

**COUNCIL OF THE COUNTY OF MAUI**  
**HUMAN CONCERNS AND PARKS**  
**COMMITTEE**

October 22, 2021

**Committee**  
**Report No. \_\_\_\_\_**

Honorable Chair and Members  
of the County Council  
County of Maui  
Wailuku, Maui, Hawaii

Chair and Members:

Your Human Concerns and Parks Committee, having met on September 30, 2021, makes reference to County Communication 21-387, from the Director of Housing and Human Concerns, transmitting a proposed resolution entitled “AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL LEGAL AID SOCIETY OF HAWAII TO PROVIDE LEGAL SERVICES TO QUALIFIED RESIDENTS OF THE COUNTY OF MAUI.”

The purpose of the proposed resolution is to authorize the employment of Legal Aid Society of Hawaii (“Legal Aid”) as special counsel, using Federal Title III funds, to provide legal services to qualified individuals in accordance with Section 3-6(6) of the Revised Charter of the County of Maui (1983), as amended.

The Director of Housing and Human Concerns said the Older Americans Act requires a minimum percentage of Federally-allocated funds to provide legal services to seniors, including grandparents raising grandchildren.

The Director said the program has been operating as a grant, but is required by the State Department of Health, Executive Office on Aging to operate and administer funds as a contract for services.

Your Committee notes the services will cover the two-year contract period of October 1, 2021 through September 30, 2023, with costs not to exceed \$85,557 per year.

COUNCIL OF THE COUNTY OF MAUI  
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**Committee  
Report No.** \_\_\_\_\_

Your Committee recognized the long-standing relationship the Department of Housing and Human Concerns has with Legal Aid and the vital assistance Legal Aid provides to the senior community.

Your Committee voted 5-0 to recommend adoption of the proposed resolution and filing of the communication. Committee Chair Kama, Vice-Chair Sugimura, and members Lee, Paltin, and Sinenci voted “aye.”

Your Committee is in receipt of a revised proposed resolution, entitled “AUTHORIZING THE EMPLOYMENT OF LEGAL AID SOCIETY OF HAWAII AS SPECIAL COUNSEL TO PROVIDE LEGAL SERVICES TO QUALIFIED RESIDENTS OF THE COUNTY OF MAUI,” approved as to form and legality by the Department of the Corporation Counsel, incorporating nonsubstantive revisions.

Your Human Concerns and Parks Committee RECOMMENDS the following:

1. That Resolution \_\_\_\_\_, as revised herein and attached hereto, entitled “AUTHORIZING THE EMPLOYMENT OF LEGAL AID SOCIETY OF HAWAII AS SPECIAL COUNSEL TO PROVIDE LEGAL SERVICES TO QUALIFIED RESIDENTS OF THE COUNTY OF MAUI,” be ADOPTED; and
2. That County Communication 21-387 be FILED.

This report is submitted in accordance with Rule 8 of the Rules of the Council.

  
\_\_\_\_\_  
TASHA KAMA, Chair

# Resolution

No. \_\_\_\_\_

AUTHORIZING THE EMPLOYMENT OF  
LEGAL AID SOCIETY OF HAWAII AS SPECIAL COUNSEL TO PROVIDE  
LEGAL SERVICES TO QUALIFIED RESIDENTS OF THE COUNTY OF  
MAUI

WHEREAS, the Department of Housing and Human Concerns (“Department”) has acquired funds under the Older Americans Act to provide legal assistance to individuals qualified to receive assistance (“Qualified Individuals”); and

WHEREAS, previously the Department distributed the Older Americans Act funds as a grant, but is now required by the State of Hawaii, Department of Health, Executive Office on Aging, to administer the funds as a contract for services; and

WHEREAS, the Department desires to provide the essential service of legal assistance to Qualified Individuals of the County for a time period of two years from October 1, 2021, to September 30, 2023; and

WHEREAS, Legal Aid Society of Hawaii desires to provide the services in accordance with the scope of work described in Request for Proposals (“RFP”) No. 20-21/P-105; and

WHEREAS, the Department procured the services of Legal Aid Society of Hawaii through the bidding procurement process, RFP No. 20-21/P-105; and

WHEREAS, in accordance with RFP No. 20-21/P-105, Legal Aid Society of Hawaii was the only and winning bidder; and

WHEREAS, in accordance with Section 3-6(6) of the Revised Charter of the County of Maui (1983), as amended, the Council alone is authorized to retain or employ special counsel by resolution adopted by a two-thirds vote; and

**Resolution No. \_\_\_\_\_**

WHEREAS, because of the need for specialized expertise and services, the Council finds there is a necessity to retain Legal Aid Society of Hawaii as special counsel to provide legal services to Qualified Individuals; and

WHEREAS, Legal Aid Society of Hawaii will conduct itself in a manner consistent with the scope of work and terms and conditions contained in RFP No. 20-21/P-105 and as may be imposed and required by the Contract and County General Terms and Conditions; now therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That the Council authorizes the employment of Legal Aid Society of Hawaii as special counsel to provide legal services to Qualified Individuals as administered through the Maui County Office on Aging and the Older Americans Act for a contractual time period of two years from October 1, 2021, to September 30, 2023;
2. That the total compensation, including any costs incurred and taxes, for the employment of Legal Aid Society of Hawaii as special counsel for two years must not exceed \$171,114 total, subject to the availability of Older Americans Act funds or similar funds;
3. That the hourly attorney rate charged during the two-year contract period must not exceed \$50 per hour;
4. That the funds for the two-year contract period must be expended according to the Cost Proposal attached as Exhibit "A," and the Scope of Service description attached as Exhibit "B," both of which are incorporated into this Resolution;
5. That the expenditures of additional funds or substantial changes to the responsibilities of the parties require prior Council approval;

**Resolution No. \_\_\_\_\_**

6. That despite the contract period stated in Exhibit “A,” the contract period will be from October 1, 2021 through September 30, 2023; and
7. That certified copies of this Resolution be transmitted to the Mayor, the Corporation Counsel, the Director of Housing and Human Concerns, and the Director of Finance.

APPROVED AS TO FORM AND LEGALITY

/s/ Daniel J. Kunkel

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Deputy Corporation Counsel  
County of Maui

hcp:misc:043areso01:wal

STATE OF HAWAII  
STATE PROCUREMENT OFFICE  
**PROPOSAL APPLICATION IDENTIFICATION FORM**

STATE AGENCY ISSUING RFP: County of Maui, DHHC - Office on Aging

RFP NUMBER: 20-21/P-105

RFP TITLE: Title III and Kupuna Care Home and  
Community Based Services

Check one:

- Initial Proposal Application  
 Final Revised Proposal (Completed Items \_\_\_\_\_ - \_\_\_\_\_ only)

**1. APPLICANT INFORMATION**

Legal Name:  
**Legal Aid Society of Hawaii**  
Doing Business As:

Street Address:  
24 N. Church Street, Suite 401  
Wailuku, HI 96793

Mailing Address:  
924 Bethel Street  
Honolulu, HI 96813

Contact person for matters involving this application:

Name:  
Yukari Murakami  
Title:  
Managing Attorney  
Phone Number:  
(808) 244-3731  
Fax Number:  
(808) 446-7849  
e-mail:  
yukari.murakami@legalaidhawaii.org

**2. BUSINESS INFORMATION**

Type of Business Entity (*check one*):

- Non-Profit Corporation       Limited Liability Company       Sole Proprietorship  
 For-Profit Corporation       Partnership

If applicable, state of incorporation and date incorporated:

State: Hawaii      Date: 11/29/1950

**3. PROPOSAL INFORMATION**


Geographic area(s):  
Maui County: All Areas of Maui, Molokai and Lanai.

