



Kanawai Mamalahoe

... Building a just society

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E na kanaka,
 E malama 'oukou i ke akua
 A e malama ho'i i kanaka nui
 a me kanaka iki;
 E hele ka 'elemakule,
 ka lauhine, a me ke kama
 A moe i ke ala
 'a'ohē mea nana e ho'opilikia.
 Hewa na, make.

The Law of The Splintered Paddle

O my people,
 honor thy god.
 Respect alike (the rights of)
 men great and humble;
 See to it that our aged,
 our women, and our children
 lie down by the roadside
 without fear of harm.
 Disobey, and die.

Mission Statement:

The Legal Aid Society of Hawai'i is a public interest, not-for-profit law firm dedicated to achieving fairness and justice for Hawai'i's people through quality representation, advocacy, community partnerships, education and outreach.

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Legal Aid Delivers Critical Legal Services for 55 years

Founded in 1950, the Legal Aid Society of Hawai'i (Legal Aid) has grown to become the state's largest and oldest non-profit law firm. It provides high-quality and compassionate civil legal services to the most needy in our state. Our areas of expertise are in the following five areas of law:

Family, Housing, Consumer, Public Benefits, and issues concerning the elderly.

Each year, Legal Aid responds to over 19,000 inquiries for assistance of which over 10,000 individuals and families receive brief service, counsel and advice or full representation.

Since the mid-1990's, Legal Aid has faced substantial reductions in state and federal funding coupled with a significant increase in request for its services. Over a three-year period, **the program lost approximately 40% of its funding due to budget restrictions by government.** While adapting to its substantial financial challenges, Legal Aid managed to continue to improve on its program. Within the last ten years, changes, including a new mission statement to include an expansion of services, the creation of an innovative statewide delivery system, and a commitment to diversifying its funding base, have benefited the program and its clients.

Legal Aid's efficient and effective delivery system is designed to meet the

critical legal needs of the estimated 166,629 or 14.14% of Hawai'i's population who live below 1.25% the federal poverty level. The statewide delivery system is supported by a technology capacity comprised of a centralized telephone intake system, an internet based web site

(www.legalaidhawaii.org), e-mail and video-conferencing in all nine offices. Legal Aid is the only statewide non-profit legal service provider in the state with offices in Honolulu, Wa'ianae, Kahalu'u, Hilo, Kona, Maui, Moloka'i, Lana'i, and Kaua'i. In addition, Legal Aid's Providing Access to Help Project (PATH)

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establishes direct legal services from Legal Aid to the areas of Waimanalo, Wahiawa and Kalihi. A Legal Aid staff member or attorney will offer intake, referral and brief services at these sites. Video-conferencing units, similar to those located at the Legal Aid's nine other office locations will, also be available to help overcome geographical barriers and provide face-to-face assistance at any time.

While providing access to justice for Hawai'i's people, Legal Aid has been able to touch many lives. Providing critical legal services for those in need helps people maintain income security, preserve housing, protect child welfare, and defend against family violence. Legal Aid is a smart investment for the state.

Youth Advocacy

Theresa's Story

There was a time, not so long ago, when Theresa and her four siblings were living in squalor. On good days, they shuffled from one house to another, living with family or friends. On bad days they were homeless and living on the streets. After Child Protective Services intervened, the children were all placed in different foster placements and Theresa spent the next four years bouncing between six different foster homes and three different high schools.

During these four hard years, a CPS caseworker refused to place Theresa in her aunt and uncle Rodriques' care despite the recommendations of another caseworker and the fact that the Rodriques were already caring for Theresa's brother. For three years, Legal Aid attorney Stacia Silva fought for Theresa's best interests and Theresa was finally placed with her aunt and uncle a few days before Christmas 2003. Theresa is now a proud freshman at the University of Hawai'i at Manoa.



A Young Girl's Story

Due to a mother's drug abuse and multiple attempts at rehabilitation, a four-year-old girl was left homeless and parentless. Although her young father was unable to care for her and already had a troubling history in the Child



Protection Services system with another child, he attempted to obtain custody of the girl.

Legal Aid Staff Attorney Greg Meyers made a difference in this child's life by helping her hanai grandmother to obtain guardianship of the child, keeping her with a loving family. The girl is now in great health and secure in her life.

A Parentless Child Who Would Enter the System

Legal Aid, through the efforts of its' attorneys in Honolulu and Kaua'i, were able to establish paternity for a newborn motherless child in 2 business days, allowing the hospital to release the child to the father.

Willy tragically lost the mother of his children, Sasha when she made the ultimate sacrifice and decided, as gravely ill as she was, to complete her pregnancy and give birth to their daughter via C-Section. Sasha lived a few hours after the birth of her child, long enough for the parents to name their newborn "Sasha," in memory of the mother the baby would never know. Unfortunately, paternity was not established and the hospital did not have a legal parent to release the child home to. In the spirit of lokahi, numerous organizations including the hospital, Child Support Enforcement Agency's corporate counsel, and private attorneys who heard the tragedy contacted Legal Aid for help.

