

Ka Leo Kaulike

Newsletter

Fall ~ Winter 2010



Happy Holidays and Happy New Year!

As we near the end of 2010, our anniversary year, we thank all of our supporters of the 3-year Justice Campaign and sponsors of our 60th Anniversary Dinner who were responsible in donating accumulatively more than \$600,000 in unrestricted funding. These funds were crucial in helping Legal Aid accomplish its mission to provide equal access to justice for Hawaii's low-income communities.

But support is still needed. This holiday season please consider giving to the Legal Aid Society of Hawaii, which now includes the Hawaii Immigrant Justice Center. We are Hawaii's oldest and largest public-interest law firm, with offices statewide, whose mission is to achieve fairness and justice through legal advocacy, outreach and education for those in need.

- Legal Aid reaches out to assist an ever-increasing number of Hawaii's working low-income and other vulnerable residents including children, the disabled, and seniors.
- Legal Aid is not just a social service, it is a socio-economic necessity for our community's well-being, especially in challenging economic times.
- Hawaii ranks 10th in the nation in highest foreclosure rates.
- Poverty rates in Hawaii rose from 9.9% to 12.5% (or 156,000) since 2009, and up from 7.5% in 2007; with record homelessness especially in new homeless youth and families.
- In FY10, Legal Aid was only able to provide representation to 1 in 5 who contacted us and were eligible for assistance. All those eligible receive counsel and advice, but due to budget cuts, not all can be provided with assistance from an attorney or paralegal. (There is only 1 Legal Aid attorney for every 4432 people under 125% of the Federal Poverty Guideline.)
- There are few legal services in Hawaii equipped to adequately handle the rising need of Hawaii's less-fortunate. Legal Aid is the only legal service with offices on every major island in the state making services available statewide, to those with nowhere else to turn.

Your donation can help ensure that a frail, elderly individual receives the benefits needed to sustain daily life; assist a disabled individual in obtaining the Social Security payments he or she is entitled to; help prevent the wrongful eviction of a family from their home; help a domestic violence victim flee from abuse and live in a safe environment; help a family become stable and secure; and assist in placing a battered/underserved child into a loving, permanent, adoptive home.

You may give by filling out and sending in the donation form on the back of this newsletter, donating online through our website at www.legalaidhawaii.org, or calling Kathryn Xian, our Director of Development at: 808-527-8009 or email: kaxian@lashaw.org.

Mahalo nui loa once again for your continued support. ❖

**When you give to Legal Aid, you give to the community.
86% of funding goes to services for the less-fortunate.**



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Legal Aid is Hawaii's oldest and largest non-profit law firm dedicated to assisting the low- to moderate-income community. Our mission is to to achieve fairness and justice through legal advocacy, outreach and education for those in need

Established in 1950, Legal Aid has 9 offices statewide, and over 90 attorneys, paralegals, and administrative staff all dedicated to achieving Legal Aid's vision of "Building a Just Society."

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Our Priority, Our Clients

Legal Aid would like to dedicate this Winter Issue to our many clients. The maintenance of justice is a constant struggle for some who lack the resources to afford powerful legal assistance. Yet, in the face of economic hardship, our clients bravely fight for the rights they deserve. Here are some of their stories.

LEGAL AID HELPS SINGLE MOTHER WITH INCARCERATED HUSBAND ACHIEVE DIVORCE

Shar Kahumoku-Gomes is a part-Hawaiian, single mother whose husband was incarcerated on the mainland seven months after their wedding date. She gave birth to their son one month thereafter, and was forced to raise the baby alone. Legal Aid assisted Ms. Kahumoku-Gomes with filing



Shar and Vito Kahumoku-Gomes

for divorce, and based child support on an estimate of what her husband would be capable of earning upon his release. Ms. Kahumoku-Gomes, who works as a licensed massage therapist, was awarded custody of the baby. Further, the judge ordered her husband to pay child support, obtain life insurance to benefit the baby, and pay for half of the baby's post-high school educational expenses. ❖

LEGAL AID HELPS FILIPINO WWII VETERAN OBTAIN GUARDIANSHIP OVER HIS DISABLED WIFE

Musolino Dagdag, an 82-year-old Filipino WWII veteran whose first language was Ilocano, contacted Legal Aid with the assistance of Emy Yanday, a service navigator at AlohaCare. He needed to obtain guardianship over his 81-year-old wife, who was confined to a nursing home due to suffering from Alzheimer's and other ailments. His plan was to take her back to the



Musolino Dagdag

Philippines where he would have more family support. Before he could do so, however, he needed to take care of the couple's finances, and arrange for his daughter to come over from the Philippines to help with the move. His situation was urgent, since he was also disabled, and depended on his wife to pay for half of their expenses. Legal Aid responded quickly, and drafted the necessary court documents to achieve the guardianship in less than two months. Mr. Dagdag was very grateful for Legal Aid's help, and relieved to know that he could finally take his wife home. ❖

Hawaii Immigrant Justice Center

AN INSIDE PERSPECTIVE

by Frannie Leung

As an intern at the Hawaii Immigrant Justice Center at the Legal Aid Society of Hawaii (HIJC at Legal Aid), I have learned firsthand that it is very possible to change the world for the better even within the confines of a modest office. I am constantly given the chance to take part in objectives that just *feel right*. I like to think that I have become another addition to an 'ohana that continues to mobilize social aid and social change in relatively unacknowledged ways.

I worked on a case involving a female immigrant who had no money, could not speak English, and was being physically, emotionally and sexually abused by her husband. HIJC at Legal Aid was able to win her divorce case, gain her permission to remain in the U.S., help her access free English lessons, and help launch her own business. One can only imagine what might have happened to her had she not found the legal resources at HIJC at Legal Aid.