Target group(s):  
Persons aged 60+ and senior caregivers of minors, 55+ needing legal advice, counsel or representation of an attorney or paralegal in civil matters.

**4. FUNDING REQUEST**

FY <u>22</u>	<u>\$85,557.00</u>	FY _____	_____
FY <u>23</u>	<u>85557</u>	FY _____	_____
FY _____	_____	FY _____	_____
		Grand Total	_____

I certify that the information provided above is to the best of my knowledge true and correct.

  
\_\_\_\_\_  
*Authorized Representative Signature*  
M. Nalani Fujimori Kaina, Executive Director  
\_\_\_\_\_  
*Name and Title*

4/1/2021  
\_\_\_\_\_  
*Date Signed*

## ATTACHMENT A

### Proposal Application Checklist

Applicant: Legal Aid Society of Hawaii RFP No.: RFP No. 20-21/P-105

The applicant's proposal must contain the following components in the order shown below. Return this checklist to the purchasing agency as part of the Proposal Application. SPOH forms are on the SPO website.

Item	Reference in RFP	Format/Instructions Provided	Required by Purchasing Agency	Applicant to place "X" for items included in Proposal
<b>General:</b>				
Proposal Application Identification Form (SPOH-200)	Section 1, RFP	SPO Website*	X	X
Proposal Application Checklist	Section 1, RFP	Attachment A	X	X
Table of Contents	Section 5, RFP	Section 5, RFP	X	X
Proposal Application (SPOH-200A)	Section 3, RFP	SPO Website*	X	X
Provider Compliance	Section 1, RFP	SPO Website*	X	X
Cost Proposal (Budget)				
SPO-H-205	Section 3, RFP	SPO Website*	X	X
SPO-H-205A	Section 3, RFP	SPO Website* Special Instructions are in Section 5	X	X
SPO-H-205B	Section 3, RFP,	SPO Website* Special Instructions are in Section 5	X	X
SPO-H-206A	Section 3, RFP	SPO Website*	X	X
SPO-H-206B	Section 3, RFP	SPO Website*	X	X
SPO-H-206C	Section 3, RFP	SPO Website*	X	X
SPO-H-206D	Section 3, RFP	SPO Website*	X	X
SPO-H-206E	Section 3, RFP	SPO Website*	X	X
SPO-H-206F	Section 3, RFP	SPO Website*	X	X
SPO-H-206G	Section 3, RFP	SPO Website*	X	X
SPO-H-206H	Section 3, RFP	SPO Website*	X	X
SPO-H-206I	Section 3, RFP	SPO Website*		
SPO-H-206J	Section 3, RFP	SPO Website*		
<b>Certifications:</b>				
<i>Federal Certifications</i>		Section 5, RFP	X	X
Debarment & Suspension		Section 5, RFP	X	X
Drug Free Workplace		Section 5, RFP	X	X
Lobbying		Section 5, RFP	X	X
Program Fraud Civil Remedies Act		Section 5, RFP	X	X
Environmental Tobacco Smoke		Section 5, RFP	X	X

\*Refer to Section 1.2, Website Reference for website address.

**Proposal Application**  
**RFP No. 20-21/P105 - LEGAL ASSISTANCE**

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## **PROGRAM OVERVIEW**

### **I. Program Overview**

Founded in 1950, the Legal Aid Society of Hawai'i (Legal Aid), is a public interest, non-profit law firm dedicated to achieving fairness and justice for Hawai'i's people through legal advocacy, outreach and education for those in need. With offices on each of the neighbor islands throughout Maui County, the staff of Legal Aid are committed to providing critical legal services that help older people maintain independence and dignity in their homes and communities as long as appropriate.

#### **A. Description of Proposed Services**

- 1) To provide quality legal counsel, representation and advocacy to persons in need of such counsel and advocacy who are 60 years and older;
- 2) To provide quality legal counsel, representation and advocacy to grandparents raising grandchildren who are 55 years and older and to individuals who are relative caregivers (step-grandparent of a child or a relative of a child by blood or marriage) who are 55 years of age or older;
- 3) To conduct educational and instructional forums designed to address issues of greatest concern and relevance to seniors; and
- 4) To provide substantive legal information to pro se litigants and other persons who are 60 years and older.

#### **B. Goals and Objectives**

Legal Aid proposes four (4) goals that will be realized during the 2022 and 2023 fiscal years. These goals are as follows:

- Goal 1: A significant portion of the senior population of Maui County will be advocated for and better informed regarding their legal rights and remedies;
- Goal 2: A significant portion of the senior population of Maui County will experience relief from legal problems that, if left unattended, would have a substantially detrimental effect upon their lives;

- Goal 3: Grandparent/relative caregivers 55 years of age and older will receive legal representation and counsel with caretaking issues, including guardianships and adoptions; and
- Goal 4: A significant portion of the senior population of Maui County will participate in substantive law clinics and be prepared to represent themselves in their legal matters.

The service objectives designed to achieve these four (4) goals are as follows:

- A) Conduct presentations at senior centers, at healthcare facilities, and via distance-delivery on issues relevant to seniors (Goal 1 and 4);
- B) Create, modify and/or distribute existing information materials (books, pamphlets, brochures, posters, etc.) to seniors with respect to relevant issues (Goal 1 and 4);
- C) Conduct in-service workshops or seminars regarding relevant elder law issues for other senior service providers such as nurses, social workers and lawyers (Goal 1 and 4);
- D) Legal Aid will provide direct quality legal counsel and/or advocacy to a significant portion of Maui County seniors (Goal 1, 2 and 3);
- E) Legal Aid will research areas of the law affecting seniors (Goal 4);
- F) Legal Aid will identify the legal area of greatest concern to seniors and/or a special problem that affects all or most of Maui County seniors (Goal 4); and
- G) Legal Aid will conduct substantive law clinics on issues that concern and/or affect a significant number of Maui County seniors (Goal 4).

Each objective stated above is appropriate, measurable and attainable.

Objectives A, B, and C are designed to be educational in nature. By providing and disseminating relevant information, seniors will be less vulnerable, more protected from potential abuses, and more self-sufficient. Further, by conducting presentations of relevant law to other service providers in the community, such as nurses and social workers who work with the elderly, seniors' rights are further protected.

Objective D is the primary focus of the RFP and Area Agency on Aging policy agenda. The services levels set forth are measurable and straightforward. The nature and type of legal services such as protective services, health care issues, public benefits, caregiver issues, Advance Health Care Directives, Powers of Attorney, guardianships, consumer and housing related matters have been demonstrated in the past to be the most relevant to protecting and empowering seniors and are therefore the most appropriate.

Objectives E, F, and G are intended to empower seniors with substantive law information on particular issues that concern and/or affects a significant number of Maui County seniors. Services are provided in a group setting, and designed prepare seniors to represent themselves in their legal matters. These objectives are consistent with the RFP's emphasis on protection and self-sufficiency.

The Managing Attorney of the Legal Aid Society of Hawaii office on Maui bears ultimate responsibility for achieving the stated goals and objectives for Maui County. The Managing Attorney further bears responsibility to monitor, supervise and assess the performance of all staff involved, including attorneys, paralegal, support staff and volunteers.