Strengthening Families

Because of Legal Aid's offices in Kaua'i and Honolulu, Sasha's maternal grandmother was able to be quickly appointed as her personal representation on Kaua'i and her paternity expedited in Honolulu. Through the expeditious partnership of the court, Corporation Counsel, the parties, and Legal Aid, a devastated and mourning father was able to take his daughter home from the hospital. We continue to assist the father by establishing paternity for the couple's 2-year old daughter.

Protecting Her Children with Assistance

Mrs. A sought assistance with a temporary restraining order and divorce after learning that her husband had sexually abused his stepsons as well as their oldest daughter. She faced added pressure from Child Welfare Services after the disclosure of the sexual abuse, concerns over the undocumented home schooling of her children to which she had no knowledge of, and substandard housing. With the assistance of neighbors and Legal Aid, Mrs. A was able to improve the conditions in the home, enrolled the children in a local charter school and have a 21 year restraining order granted after her husband fled the jurisdiction to avoid prosecution. Legal Aid continues to assist Mrs. A. in her divorce.



Domestic Violence Survivor's Story

Ms. A, the mother of two young boys, was a victim of severe domestic violence. The abuser, who was the father of Ms. A's son, had already been convicted for prior abuse of Ms. A. After fleeing from the abuser, she sought a protective order. The abuser responded by contesting her request for a protective order, filing a paternity action and seeking custody of their son. Legal Aid attorney Andrea Alden represented the client in both cases and succeeded in obtaining a three-year protective order, securing custody of the two-year-old son for the mother and establishing child support payments.

Housing

Housing is essential to ensuring a safety and stability for Hawai'i's families. Approximately 19% of all requests received by Legal Aid are housing law issues. These include landlord-tenant issues such as, eviction, grievances, rent, security deposits, habitability, repairs, or illegal lockouts or shut off, for both public and private housing. Legal Aid has further developed an expertise in the area of fair housing law and can provide this expertise to families who are being denied housing due to discriminatory acts.



Advocacy for Seniors and the Disabled

Mrs. Ishikawa’s Story

When Elaine Ishikawa had to make the decision to place her husband in long term care at Kula Hospital, it was one of the hardest decisions she had to make. Caring for her husband was becoming too difficult on the seventy-five year old. Mrs. Ishikawa worked with Renee Saito, a social worker at Kaiser, to apply for Medicaid benefits for her husband while placing him with Kula Hospital.

Unfortunately, Mr. Ishikawa passed on before staying at the Kula Hospital for thirty days and because of this he was denied Medicaid benefits.

Concerned about what she believed was an unfair denial, Ms. Saito contacted the Legal Aid’s Maui office to see if anything could be done. Staff Attorney Kristina



Toshikiyo, a recent University of Hawai`i law school graduate, was assigned to the case and represented Mrs. Ishikawa at an administrative hearing challenging the decision. Ms. Toshikiyo explains that, “the Hawai`i Administrative Rules only state that a person applying for Medicaid coverage for long term care must be expected at the time of application as determined by a treating or admitting physician to reside in the long term care facility for 30 days, not that he must reside in that facility for 30 days. The denial of coverage because of Mr. Ishikawa’s death was unfair and needed to be challenged.”

The administrative hearing’s officer agreed and the Department of Human Services was ordered to award Mr. Ishikawa Medicaid benefits for the time that he spent at Kula Hospital. According to Mrs. Ishikawa, “Because of Legal Aid’s involvement and legal expertise I was able to receive Medicaid benefits for my late husband and go on with my life without the financial burden... Legal Aid is a very important resource for seniors like me and hopefully this [case] will continue to assist seniors.”

Ms. M’s Story

Ms. M, a single mother of seventeen-year-old twins, went to the oral surgeon for what was supposed to be a routine root canal in December of 2001. Hours after the procedure she developed severe vertigo, pain in her face and headaches. After several months of living in extreme and disorienting pain it was discovered that “gutta percha,” a cylinder-shaped object used in the root canal procedure, was lodged in her sinus. As a result of this experience and



preexisting conditions, Ms. M. suffered from Post Traumatic Stress Disorder (PTSD), major depression, carpal tunnel syndrome, trigeminal neuralgia, and episodic vertigo.



Ms. M. stopped working due to her multiple conditions in 2001 and began receiving general assistance (GA). In 2003, Ms. M was referred to Legal Aid’s Kaua`i office for assistance in securing SSI benefits. When she came to Legal Aid she had already been denied SSI benefits at the application stage and reconsideration stage.

