



VOLUNTEER LEGAL SERVICES HAWAII

Celebrating 40 Years of Pro Bono Work

By Angela Kuo Min

Volunteer Legal Services Hawaii (“Volunteer Legal”) celebrates its 40th anniversary in 2021. Since its creation, Volunteer Legal has provided over 100,000 Hawaii residents with pro bono legal services. Last year alone, Volunteer Legal pro bono attorneys donated over 3,200 hours of in-person, telephonic, and virtual legal services valued at over \$800,000.



effort to fund its work in the community, the Pro Bono Project approached the Hawaii Bar with a proposal to add a donation line item on the annual renewal form. The Hawaii Bar approved the Pro Bono Project’s proposal, and since 1982, the Bar Renewal Check-Off donation (“Bar Renewal Donation”) has been an important and integral part of Volunteer Legal’s continued

History and Mission of Volunteer Legal Services Hawaii

In 1981, leaders from the Hawaii Bar Association’s Young Lawyers Division (“Hawaii Bar”) created a pro bono project, then known as the Hawaii Lawyers Care/Hawaii Lawyer Pro Bono Referral Project (“Pro Bono Project”). At the time, the Hawaii Bar was voluntary and there were no organizations coordinating and/or providing pro bono services to those in need. The goal of the Pro Bono Project was to refer clients to Hawaii Bar members who were eager to take on pro bono cases.

Within the first year, the Pro Bono Project matched and placed over 100 cases. The Pro Bono Project was well received by the community with room for expansion. By the following year, the Pro Bono Project applied to become its own non-profit and opened an office front in downtown Honolulu. As an

funding and financial support.

Early Pro Bono Project founder, Paul Alston, explains, “The financial support was designed to promote the Hawaii Bar’s member-directed mission to promote delivery of legal services to the poor, and it has been a great success.” Although the Pro Bono Project has evolved into an independent 501(c)(3) entity now known as Volunteer Legal Services Hawaii, its roots as a program of the Hawaii Bar should not be forgotten.

Volunteer Legal’s mission is to increase legal access for those Hawaii residents who cannot afford to hire an attorney due to financial hardships. Chief Justice Mark E. Recktenwald regards Volunteer Legal as a “vital component” in achieving increased access to justice and “their ongoing efforts to adapt to the constantly changing needs of the community have resulted in some very innovative and successful approaches. Their willingness to collaborate with other legal service providers and the Hawaii Judiciary has resulted in important initiatives.”

Volunteer Legal relies primarily on a clinic-based pro bono model with volunteer attorneys to provide legal services. Volunteer Legal's staff of seven provides administrative support to volunteer attorneys while also coordinating programs and outreach to the community. Volunteer Legal's Board President Trever Asam shares, "With Volunteer Legal Services Hawaii's detailed intake process, clients are paired with specific pro bono attorneys whose skills match their needs, ensuring a positive experience for both parties. Volunteer Legal Services Hawaii's model has proven successful in both expanding access to the justice system and providing opportunities for members of the Bar to satisfy their pro bono obligations."

Supreme Court of Hawaii, Hawaii Rules of Professional Conduct, Rule 6.1 provides an aspirational goal that attorneys provide at least fifty hours of pro bono services each year. The reason why Volunteer Legal has been so successful and well received by the community is that its volunteer attorneys do pro bono out of the goodness of their hearts, and not because there are rules making pro bono mandatory. Volunteer Legal's pro bono attorneys are willing and eager to wake up early on a Saturday morning and drive to Waianae for a legal clinic. Other attorneys will come and volunteer at Volunteer Legal's office after working a full day at their own offices. These volunteer attorneys know that Volunteer Legal's clinics are an essential legal resource and without them, these residents would not have the opportunity to speak to an attorney face-to-face at no charge. Volunteer Legal's pool of near two hundred volunteer attorneys provide legal education, advice and counsel, brief services, and full representation cases in family law, estate planning, Chapter 7 bankruptcy, private landlord-tenant, collections, small claims, and veteran benefits.

Volunteer Legal's pro bono attorneys have a wide range of experience and backgrounds including associates

and partners at firms of all sizes, in-house attorneys, solo practitioners, and government attorneys. Lawyers hold special skills and a privilege to be able to navigate the legal system. Pro bono attorneys continue to be a critical element in filling legal service and advocacy gaps in Hawaii's community. Attorneys have the tools to help otherwise unrepresented persons navigate through our legal system in an effective way.