All of the goals set forth above are entirely consistent with the goals of the RFP and Area Agency on Aging policy agenda. Reports are generated quarterly which clearly indicate whether performance objectives are being met.

Finally, the Legal Aid Society of Hawaii, Maui County offices and the Maui County Office on Aging have established a sound and productive working relationship. Communication between the offices, as well as with most other senior providers in Maui County, is excellent. Problems that may arise from time to time are identified and addressed expediently and effectively as is evidenced from Legal Aid's performance history.

## **EXPERIENCE AND CAPABILITY**

### **II. Experience and Capability**

#### **A. Necessary Skills**

Legal Aid is a not-for-profit law firm that specializes in assisting low-income and disenfranchised populations and has assisted clients for over 65 years. With this experience comes an expertise in the areas of public benefits, family law and familiarity with the issues surrounding long-term care. Its attorneys and paralegals are experienced and committed to providing support and other advocacy to institutionalized, isolated and homebound seniors utilizing the least restrictive and most appropriate method of intervention in abiding by clients wishes.

Legal Aid's Managing and Staff Attorneys are licensed to practice in the State of Hawai'i and provide direct supervision to the paralegals. Additionally, Legal Aid provides employee training to update staff on legal developments.

Maui Office: Yukari Murakami ..... Managing Attorney  
Aimoku Jordan Chee..... Staff Attorney  
Stacey Casco ..... Paralegal – Seniors/Notary  
Patience Kahula ..... Paralegal - Foreclosure  
Kim Tempo ..... Paralegal – Social Security  
Anna Alexander ..... Office Manager/Paralegal  
Nicholas Severson..... Staff Attorney

Molokai Office: April Kealoha..... Paralegal

Lanai Office: Laverne (Pua) Kanno..... Part-time Paralegal

#### **B. Experience**

##### **1. Program Experience**

Legal Aid has proven over the last 27 years to be a capable provider of legal services to seniors in Maui County. Our offices and dedicated staff on each of the islands of Maui County make services easily accessible to seniors.

The primary areas of service involve Advance Health Care Directives, Powers of Attorney, Adoptions, Guardianships, Public Benefits, Consumer Services, Health

Care, Protective Services and Housing issues. Legal Aid employees have extensive experience in providing these services to the target population through direct client services and a proven track record of commitment to the following activities:

- Advice and counsel
- Limited Action
- Individual full representation
- Holistic services
- Complex advocacy
- Policy advocacy
- Community education and outreach
- Social service provider education and outreach
- Pursuing options to increase funding to expand access to justice
- Expanding legal resources for clients and building capacity to respond to critical legal needs through work with the private bar, judiciary, other legal service providers, client groups and other interested partners.

Services will be provided on an on-going basis and given that Legal Aid is the present provider for senior legal services, we anticipate no interruption in services. Per the RFP, Legal Aid's previous contracts with MCOA are verifiable and pertinent to the proposed services. Legal Aid has additional contracts to provide Title III legal services (also pertinent to the services proposed in this document) to kupuna on Hawaii Island, Kauai, and Oahu. Current contract numbers and contact information for references is as follows:

Contract No.	Island	Contact Name	Phone/Email
c.008057	Hawaii	Keola Keno-Okajima	(808) 961-8340 Mary.kenoi-okajima@hawaiiicounty.gov
C213158	Kauai	Celia Melchor-Questin	(808) 241-4487 cmquestin@kauai.gov
DO-DCS-21001149	Oahu	Kapualehua Luta	(808) 768-7718 Kapualehua.luta@honolulu.gov

## 2. Staff Experience

The Legal Aid Staff throughout the County of Maui have a wealth of experience in providing legal service to low-income and senior clients. They also represent the ethnic and cultural diversity of our target population.

**Yukari Murakami**, Managing Attorney, joined Legal Aid in June 2008, and has

practiced law for over ten (12) years. Before coming to Legal Aid, Ms. Murakami was a Deputy Prosecuting Attorney on Maui. As Managing Attorney, Ms. Murakami is well aware of the legal issues facing seniors, including consumer fraud, probate, Advance Health Care Directives, Powers of Attorney and relative caretaker issues such as guardianships and adoptions. Ms. Murakami also supervises the work of the attorneys, paralegals and advocates in the office who assist seniors with legal matters. Ms. Murakami was a member of the Hawaii State Bar Association Leadership Fellowship in 2016.

**Aimoku Jordan Chee** received his JD from the University of Hawaii Richardson School of Law in 2018 and passed the Hawaii State Bar in early 2020. Before joining the Legal Aid Maui office in 2020, he interned with the Office of the Public Defenders on Oahu and with Legal Aid's Waianae office. He worked as a volunteer in the LYTE Program at Kapolei Detention Center and as a caregiver for an elderly relative, as well as a tutor for students in grades 4 through 12. Chee has owned several businesses, first in Georgia, then in Waianae.

**Stacey Casco** joined Legal Aid in October 2010, bringing over two decades of experience as a coordinator of various social service programs. Ms. Casco represents the Legal Aid Society of Hawai'i in a variety of interdisciplinary team caregiver networks and joint advocacy meetings, and conducts community education and outreach activities. She is dedicated to providing timely, accessible legal services to seniors, and regularly conducts visits to the hospital, nursing facilities and homes.

**Patience Kahula** joined Legal Aid in July 2016 with over 13 years' experience in financial management, credit and pre-purchase counseling. Certified by the National Foundation for Credit Counseling and Neighbor Works Center for Homeownership Education and Counseling in Foreclosure Intervention and Default Counseling, Ms. Kahula continues to focus on serving homeowners at risk of foreclosure.

**Kim Tempo** is a 2000 Graduate of University of Hawaii, Molokai Education Complex. She received an Associates of Science degree in Human Services and Associates in Liberal Arts. She joined Legal Aid in September 2016 as a Social Security Advocate. Her primary focus is disabled serving persons in the area of Social Security benefits, including applications and appeals.

**Anna Alexander**, Office Manager/Paralegal, joined Legal Aid in 2007, bringing with her more than twenty- five (25) years of working with people in various environments. Her compassion of people in need and her understanding of the legal profession are an invaluable contribution to our ability to serve seniors.

**Nicholas Severson** joined the Legal Aid Society of Hawaii in 2018 as a Summer Law Clerk in the Honolulu office. Currently, he works as a Staff Attorney, having completed his degree and the Hawaii Bar exam in 2019. During his time with Legal Aid, he has worked on a variety of matters, including Fair Housing, landlord/tenant, and family law cases.

**April Kealoha** has worked for Legal Aid on Molokai for nearly 20 years and has been actively involved in senior client services under the supervision of Ms. Murakami. Her starting position as a legal secretary was elevated to paralegal because of her training and most importantly, because of her dedicated work with the elder population of Molokai. A long-time resident of Molokai, Ms. Kealoha often visits the hospital or client's homes to provide services.

**Laverne Kanno**, a long-time Lanai resident, is a part-time paralegal for the Lanai Legal Aid office and is a vital link to the senior community on Lanai. Ms. Kanno assists Ms. Murakami in providing legal services to Lanai seniors since legal services are currently unavailable on Lanai and many seniors are unable to travel to Maui or Oahu due to health-related and/or financial limitations. Attorneys from the Maui office also regularly visit Lanai for outreach and client representation.

### **C. Quality Assurance and Evaluation**

The services provided are monitored and evaluated by several procedures.