Legal Aid requested a fair hearing and gathered physical evaluations and medical reports to show that Ms. M had limited use of her upper extremities, could not lift anything over 10lbs, or reach overhead. Notes and evaluations from Ms. M’s psychiatrist were equally instrumental in demonstrating to the Administrative Law Judge (ALJ) the severity of Ms. M’s disability. The ALJ found Ms. M. disabled as of December 2001, awarded her approximately \$14,697.00 in back payments and awarded \$683 in monthly disability payments.

Ms. M. is grateful for Legal Aid’s services, in a letter written to Legal Aid, she wrote, “I am writing this letter to tell you how helpful Legal Aid on Kaua`i was to my family and myself... The highly professional Pro Bono hours I received was very much appreciated and has helped to relieve [sic] the huge stress I was under as a single parent (who can not function as I once did).”

Reaching Out Through Education and Outreach

Legal Aid’s enduring commitment to educating the community and empowering the people of Hawai`i is apparent in the many education and outreach efforts in which it participates throughout the year. In addition to handling cases and conducting advocacy on behalf of clients, Legal Aid attorneys and advocates are passionate about connecting with the community and its peers through educational presentations, peer and professional trainings, special events and fairs. Legal Aid’s expertise in five areas of law, the issues faced by its client populations and its historic ties to the community positions it as an important resource for the state.



Help for The Working Poor

In Hawai`i a person can work full-time and still not earn enough to survive. What might be a mild setback to a middle-income or high-income earner can create an overwhelming or life-threatening burden to those who are considered low-income. The following projects address some of the specific issues faced by these people: Affordable Lawyers Project, Low-Income Taxpayer Clinic Project, Consumer Advocacy, HUD Homeownership Counseling Project, Fair Housing Enforcement Program, District Courthouse Advocacy Project, Statewide Welfare Support System, Teamsters/Allied Legal Services Project.

The Affordable Lawyers Project is a fee-for-service project for individuals and families who earn too much money to qualify for free Legal Aid services but who still cannot afford to pay the standard fees charged by private attorneys. This project serves people who are above 125%, but below 250% of the Federal Poverty Guidelines, a gap group that is often underserved and fall through the cracks of the legal system.



Partnership in Pro Bono

Legal Aid cannot alone meet the needs of all eligible people in Hawai`i. Its Partnership in Pro Bono was created to provide attorneys on every island with an opportunity to give back and make a difference in helping Hawai`i's people access justice. Partnership in Pro Bono is dedicated to filling the gap between Legal Aid's resources and the community's need for its services. In order to increase full representation for Legal Aid's clients and encourage volunteerism in the legal community, Partnership in Pro Bono invites attorneys in the private bar to represent Legal Aid clients. By channeling resources found in the private bar to meet the needs of the increasing number of unrepresented court users Partnership in Pro Bono helps to depreciate the courts case loads at a more efficient pace. During the last year



Partnership In Pro Bono has recruited many volunteer attorneys and has enabled more clients to receive critical legal services they would not have otherwise been able to receive. Legal Aid is grateful to all of its volunteer attorneys and encourage more to join in making a difference.



A Sound Economic Investment

Census results show that the state poverty level rose approximately 43% over the past ten-year period. This is incongruent to the approximate 45% reduction of general revenue state funding Legal Aid received over the same period. As the population Legal Aid services has continued to grow, the need for assistance in legal services has increased as well.

Through creative diversification, Legal Aid has continued to survive.

Last fiscal year, our partnership with the state to assist those receiving state funded general assistance to receive federal SSDI/SSI benefits brought in approximately \$4,150,000 – **\$9.99 for every \$1.00 invested by the state.** Further, each year the 2,498 individuals Legal Aid has obtained SSDI/SSI benefits for generate approximately \$17.9 million in federal SSDI/SSI payments coming in to Hawai`i. Legal Aid also brought over \$1.5 million dollars in federal grant funds and worked with other partners to create innovative programs that provide services to those in need.

Legal Aid saves the state money.

In addition to producing revenue, over the last year, Legal Aid has saved the State \$1,900,000 in general assistance (G.A.)



A Fiscally Sound Non-Profit Organization:

Legal Aid's annual operating budget is approximately \$5 million and is consistently balanced. As traditional governmental support declined by 45% over the past decade, Legal Aid has expanded its services by aggressively establishing long-term funding relationships with over 25 new partners. An independent accounting firm audits Legal Aid's financial statements annually and several of its programs are also subject to periodic audit or review by federal and state agencies and private foundations.

payments. This is equal to \$4.57 for every dollar it receives from the State for its GA-SSI Project.

Legal Aid is a sound investment.

Legal Aid has shown its ability to leverage its local resources to bring out-of-state dollars into Hawai`i's economy. As such, the continued support of the state to Legal Aid to provide general revenue funds is critical to leveraging more federal and private funds to Hawai`i.