Volunteer Legal's 2020 Pro Bono Celebration Honoree, attorney Clarissa Malinao shares her experience: "Volunteer Legal Services Hawaii makes it easy to volunteer with support from knowledgeable and helpful staff; and offers a wide range of opportunities to help those in need. The clients of Volunteer Legal Services Hawaii are from a segment of our community who cannot afford to retain an attorney of their choosing. I volunteer because it is imperative that all people have equal access to justice. During this COVID-19 pandemic, they need our help even more than ever before. Volunteer Legal has adapted to new ways to continue providing legal services over the phone and internet. I am able to provide advice and counsel and provide them a better understanding and outcome of their case."

Who Do We Help?

In 2019, Volunteer Legal qualified over 3,400 individuals for services based on income and legal issue. Volunteer Legal has provided referrals for another thousand individuals who called Volunteer Legal's office with issues outside their scope of services. Volunteer Legal extensively serves the "gap group" of clients: those who may not qualify for other legal aid services under federal guidelines (which is that group from 125% to 250% of the federal poverty rates). Without Volunteer Legal, the gap group would be left without long established and ongoing legal services. For those individuals that Volunteer Legal has helped: 25% are homeless or at risk of being homeless, 16% of those helped

suffer from domestic violence, 8% of those helped are veterans, 24% of those helped are disabled, and 28% of those helped are seniors (including many of our neighbors living in the Honuakaha Building above Volunteer Legal's office). Over 1,500 services were provided through various means, the most popular being Neighborhood Legal Clinics ("Clinics").

Without Volunteer Legal, these individuals would have been easily overwhelmed by the legal system. Instead, Volunteer Legal was able to provide these individuals with the support and counsel they needed to effectively address their legal needs. Hawaii residents continue to share stories of how Volunteer Legal's services have improved their lives:

"In the past I have struggled with drugs and alcohol and have been in and out of jail and rehab. I am now employed, living in a clean and sober home and thanks to Volunteer Legal Services of Hawaii, I can work towards getting my license back and getting my life back on track. I continue to spread the word around my community so others can get back on track in obtaining their driver's license."

– Volunteer Legal Re-Employment & Community Service Client.

"Will and trusts can be very confusing documents to navigate, and getting probate going can be frustrating. The attorney I spoke to answered all my questions and my follow up questions, I felt like I had a much better idea about what I could do about my issues." – Volunteer Legal Neighborhood Legal Clinic Client.

"Thank you so much for providing this service to people in need. I have no idea what I would have done if I could not get advice from this site. I have been extremely stressed about things surrounding the death of my grandma. Taking care of her estate being one of them, and the attorney that answered all my questions was very helpful. I went from feeling intimidated about the situation to having more clarity and confidence."

– Hawaii Online Pro Bono Client.

How You Can Get Involved

More than ever before, Volunteer Legal needs and relies on the help of pro bono attorneys for the delivery of legal assistance to low- and moderate-income persons and families in Hawaii. There are over 4,000 active attorneys in Hawaii but fewer than 200 in our volunteer pool (Approximately 5% of Hawaii's active attorneys). Along with a number of other reasons, having "no time" is the most common basis of attorneys not doing pro bono. However, Volunteer Legal pro bono services are designed to be responsive to the community's civil legal needs while also being flexible with pro bono attorneys' time constraints.

Please help those who are less fortunate be able to do the same. Help celebrate Volunteer Legal's 40th anniversary by showing Hawaii's communities that Hawaii lawyers care and want to help. Help Volunteer Legal achieve its goal of doubling their volunteer pool in 2021. Some of the most popular ways to get involved in pro bono are:

NEIGHBORHOOD LEGAL

CLINICS: Participants meet with a volunteer attorney for 45 minutes for limited scope services one-on-one. Clients are pre-screened by Volunteer Legal's intake staff and then scheduled and matched with a Pro Bono attorney based on the legal issue (family law, estate planning, bankruptcy, district court, etc.). A volunteer attorney may be assigned between 2-4 individuals per clinic and will have the opportunity to run conflict checks and review the case summaries prior to accepting a clinic assignment. The attorney will discuss the case, answer questions, provide legal advice, and review and/or assist in drafting forms for the participant. (Prior to COVID-19, Clinics are held at the Volunteer Legal office on Thursday evenings and Saturday mornings. Currently, due to COVID-19 all Clinics are held over the phone until further notice.)