#### **1. Periodic Reviews of Offices**

On a periodic basis, Managing Attorneys from other offices or Administrative staff will visit an office and randomly review open case lists, case files, case management systems, and interview staff as to problems and achievements of their case handling. The primary purpose of periodic case reviews is to evaluate caseloads and to identify and provide assistance in the following kinds of cases:

- Cases that raise issues of compliance with program restrictions and/or reporting requirements;
- Cases where the need for further work is indicated, including the need for additional objective analysis or contact with the client or another party;
- Cases containing issues which appear to be affecting a significant number of clients; and
- Cases with issues being researched or litigated in other Legal Aid offices.



The primary method for identifying the cases described above is the review of the case file itself. While it may not be possible to thoroughly review every case file, a thorough review of the following shall be undertaken for:

- Cases which have been open for more than one year;
- Cases with issues not usually handled by that advocate;
- Cases which the advocate, Managing Attorney, or Executive Director have identified as problematic;

Semi-annual case reviews shall also identify cases that require closing and cases which are not being handled in compliance with Legal Aid policies.

The reviewer shall submit in writing to the Managing Attorney of the office reviewed and Executive Director or designee a review of the semi-annual case review, identifying staff strengths, problems, and possible solutions.

## **2. Grievance Procedure**

Clients are always welcome to voice their concerns within the agency. The staffing pattern allows for those concerns to be lodged with any staff member, a Staff Attorney, the Managing Attorney or the Executive Director. Legal Aid also has a formal grievance procedure by which any client or person may file a written grievance to complain about a denial of services or quality of services provided by Legal Aid:

*Any client or person can file a grievance to complain about a denial of services or quality of services provided by the Legal Aid Society of Hawaii.*

*Upon request, a form will be provided on which to state the grievance. If needed, a Legal Aid Society staff person will provide help to complete the form.*

*Written grievances will be reviewed by the Executive Director or his designee. A response to a grievance will be sent within 10 days along with an explanation of the next step, if any, in the procedure.*

*The grievance, once acted upon by the Executive Director, will receive no further review if:*

- *the person was financially ineligible for services*
- *the requested help was prohibited by federal law*
- *the requested help was not within set program priorities*

*If the person filing a grievance is not satisfied with the Director's decision and*

*the grievance does not involve one of the items listed above, the person may request a review by the Grievance Committee of the Legal Aid Society of Hawaii's Board of Directors. The request must be made to the Executive Director within 30 days of the date of the response was mailed. The person filing the grievance may make a written or oral statement to the Committee. If the person filing the grievance wishes to make a written statement to the Committee, it shall accompany the request for review.*

*If an opportunity to present an oral statement to the Committee is requested, the Committee will set a time within 30 days of the request to receive an in-person or electronically recorded oral statement. Notice of the time and place to make the oral statement will be mailed at least 10 days in advance. A recorded statement must not exceed 30 minutes in length. The person filing the grievance may be assisted by someone of their choice, and may submit more documents to support the grievance.*

*The Grievance Committee will review all information provided and may request additional information from staff, copies of which will be provided to the person filing the grievance. The Grievance Committee may schedule additional meetings with the person filing the grievance.*

*The Grievance Committee will approve the decision of the Executive Director unless it finds the decision to be clearly wrong. If this occurs, the Grievance Committee will recommend appropriate action to the Director. The Grievance Committee will usually make its decision within 60 days after it receives the grievance. A copy of the decision will be mailed to the person filing the grievance.*

*This procedure is not a substitute for legal action a person may have to protect their legal rights, or to file a legal claim on the matter which formed the basis of their request for help from the Legal Aid Society of Hawaii.*

*The Executive Director or his/her designee will review all written grievances and a response will be sent within ten (10) days, along with an explanation of the next step, if any. Ultimately, the attorneys are bound by ethical and disciplinary rules governing the Bar. As such, an unsatisfied client also has the option of filing a grievance with the Disciplinary Counsel of the Hawaii State Bar Association.*

### **3. Reports**

Legal Aid routinely submits a Client Registry Report and Financial Status Report to the contractor on a monthly basis, in addition to a Quarterly Program

## Performance Report and an Annual Narrative Report.

Legal Aid has been providing legal services specifically to seniors for over 25 years. The quality of the legal assistance provided to our clients has never been in question.

### **D. Coordination of Services**

Legal Aid is an active participant and contributor at the Case Management Coordination Program's Interdisciplinary Team, and it is through this collaboration that most referrals originate. In addition, Legal Aid has excellent relationships with other services providers and routinely collaborates with partner agencies to provide legal advice and representation, as well as community education and outreach services. These relationships have led to a very effective and efficient means of ensuring that those seniors who institutionalized, homebound and other seniors with the greatest economic or social need are served.

The staff of the Maui, Lanai and Molokai offices regularly conduct informative talks to senior's groups on all three islands, including outreach to the senior community in Hana. These talks are usually informal discussions designed to be responsive to the specific questions and concerns of the attendees. They may also be formal presentations to seniors and service professionals relating to a specific area of elder law. And, in the age of pandemic-related adjustments, Legal Aid has learned how to provide such information through remote meetings as well as in person.

The following is a list of some of our partner agencies and programs:

- Adult Protective Services
- Alzheimer's Association
- Bayada Home Health Care
- Hale Hulu Mamo
- Hale Mahaolu
- Hale Makua
- Ho'okele Caregivers Maui
- Hospice Maui
- Islands Hospice
- Kaiser Permanente
- Kaunoa Senior Center
- Maui Adult Day Care
- Maui Memorial Medical Center
- Metrocare Hawaii
- Na Hoaloha Neighbors Helping Neighbors

Na Pu'wai  
State of Hawaii's Department of Health  
State of Hawaii's Department of Human Services

Legal Aid also participates in the Maui County Office on Aging initiatives and meetings, as well as the Hi'i Na Kupuna Coalition for grandparents raising grandchildren.

**All staff members have a duty of confidentiality and must comply with Legal Aid policies. Furthermore, HRPR Rule 1.6, Confidentiality of Information requires the following:**

*A lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation*

**E. Facilities/Equipment**

Legal Aid has four (3) offices in Maui County. The Maui branch of Legal Aid is located at 24 North Church Street, Suite 401 in Wailuku. The space consists of five (5) offices, one (1) conference room, one (1) storage/file room and a reception area.

The Molokai branch is located at 40 Ala Malama Street in Kaunakakai, Molokai. The space consists of two (2) offices, a work area and a reception area. The Lanai branch located at 730 Lanai Ave., Suite 129, Lanai City, Lanai. The office is a single office. Each branch is equipped with up-to-date computer systems, software and adequate miscellaneous office equipment.

The Maui, Molokai and Lanai offices are fully accessible and ADA compliant. If clients are unable to access any of our facilities, we make accommodations by meeting with the client in their home, at the facility where they are currently residing, t another mutually agreed upon location, or even via remote technology.

The Maui and Molokai offices are open Monday through Friday from 8:00 a.m. to 4:30 p.m. The Lanai office is open Monday through Friday from 8:00 a.m. to 12:00 p.m. All offices are closed on Federal and State holidays. Seniors can also apply for legal services by calling our centralized intake Monday through Friday from 9:00 a.m. to 11:30 a.m. and from 1:00 p.m. to 3:30 p.m. The telephone number for Intake Services is (800) 499-3731. Seniors aged 60 or older may also call the Senior Legal Hotline at 1-888-536-0011. This is a toll free number that rolls over to our Kupuna Legal Services unit in the Honolulu office.

