL CONSORTIUM ON
RACIAL & ETHNIC FAIRNESS IN THE COURTS**

**HAWAI'I STATE JUDICIARY - OFFICE ON EQUALITY AND ACCESS TO THE COURTS
Written Summary of Activities Report
April 2012 – March 2013**

The Office on Equality and Access to the Courts (OEAC) currently consists of Program Director Debi S. Tulang-De Silva, Court Interpreting Services Coordinator Melody Kubo, Equality and Access to the Courts Program Specialist U'ilani Pauole de Sa, and support staff Joyce Kajioka, Kiblai Suzuki, and Cassandra Bagay. The Office coordinates its activities with the Supreme Court Committee on Equality and Access to the Courts (CEAC) and the Supreme Court Committee on Court Interpreters and Language Access (CILA). CEAC is co-chaired by Associate Justice Sabrina S. McKenna of the Supreme Court and Deputy Attorney General Frances E. Lum of the Department of the Attorney General. CILA is co-chaired by District Court Judge Gerald H. Kibe and Christine Kubota, Esquire. CEAC and CILA continue to address issues affecting Hawaii's immigrant, limited English proficient and self-represented litigant populations.

Further development and implementation of the Hawai'i State Judiciary's Language Access Plan remained the top priority for OEAC during April 2012 through March 2013. OEAC's work primarily focused on enhancing the provision of language access services to better serve limited English proficient court customers. Implementing projects aimed at promoting fair treatment of court users and increasing access to the courts are also ongoing. Most of OEAC's projects generate from Supreme Court Committees, CEAC and CILA.

Highlighted Judiciary Projects Related to Equal Access

Community Access to the Courts Project

The CEAC's Subcommittee on Community Access to the Courts Project was formed to develop and implement a program which presents free public seminars about specific areas of law and the courts in rural and underserved communities. Targeted communities include rural, ethnic, immigrant, limited English proficient, low-income, and other underserved populations. Each briefing is tailored to address the specific needs of the community and presentations are conducted by volunteer judges, attorneys, and other subject matter experts at sites and times selected by the attending community. Trainings provide attendees with a better understanding of how to access the court system and self-help resources. Informed parties are better able to navigate the court system, thereby facilitating the efficient resolution of cases and reducing time away from work and other communities due to legal proceedings. The Subcommittee works with community leaders and key stakeholders in implementing the project and actively collaborates with community organizations in seeking grant funding to continue the project. Over the last year, various presentations were conducted on legal topics covering Domestic Violence and Filing Protective Orders, Arrest and Criminal Process: Citizen's Rights, and Guardianship: Incapacitated Persons.

Language Access Project

The OEAC, CEAC, and CILA continue in its joint effort to meet state and federal mandates related to language access. Over the last year, provision of language access services for all types of judicial proceedings and encounters was fully implemented, public address systems in courtrooms were upgraded to integrate better audio connections to support telephonic interpreting services, translated language identification cards were made available in courthouses and on the Judiciary website, and acquisition of simultaneous interpreting equipment for court interpreters used in judiciary education class settings for defendants pursued.

Judicial Training

Mandatory training for judges on Implicit Bias.

Edward Byrne Memorial Justice Assistance Grant (JAG) Project

The OEAC received a 2011 Byrne JAG grant to fund its “Providing Language Access in the Courts” Project. Aimed at streamlining internal operational procedures and strengthening interpreter services under the Court Interpreter Certification Program, the project will: 1) produce several translated criminal court forms into various Pacific Island languages determined to be of critical need in the state courts, or languages that are so rare that no other viable means of providing languages access exists; and 2) conduct statewide specialized interpreter skills building training to better prepare interpreters for criminal court assignments.

Access to Justice Commission

The Access to Justice Commission was established by the Hawai‘i Supreme Court to provide leadership and continuity in efforts to expand and improve delivery of high quality civil legal services to individuals with low or moderate income in Hawai‘i, increase funding for civil legal services, facilitate collaboration and coordination among civil legal service providers, reduce barriers to the civil justice system faced by low-income or self-represented litigants, and increase the effective utilization of paralegals and pro bono contributions by attorneys in the delivery of civil legal services. Below are some of the highlights of the Access to Justice Commission’s 2012 annual report.

- Sponsored 2013 Access to Justice Conference “Justice in Jeopardy: Expanding Access to Justice in Challenging Economic Times”, attracting nearly 300 people from legal and general community.
- Conducted three community briefings to educate the public about the past and ongoing work of the Commission, resources that the public can access when legal assistance is needed, and to receive community input regarding the needs for increased access to justice.
- Educated various groups about new subsection to Hawaii Rules of Civil Procedure Rule which gives state courts discretion to approve the cy pres distribution of funds to entities, as agreed to by parties, which may include non-profit legal service organizations.
- Continued work on appellate pro bono project.
- Proposed statewide judicial foreclosure mediation program.
- Established self-help centers at courts on all islands to provide pro-se assistance in courthouses on all islands. In collaboration with the Hawaii State Bar Association, Legal Aid Society of Hawaii, and Volunteer Legal Services of Hawaii, volunteer attorneys at self-help centers provide limited legal services in certain discrete areas of the law.
- Amended rules of the Hawaii Rules of Professional Conduct and Supreme Court Rules to promote pro se assistance through targeted services to vulnerable populations such as allowing military attorneys to apply for limited admission and expanding representation.
- Amended rule of the Code of Judicial Conduct to define pro bono activities to increase the quantity and quality of pro bono services and adopted rule to allow limited admission of attorneys employed by non-profit civil legal services providers.
- Coordinated commitment from 21 law firms and government agencies to strive to meet Rules of Professional Conduct rule addressing requisite hours of pro bono services per year, and rule amendment allowing monetary contribution in lieu of pro bono service hours.
- Amended rule of Rules of Civil Procedure identifying organizations serving low and moderate income persons as appropriate beneficiaries of residual class action funds.
- Received ABA grant to expand access to civil justice for low-income people. In collaboration with the Judiciary, the project will enhance public information and outreach by producing translated brochures on the provision of language access services in the state courts, and by also conducting related training for judges, staff, and attorneys.

Promoting Language Access Beyond Hawai‘i

In its mission to promote language access for limited English proficient populations, the Hawai‘i State Judiciary continued to assist the Pacific Judicial Council in developing its court interpreter education projects and providing overall support to judicial systems in the Pacific Islands in the area of language access. Over the last several years, OEAC Program Director Debi Tulang-De Silva and CILA member Dr. Suzanne Zeng served as consultants for the Guam Judiciary in developing its court interpreter program. The team also conducted court interpreter skills building workshops in Guam, Saipan, Rota, and Pohnpei for interpreters from various Pacific Islands.