PRO BONO REFERRALS: If after a participant receives his/her advice and counsel at our Neighborhood Legal Clinic and still needs



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Pro Bono Opportunities: Maya Scimeca at maya.scimeca@legalaidhawaii.org

Donation in lieu of pro bono under HRPC Rule 6.1:
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assistance, pro bono attorneys are needed to assist participants with further “*brief services*” or “*full representation*.” The pro bono commitment may range from representing a qualified client from start to finish or assisting with a discrete task such as drafting estate planning documents or negotiating with a creditor or landlord. Attorneys who sign up for the Pro Bono Referral Program can designate the types of cases they are willing to take.

HAWAII ONLINE PRO BONO:

Since COVID-19, Hawaii Online Pro Bono (“HOP”) has seen a 40% increase in questions posted and answered. This online based portal allows qualified individuals to electronically post civil legal questions pertaining to the following areas of law: family law, private landlord-tenant, collections, Chapter 7 bankruptcy, estate planning,

veteran benefits, and immigration. The questions are made available via the portal for pro bono attorneys to pick and choose to answer. Pro Bono attorneys and community users can utilize the portal at any time and any setting where access to the internet and computer, smart phone, or tablet is available. Sign up to be a HOP attorney volunteer at: <https://Hawaii.freelegalanswers.org>.

Support for Volunteer Legal Services Hawaii

With the ongoing pandemic, demand for legal services by those disenfranchised in Hawaii’s community is rapidly increasing. Volunteer Legal has made necessary adjustments to maintain delivery of legal services. However, Volunteer Legal faces a funding crisis as the demand for our legal services increase. Historically, Volunteer Legal has received approximately one-third of its funding from the State of Hawaii. As a result of the State’s current financial crisis, Volunteer Legal does not anticipate state funding in the coming fiscal years. Further, Volunteer Legal does not receive federal funding. Like years past, Volunteer Legal fundraises to support its programs and services. However, due to the public health threat imposed by COVID-19 and the



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priority to keep friends and family safe, Volunteer Legal made the very difficult decision to cancel its annual fundraiser this past spring. Volunteer Legal hopes that it can still hold an event in the future to celebrate its 40th anniversary in 2021. This remains yet to be seen.

Volunteer Legal very much needs the support of its Bar members, now more than ever, so that it can continue to meet the demands for the legal services provided to Hawaii residents. Due to their long-standing relationship with the Hawaii Bar, Volunteer Legal is the only organization allowed to seek a donation from Bar members on annual Bar Renewal. Volunteer Legal has been very thankful to have received annual donations through this process – which most recently has provided approximately one-sixth of our annual budget. Earlier this year, the Hawaii Bar made the unilateral decision to remove the Bar Renewal Donation for Volunteer Legal.

Subsequently, with overwhelming support from the Chief Justice, Judges, early founders of the Pro Bono Project, Past Hawaii Bar Presidents, and fellow members of the Bar, the Hawaii Bar voted to retain the optional donation line but as an “OPT-IN” choice. With this change and the uncertainty of the ongoing pandemic, Volunteer Legal still hopes to count on donations from generous Bar members to support this essential source of funding.

Donations through the annual Bar renewals over the last three decades have provided Volunteer Legal the means to continue and expand its legal programs, clinics, and outreach opportunities across Hawaii. Please help directly support Volunteer Legal by checking the “OPT-IN” donation box on your annual Bar renewal this month. Your donations help ensure equal access to justice for those most in need including your neighbors, veterans, the disabled, and the elderly.

On behalf of the Volunteer Board and the people we serve, thank you to the members of the Bar and our local legal community who continue to support Volunteer Legal. We look forward to bringing our mission to the “new normal” in 2021 for those in our community who need it the most.

Angela Kuo Min is Volunteer Legal Services Hawaii's Executive Director. She manages Volunteer Legal's operations, programs, and financials of the organization. She also serves as a commissioner on the Access to Justice Commission, and the Chair of the Committee on Increasing Pro Bono Services.

For more information on volunteering, please see <https://www.vlsh.org/get-involved> or e-mail volunteer@vlsh.org. Please help support our mission by donating today; please see <https://www.vlsh.org/donations>. All donations are 100% tax deductible.



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