Through a collaborative effort with the Hawaii State Judiciary, the Hawaii State Bar Association, and the Hawaii Access to Justice Commission, Legal Aid Society also operates a Court Self-Help Center. The Center is staffed by volunteer attorneys and AmeriCorps advocates and provide legal information and resources. The Center is located at Maui (Second Circuit), Hoapili Hale, 2145 Main Street in Wailuku and open to all persons on a first come, first serve basis on Thursdays from 9 am.-12:00 pm.

Legal Aid Society of Hawai'i, the Hawai'i Judiciary and the Hawai'i State Bar, with funding from the Legal Services Corporation's Technology Initiatives Grant, have collaborated to bring free interactive interviews that create court forms and legal documents to help self-represented individuals throughout Hawaii. The interactive forms were developed for use by limited income persons representing themselves in a civil legal matters, but are available free of charge to all persons. The interactive interviews ask a series of questions to complete a legal form or court approved document. The interactive interviews also provide helpful information and instructions for next steps. Seniors with computer and internet service can access these tools at [www.legalaidhawaii.org](http://www.legalaidhawaii.org).

Legal Aid has the capacity to continue to meet the data collection and reporting requirements as described in the Service Specifications Section of the RFP. The LegalServer database allows for the collection of client and case information, and the reporting function of this database allows for the reporting of specific services and outcomes by funding source, dates of service, location, case worker, and more. Legal Aid is also aware that data reporting requirements may change slightly in the coming year, and our staff have been participating in informational sessions and training in order to prepare for any such changes in requirements.

#### **F. Client Information Maintenance**

Legal Aid uses a centralized computerized system known as LegalServer that was specifically developed for providing and tracking legal services. It provides the necessary data that enables the program staff to meet federal, state, and county reporting requirements. It is staffed and maintained by the agency's Director of Technology.

Legal Aid will submit Financial Status Reports and Client Registry Reports to the Maui County Office on Aging on a monthly basis, which contain data on the number of unduplicated clients, birthdate, service date, and the number of units of service provided (increments of 15 minutes).

## **PROJECT ORGANIZATION AND STAFFING**

### **III. Project Organization and Staffing**

#### **A. Staffing**

The program recognizes the need to do a significant number of "service cases" for clients, and further recognizes that impact cases develop from a service caseload. When an appropriate full service or impact case is presented, staff shall be given the opportunity and responsibility of pursuing aggressive representation for the client(s). Cases shall be completed in a timely manner.

The number of open cases will vary somewhat between advocates and between months for the same advocate depending upon the complexity of the current caseload and the number of cases closed during the month. Other factors that may affect caseload are other priorities approved by the supervisor and Executive Director or designee, such as access to justice programs, or project-funded initiatives. Advocates are expected to close a reasonable number of cases each quarter.

#### **1. Proposed Staffing**

In as much as Managing Attorney must manage the office, which includes activities such as impact litigation, impact advocacy, outreach and community legal education, staff evaluation and development, their individual caseload may be less than the guidelines stated below. The following are general guidelines for open cases:

- Attorneys with more than three years of experience: The caseload ranges from 40-80 simple cases which are open and active, and five significant cases that have been certified as significant advocacy, or activities such as impact litigation, management of a Legal Aid program or project, or outreach and community legal education.
- Attorneys with two to three years of experience: Caseloads range from 40-60 simple cases which are open and active, and two to three significant cases that have been certified as significant advocacy or activities such as management of a Legal Aid program or project, outreach and community legal education.
- Attorneys with less than two years of experience: Caseloads range from 30-40 simple cases which are open and active, and two to three significant cases that

have been certified as significant advocacy or activities. For new attorneys, the simple caseload can include activities such as outreach and community legal education; and the significant litigation may include co-counseling with other attorneys.

- Paralegal with more than three years of experience: Paralegals focusing solely on the Title III program have a caseload of 90 - 110. Paralegals are encouraged to participate insignificant cases and activities, but are not required to do so.

- Paralegal with less than three years of experience: Paralegals focusing solely on the Title III program have a caseload of 90 - 110.

Within Maui County, the designated service area, Legal Aid has one on Maui, one on Lanai and one on Molokai. The staff who will provide services under this grant are as follows:

Maui Office: Yukari Murakami ..... Managing Attorney  
Aimoku Jordan Chee ..... Staff Attorney  
Stacey Casco ..... Paralegal – Seniors/Notary  
Patience Kahula ..... Paralegal - Foreclosure  
Kim Tempo ..... Paralegal – Social Security  
Anna Alexander ..... Office Manager/Paralegal  
Nicholas Severson..... Staff Attorney

Molokai Office: April Kealoha..... Paralegal

Lanai Office: Laverne (Pua) Kanno..... Part-time Paralegal

All of the attorneys listed above are licensed to practice law in the State of Hawaii. The Managing Attorney ensures that all staff members carry a workable caseload, allowing them to devote adequate time to all clients. The number of cases that each staff member handles varies, depending on the position of the staff and their experience.

The Legal Aid staff is culturally sensitive to the numerous ethnic groups represented in Maui County. In addition, the staff is of good character and integrity and is qualified to work with functionally and/or mentally impaired older persons through training and experience. Staff also participates in numerous trainings to keep them current in relevant areas of the law. Legal Aid provides services to all eligible persons, regardless of English speaking ability.

When representing non-English speaking clients, whether in the office, or at a

remote location to best serve the client, Legal Aid finds an interpreter in the community or uses the services of interpreting agencies.

## **2. Staff Qualifications – See Attachment E, Job Descriptions**

**Yukari Murakami**, Managing Attorney, joined Legal Aid in June 2008, and has practiced law for over ten (12) years. Before coming to Legal Aid, Ms. Murakami was a Deputy Prosecuting Attorney on Maui. As Managing Attorney, Ms. Murakami is well aware of the legal issues facing seniors, including consumer fraud, probate, Advance Health Care Directives, Powers of Attorney and relative caretaker issues such as guardianships and adoptions. Ms. Murakami also supervises the work of the attorneys, paralegals and advocates in the office who assist seniors with legal matters. Ms. Murakami was a member of the Hawaii State Bar Association Leadership Fellowship in 2016.

**Aimoku Jordan Chee** received his JD from the University of Hawaii Richardson School of Law in 2018 and passed the Hawaii State Bar in early 2020. Before joining the Legal Aid Maui office in 2020, he interned with the Office of the Public Defenders on Oahu and with Legal Aid's Waianae office. He worked as a volunteer in the LYTE Program at Kapolei Detention Center and as a caregiver for an elderly relative, as well as a tutor for students in grades 4 through 12. Chee has owned several businesses, first in Georgia, then in Waianae.

**Stacey Casco** joined Legal Aid in October 2010, bringing over two decades of experience as a coordinator of various social service programs. Ms. Casco represents the Legal Aid Society of Hawai'i in a variety of interdisciplinary team caregiver networks and joint advocacy meetings, and conducts community education and outreach activities. She is dedicated to providing timely, accessible legal services to seniors, and regularly conducts visits to the hospital, nursing facilities and homes.

**Patience Kahula** joined Legal Aid in July 2016 with over 13 years' experience in financial management, credit and pre-purchase counseling. Certified by the National Foundation for Credit Counseling and Neighbor Works Center for Homeownership Education and Counseling in Foreclosure Intervention and Default Counseling, Ms. Kahula continues to focus on serving homeowners at risk of foreclosure.