In another case, a paralegal and I helped a refugee who had found himself in a terrifying predicament. Destitute and unable to speak English, he had been kicked out of his friend's house, left wandering the streets for several days. With a few phone calls to the right people, we were able to help him find food and lodging within a matter of hours.

The staff at HIJC works tirelessly toward their mission to provide access to justice for Hawaii's immigrant populations. While many recognize the importance of human rights and equal representation, few actually fight for those rights on a daily basis and even fewer are recognized for doing so. In times of widespread economic challenge, funding and resources for organizations like HIJC at Legal Aid are the first to be cut. I humbly urge the public to support HIJC at Legal Aid and the Legal Aid Society of Hawaii and to recognize the work of these organizations as equally fundamental to the community as life, liberty and the pursuit of happiness. ❖



Top: left, HIJC's Lisa Lee; right Legal Aid's Madonna Castro-Perez
Bottom: HIJC paralegal Paul Luu

Bringing Community Together Over DV

A call was all that it took and the path was set for the first joint effort in Hawai'i to train pro bono attorneys to assist domestic violence victims. Partnering with the Domestic Violence Action Center ("DVAC"), Carlsmith Ball, and the William S. Richardson School of Law, Legal Aid conducted a free training to attorneys wishing to provide pro bono assistance to victims of domestic violence on October 23, 2010.

Seeing the need in the community and interested in making a difference, Managing Partner Terri Ann Motosue of Carlsmith Ball contacted former Legal Aid Pro Bono Coordinator Clara Javier about the idea of providing a training on domestic violence for pro bono attorneys. The two then worked tirelessly to partner with DVAC and the Law School, design and find experienced speakers on domestic violence and family law, and find sponsors, including Xerox and Carlsmith Ball for this all day event.

Hawaii, on average, sees about one domestic violence related death every month and DVAC has experienced an increase of 138 calls since 2009 for their domestic violence hotline, despite a shortage in resources and services due to the economic recession and cuts in state funding.

The training was a great success resulting in over 50 attorneys, paralegals and other advocates participating and included a surprise visit from Chief Justice Mark Recktenwald.

Presenters included: Judge Daniel Foley; Ret. Judge Frances Wong; Carole Richelieu, former Chief Disciplinary Council of the ODC; Steve Duck, Legal Aid's Family Law Unit Supervisor; Cindy Spencer, Vice President, CCB, Domestic Violence Action Center; and Jennifer Rose, UHM Gender Equity Office. ❖



From left to right: Carol Muranaka, Jenn Rose, Chief Justice Mark Recktenwald, Teri Motosue, Legal Aid's Family Unit Supervisor Stephen Duck, and Michelle Ching



Reuniting a Mother with her Children

"Martha" was trapped in a severely abusive marriage for five years with a man who routinely beat her, repeatedly threatened to sexually and physically assault her, and who depleted their bank account on alcohol and drugs.

Martha, the petite mother of two children aged 3 and 4 years old, was absolutely no physical match for her husband, who was twice her size. Isolated and scared, but knowing that staying in her marriage would be too dangerous for her and her children, she took her kids and left her husband; moving in with her mother. Then she mustered the courage to fight for a divorce so that she could start a new life with her children. That's when she found Legal Aid.

But before divorce proceedings started, Martha's abusive husband filed and served an unfounded temporary restraining order against her, alleging that she had hit him when he returned home with a friend from a party. In actuality, he had hit her, pushed her against the car with his body; pinning

hers down so that she could not move. His friend, who had witnessed the altercation, pulled him off her. Despite this abusive incident, and as result of his filing of the temporary restraining order, Martha's two children were forcibly removed from her care. She was unable to contact her kids. She returned to Legal Aid in tears, extremely distraught.

Not only was Martha very worried about her babies' whereabouts, she was worried about their exposure to her husband's continued violent behavior and drug abuse. He also had the girls removed from day care, making it impossible for Martha to find them.

Legal Aid represented Martha in court and successfully disputed her husband's unfounded claims. The judge found no merit to his allegations, dismissing and vacating the temporary order.

After Martha filed for a hearing asking for custody of the children, her husband again filed yet another temporary restraining order against her.



After another trial, the court found the husband's claims non-compelling and rightfully dismissed his case.

The next day, Martha was awarded immediate temporary physical and legal custody of her two children. And, because of her husband's two unfounded restraining orders, his parental kidnapping of his daughters, and his violent behavior and drug use, the court ordered his visitation with his children to be supervised.

Martha, now divorced, was happily reunited with her children, having been unjustly separated from them for several weeks. ❖



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LEGAL AID
SOCIETY OF HAWAII



Hau`oli Makahiki Hou!

Legal Aid Justice Campaign Pledge Form

Thank you for your support of this important campaign! Your gift will help ensure that the Legal Aid Society of Hawaii will be able to continue to address its mission of achieving fairness and justice for Hawaii's people through quality representation, advocacy, community partnerships, education and outreach. Mahalo nui loa!

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PLEDGE AMOUNT AND METHOD OF PAYMENT

SINGLE DONATION: My firm/I pledge to give the following amount by June 30th 2009:

\$ _____ . OR

3-YEAR PLEDGE: My firm/I pledge to give the following amount **by June 30 of each year** for the next 3 years: \$ _____.

I/We would like to make payment of our pledge as follows:

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Card holder name: _____
Card Number _____ Exp. date: _____

Authorized Signature _____

Please send me a reminder of my pledge at least 15 days before June 30th 2011

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