**Kim Tempo** is a 2000 Graduate of University of Hawaii, Molokai Education Complex. She received an Associates of Science degree in Human Services and Associates in Liberal Arts. She joined Legal Aid in September 2016 as a Social Security Advocate. Her primary focus is disabled serving persons in the area of



Social Security benefits, including applications and appeals.

**Anna Alexander**, Office Manager/Paralegal, joined Legal Aid in 2007, bringing with her more than twenty- five (25) years of working with people in various environments. Her compassion of people in need and her understanding of the legal profession are an invaluable contribution to our ability to serve seniors.

**Nicholas Severson** joined the Legal Aid Society of Hawaii in 2018 as a Summer Law Clerk in the Honolulu office. Currently, he works as a Staff Attorney, having completed his degree at Villanova, then the Hawaii Bar exam in 2019. During his time with Legal Aid, he has worked on a variety of matters, including Fair Housing, landlord/tenant, and family law cases.

**April Kealoha** has worked for Legal Aid on Molokai for over 15 years and has been actively involved in senior client services under the supervision of Ms. Forelli. Her starting position as a legal secretary was elevated to paralegal because of her training and most importantly, because of her dedicated work with the elder population of Molokai. A long-time resident of Molokai, Ms. Kealoha often visits the hospital or client's homes to provide services.

**Laverne Kanno**, a long-time Lanai resident, is a part-time paralegal for the Lanai Legal Aid office and is a vital link to the senior community on Lanai. Ms. Kanno assists Ms. Forelli in providing legal services to Lanai seniors since legal services are currently unavailable on Lanai and many seniors are unable to travel to Maui or Oahu due to physical and/or financial limitations. Attorneys from the Maui office also regularly visit Lanai for outreach and client representation.

The above-described staffing pattern is more than adequate to deliver the proposed services.

## **B. Project Organization**

### **1. Supervision and Training**

The Managing Attorney is ultimately responsible for the supervision of all attorneys and support staff in the Maui County offices. The Managing Attorney must actively promote high quality legal services and must ensure each advocate complies with the highest standards. The Managing Attorney shall supervise all staff to this end and perform individual case reviews and training as needed.

All attorneys must maintain their understanding of the Hawaii Rules of Professional Conduct as well as maintain an understanding of the current law. All non-attorneys must work under the supervision of a licensed attorney. Supervision of non-attorneys is guided by Hawaii Rules of Professional Conduct Rule 5.3 and shall be reviewed by all staff on a periodic basis.

#### **a. Staff Evaluations**

Staff evaluations are important in identifying strengths and weaknesses of staff, programs, and protocols. They help advocates to voice their problems and suggested solutions to them. Additionally, they help advocates and managers chart future activities and directions.

Each Managing Attorney is responsible for conducting staff evaluations annually. Managing Attorneys shall determine if advocates with two to five years of experience are performing in accordance with their appropriate job description and the following standards:

- effectively managing a caseload in accordance with the caseload section of this manual;
- identifying and analyzing legal issues appropriate for impact advocacy;
- demonstrating a basic working knowledge of all forums and advocacy techniques that relate to their caseload;
- demonstrating an ability and willingness to share knowledge and skills;
- participating in major impact litigation and other impact advocacy; and
- developing specialized knowledge of one or more substantive areas of poverty law.

Advocates with five or more years of experience are expected to meet all the criteria enumerated above and are expected to continue to develop

their legal judgment and creative use of advocacy techniques.

In addition to the above standards, advocates with five or more years of experience will be reviewed to determine if they are performing in accordance with the following criteria:

- initiate and move to completion major impact litigation or other major impact advocacy;
- demonstrate the ability to produce high quality work independently, as lead counsel or as effective team members;
- make a significant contribution to program-wide projects, including task forces.

**b. Staff Development**

In conducting annual staff reviews, Managing Attorneys and the Deputy Director shall also work with the staff member to create a professional development plan for the upcoming year. The professional development plan shall take into consideration areas for improvement identified in the evaluation and note concrete steps that shall be taken by the staff, Managing Attorney and the organization in order to help with the staff member's development.

Managing Attorneys will conduct annual performance reviews of each staff member.

Once a professional development plan is created, Managing Attorneys shall meet on a bi-monthly basis with staff to discuss progress on the development plan. A professional development plan shall not be a static document and can change as goals are achieved.

A copy of a professional development plan and any updates shall be placed in the staff member's personnel file.

**c. Case Conferences**

Case conferences are held on a monthly basis on Maui and Molokai and on a bi-monthly basis on Lanai. Emergency cases are discussed on an as-needed basis. Each advocate's cases are formally reviewed every quarter. In preparation for these reviews, the advocate prints up a current open case list and writes a summary of each of his or her cases accepted for representation, indicating the status of each case and the next planned or

scheduled action.

The primary purpose of the quarterly case review is to identify issues and to provide assistance on advocates' cases, to review the quality of the advocates' work and to identify areas in which the advocates need more supervision and/or training.

**d. Periodic Reviews of Offices**

On a periodic basis, Managing Attorneys from other offices or Administrative staff will visit an office (pandemic protocols permitting) and randomly review open case lists, case files, case management systems, and interview staff as to problems and achievements of their case handling. The primary purpose of periodic case reviews is to evaluate caseloads and to identify and provide assistance in the following kinds of cases:

- Cases that raise issues of compliance with program restrictions and/or reporting requirements;
- Cases in which the need for further work is indicated, including the need for additional objective analysis or contact with the client or another party;
- Cases containing issues which appear to be affecting a significant number of clients; and,
- Cases with issues being researched or litigated in other Legal Aid offices.

The primary method for identifying the cases described above is the review of the case file itself. While it may not be possible to thoroughly review every case file, a thorough review of the following shall be undertaken for:

- Cases which have been open for more than one year;
- Cases with issues not usually handled by that advocate;
- Cases which the advocate, Managing Attorney, Deputy Director, or Executive Director have identified as problematic;

Semi-annual case reviews shall also identify cases that require closing and cases which are not being handled in compliance with Legal Aid policies.

The reviewer shall submit in writing to the Managing Attorney of the office reviewed and Executive Director or designee a review of the semi-annual case review, identifying staff strengths, problems, and possible solutions.

**2. Organization Chart - Please refer to Attachment D**

## **SERVICE DELIVERY**

### **IV. Service Delivery**

Legal Aid has proven over the last 27 years to be a capable provider of legal services to seniors in Maui County. Services will be provided on an on-going basis and given that Legal Aid is the present provider for senior legal services, we anticipate no interruption in services.

The primary areas of service involve Advance Health Care Directives, Powers of Attorney, Adoptions, Guardianships, Public Benefits, Consumer Services, Health Care, Protective Services and Housing issues. Legal Aid employees have extensive experience in providing these services to the target population. Furthermore, the excellent working relationship Legal Aid has established with other providers in Maui County has led to a very effective and efficient means of ensuring that those seniors are served who are institutionalized, homebound, or have the greatest economic or social need, particularly those seniors who are low-income and minority.

Each advocate is well trained to be clear in his/her communication with the client and sensitive to any special needs or cultural sensitivities that the client may have. If necessary and appropriate, the advocate will conduct a home visit or meet with the client after hours. When assisting non-English speaking clients, whether in the office, or at a remote location to best serve the client, Legal Aid finds an interpreter in the community or uses the services of interpretation agencies.

The staff of the Maui, Lanai and Molokai offices regularly conduct informative talks to senior's groups on all three islands, including outreach to the senior community in Hana. These talks are usually informal discussions designed to be responsive to the specific questions and concerns of the attendees. They may also be formal presentations to seniors and service professionals relating to a specific area of elder law, and they may involve presenters from the Honolulu office, specifically the Kupuna Legal Services unit.

Legal Aid plans to provide services under this contract during our business hours of 8:00 a.m. to 4:30 p.m. Monday through Friday and has no plans to subcontract any of the work under this grant.

#### **A. Service Activities**

Legal Aid proposes to provide legal services to those 60 years of age and older in general legal services and to those 55 years of age and older in services relevant to grandparent and relative caregivers of minors.

Specifically, Legal Aid will:

1. Assist clients with legal problems by:
  - i. Identifying the individual's legal problem by means of an interview;
  - ii. Researching the law pertaining to the problem;
  - iii. Conducting case finding/investigation;
  - iv. Providing legal advice to the individual regarding the identified problem;
  - v. Providing legal services;
    - (1) Drafting legal documentation pertaining to the identified problem; and
    - (2) Providing individual representation; and
  - vi. Providing legal advocacy for individuals regarding the identified problem;
2. Prepare legal advocacy educational materials for distribution to individuals;
3. Provide community education designed to increase participants' awareness of legal assistance information relating to the prevention of legal problems and the availability of resources; benefits and entitlements such as food stamps, medical assistance, and SSI; elder rights and other related subjects.
4. Conduct substantive law clinics designed to prepare individuals to represent themselves in legal matters that concern a significant number of seniors, such as landlord-tenant issues, consumer rights and grandparent rights;
5. Provide legal assistance in following areas:
  - i. Protective services, including adult abuse, mental health commitment and guardianship;
  - ii. Health Care, including nursing home care, hospital and other institutional care and health insurance;
  - iii. Public Benefits, including Social Security, Medicare, public and subsidized housing;
  - iv. Advance Health Care Directives and Powers of Attorney;
  - v. Consumer services, including consumer rights, protection and bankruptcy;

- vi. Landlord/tenant problems, including substandard housing, evictions and rent disputes;
  - vii. Guardianships (both of older adult and minors) and Adoptions of minor children; and
  - viii. Any other areas identified by Legal Aid through its work with seniors in consultation with the Maui County Office on Aging.
- 6. Continue to participate in the Case Management Coordination Program's Interdisciplinary Team;
  - 7. Provide services to the isolated, institutionalized and homebound; and
  - 8. Conduct outreach activities to insure that services are targeted to reach the institutionalized, homebound and other seniors with the greatest economic or social need, particularly low-income minority.

**B. Case Acceptance and Handling Protocols**

Cases are accepted based on the need for services and priorities identified by the Maui County Office on Aging.

- 1. The Managing Attorney or designee will review the intake docket or referral within two (2) business days of receipt.
- 2. In determining whether a case will be accepted, the following factors will be considered:
  - a. client eligibility;
  - b. program and office priorities;
  - c. Maui County Office on Aging restrictions;
  - d. contract requirements;
  - e. probability of success;
  - f. cost/benefit analysis;
  - g. caseload limitations;
  - h. ability to establish strong attorney-client relationship;
  - i. availability of other agencies in the community;
  - j. positive impact on client's life.
- 3. A case accepted for further representation shall be assigned to an advocate for case handling within seven (7) business of the client's initial request for services. Contact will be made with that client within ten (10) business days of the client's initial request for services. Any case rejected for further representation without any further meeting or services shall be sent



a letter within ten (10) business days of the client's initial request for services.

4. After a case has been accepted for further legal assistance, the advocate assigned to the case will meet with the client to find out more about the facts of the case. If a face-to-face meeting is not possible or necessary, the advocate will conduct a thorough phone interview. Each advocate is trained to be clear in his/her communication with the client and be sensitive to any special needs that the client may have. If necessary and appropriate, the advocate will conduct a home visit or meet with the client after hours. When assisting non-English speaking clients, whether in the office, or at a remote location to best serve the client, Legal Aid finds an interpreter in the community or uses the services of Tele-Interpreters, Inc., a company that provides telephonic interpretation in over 150 languages.
5. During the interview, the client will be informed of:
  - a. The advocate's name, contact information and role of the advocate.
  - b. The advocate's duty to follow the Hawaii Rules of Professional Conduct with specific emphasis on the client's rights to confidentiality.
  - c. His/her legal rights based on the interview and the client's objectives, of all legal avenues and remedies available and any problems that the advocate may see with the case.
  - d. The next steps to be taken with specific timelines, including when the client will hear back on his/her case.
  - e. Any tasks that the client must perform or information that must be provided and a timeline with specified dates for provision of required information.
  - f. Any applicable resources in the community and contact information for those resources.
  - g. Any applicable rules or requirements imposed by the Maui County Office on Aging.
  - h. Any potential fees or costs in the case.
  - i. Client responsibility to keep the advocate informed of any changes to contact information, financial eligibility or to case developments.
6. Communication with a client is ongoing and any developments in the client's case are transmitted in a timely manner. The advocate will review the status of the case regularly and move the advocacy forward toward the case objectives. The Managing Attorney is responsible for ensuring that the advocate is provided with ongoing and timely supervision on a client's

case, and in those cases where the advocate is a paralegal, close supervision of legal work.

7. To the extent practicable, cases are closed in the same year in which program staff makes a determination that further legal assistance is unnecessary, not possible, or inadvisable. A closing letter is prepared which includes, but is not limited to:
  - a. A statement of the client's problem and the nature of assistance provided;
  - b. A statement indicating that Legal Aid is no longer assisting the client and that the client's case is closed; and
  - c. A statement indicating that all original documents are (or have been) returned to the client and copies of pleadings and other relevant documents were provided to the client during the course of representation.
  - d. A statement that the client's file will be retained for six years (or more if the client is under 18) and that if the client requests the file in the future the client will be responsible for any fees incurred for the retrieval and copying of any documents.

### **C. Administrative Policies**

Legal Aid is committed to delivering high quality legal services to clients regardless of disability, language or cultural background. To this end, Legal Aid has established two policies aimed at ensuring equal access to legal services.

#### **1. Reasonable Accommodations Policy**

Legal Aid recognizes that many eligible clients may have a physical or mental impairment which substantially limits one or more major life activities, have a record of such impairment or be regarded as having such an impairment which may affect their ability to receive legal services. It is the policy of Legal Aid to ensure that all clients regardless of their impairment who seek our services receive services provided to other clients and that reasonable accommodations are made to provide legal services.

To facilitate communication with deaf and hard of hearing individuals, Legal Aid has established an account for sign language interpreting with Hawaii Interpreting Services. In determining whether reasonable accommodations need to be made to a client, staff members shall contact their supervisors for assistance.

## **2. Limited English Proficiency (LEP) Policy**

Legal Aid recognizes that many eligible clients are not proficient in the English language in that they are unable to speak, read, write or understand the English language at a level that permits them to interact effectively with Legal Aid service providers and other agencies. It is the policy of Legal Aid to ensure that all LEP individuals (including those who are visually or hearing.

### Use of interpreters

All staff and volunteers who are involved in initial intake shall determine if a potential client has limited English proficiency, based on the client's statements and responses. Indicators that the client is of limited English proficiency are as follows:

- The client speaks a language other than English at home
- The language that the client speaks
- How well the client speaks English-(1) very well, (2) well, (3) not well, or (4) not at all.

If the potential client is determined to have limited English proficiency, a bilingual staff person or interpreter who is proficient in English and the language of the client shall be offered to the potential client or family member at the first contact point or as quickly thereafter as can be arranged. If bilingual staff is not available, staff shall utilize a translation service for this purpose.

The use of children, family, friends, or strangers to provide interpretation is to be avoided unless (1) expressly requested by the client and approved by management staff, or (2) in an emergency.

In many instances, family and friends are not trained interpreters and may not understand legal terminology or situations and there is a risk of bias in the translation. In addition, the eligible applicant's privacy may be diminished, as might their willingness to be candid. Regardless of who is providing interpretation services, the case handler shall explain to the interpreter the need for confidentiality.

### Translations

Legal Aid will post and maintain signs in regularly encountered languages other than English that inform clients that free interpreters are available.

Legal Aid will provide oral translations of important documents through interpreters, free of charge to LEP clients. Staff will document that the document

was translated orally to the client and the client understood what the document says.

If a retainer agreement is required, an interpreter will sight translate the English version of the Retainer Agreement for the client.

Telephonic interpretation is available through Tele-Interpreters 24 hours a day, seven days a week in 150 languages.

### **3. Conflicts of Interest and Duty of Confidentiality**

“Adverse party” is the person(s) and or entity (ies) with an interest opposite the caller in a particular legal conflict. Intake staff shall conduct the first conflict check for every applicant, and enter opposing parties as adverse parties in the computer program. Generally, when no additional adverse parties are identified, subsequent conflict checks are unnecessary. However, it is the duty of the advocate responsible for each case to make certain that Legal Aid:

- Does not accept a case for representation against a current client;
- Does not accept a case for representation against a former client in a similar or substantially related matter; and,
- Does not accept a case for representation where a Legal Aid advocate may be called as a witness in the course of representation.

Advocates shall check with their Manager or Intake Supervisor if they are unsure about whether a conflict exists. Non-attorney staff must check with an attorney if there is any question about whether a conflict exists. If a party is listed as an “adverse party,” but is determined after careful review of the HRPC to not be, notes shall be made in the docket to document that decision including the name of the attorney who made that decision.

In some cases, Legal Aid may obtain a Waiver of Conflict form from the former client to provide services to the adverse party/caller. If a staff member is representing two parties in the same matter, a Waiver of Conflict for Joint Representation form must be signed.

Furthermore, HRPR Rule 1.6, Confidentiality of Information requires: *A lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation.*

### **4. Pandemic Plan**

For over a year now, the Legal Aid offices have been operating under a pandemic plan that has evolved with public health recommendations, state and county rules. Operations have become quite flexible, with most staff now equipped to work remotely; offset schedules for those in the same unit who come in to the office; the development of an online intake system; expanded web resources; and, PPE and cleaning supplies available to staff who must meet with others in person. Masks are required in-office, and local quarantine rules must be followed for any staff who travel. Legal Aid is prepared to provide continued services, whether in person or remotely.

#### **D. Output and Performance/Outcome Measurements**

Legal Aid plans to provide services as follows:

##### **1. Legal Assistance for Older Adults**

Provide legal assistance for those aged 60 and above, promoting solving legal problems relating to law, regulation, policy or rule, to estimated 417 unduplicated older adults per year and provide estimated 3340 units of service (two-year period).

##### **2. Legal Assistance Adoption/Guardianship Project**

Provide legal assistance on caregiver issues, for those aged 55 years and above, who are caring for minor children, including guardianships and adoptions, to an estimated 10 unduplicated older adults per year and provide an estimated 160 units of services over a two-year period.

**3. Conduct 20 Law Clinics** for those aged 60 and above in a group setting or via remote technology, increasing understanding of law, regulation, policy, or rule.

Based on these service levels, Legal Aid expects to meet the following outcomes for Legal Assistance for Older Adults:

- 80% of clients who complete the client satisfactory survey are satisfied with the quality and the results of the legal work undertaken on their behalf.
- 80% of participants in substantive law clinics report an increase in their understanding of the legal problem.
- Attain 80% of projected goal of 417 persons served per year.
- Attain 80% of projected goal of 1670 unit hours per year.
- 80% of cases are resolved.

Based on these service levels, Legal Aid expects to meet the following outcomes for Legal Assistance Adoption/Guardianship Project:

- 80% of clients who complete the client satisfactory survey are satisfied with the quality and the results of the legal work undertaken on their behalf.
- Attain 80% of projected goal of 10 persons served per year.
- Attain 80% of projected goal of 80 unit hours per year.
- 80% of cases are resolved.

The Managing Attorney is ultimately responsible for the quality and quantity of the legal work, and ensuring that each advocate complies with Legal Aid policies and performance standards. The Managing Attorney works with each advocate to create a professional development plan. The professional development plan takes into consideration areas for improvement identified in the surveys, and notes concrete steps to be taken by the staff.

#### **1. Client Information Maintenance**

Legal Aid uses a centralized database known as LegalServer that was specifically developed for providing and tracking legal services. It provides the necessary data that enables the program staff to meet federal, state, and county reporting requirements. It is staffed and maintained by the agency's Director of Technology.

Further internal procedures require each client to sign a retainer to receive services and clients receiving assistance beyond the drafting of Advance Health Care Directives and Powers of Attorney are explained the situations in which either Legal Aid or the client can terminate services. These internal procedures are documented in both Legal Aid's standard retainer and Legal Aid's Case Management Manual.

#### **E. Reporting Requirements for Program and Fiscal Data**

Legal Aid will submit a Financial Status Report and Client Registry Report to the Maui County Office on Aging on a monthly basis. The Client Registry Report will include data on the number of unduplicated clients, birthdate, service date, and the number of units of service provided (increments of 15 minutes). To comport with the requirements under this grant and to maintain the confidentiality of clients receiving services, clients will be identified by the last four (4) digits of their social security numbers.

In addition, Quarterly Program Performance Reports shall be provided to summarize

outcome and output data, and to outline accomplishments and challenges of each quarter in the contract period.

An Annual Narrative Report shall also be provided to the Maui County Office on Aging, summarizing the progress of the services from the beginning of the contract period to the end and discussing the effectiveness of these services to meet the needs of the clients served.

At a minimum, Legal Aid will observe the reporting requirements and shall follow the report dates below:

- a. Financial Status Report and Client Registry Report: 9th day after the report month.
- b. Quarterly Program Performance Report: 9th day after the end of the report quarter.
- c. Annual Narrative Report: 21<sup>st</sup> day after the end of the report year. This shall document program accomplishments, program partnerships, and if applicable, the financial status of the program, and the overall performance towards meeting the requirements of this service.

## **FINANCIAL**

### **V. Financial**

#### **A. Pricing Structure**

For billing purposes, the unit of service is one hour will be recorded in increments of 15 minutes. An hourly rate of \$50 per unit of service shall be charged for services provided under this grant. The hourly fee is well below fair market value for attorney's time, and is well within fair market value for paralegal time.

**See attachment B for the following Budget Forms:**

1. SPO-H-205 Proposal Budget
2. SPO-H-205A Organization-Wide Budget by Source of Funds
3. SPO-H-206A Budget Justification - Personnel: Salaries & Wages
4. SPO-H-206B Budget Justification - Personnel: Payroll Taxes, Assessments, and Fringe Benefits
5. SPO-H-206C Budget Justification - Travel: Interisland
6. SPO-H 206D Budget Justification - Travel: Out of State
7. SPO-H 206E Budget Justification - Contractual Services: Administrative
8. SPO-H 206F Budget Justification - Contractual Services: Subcontracts
9. SPO-H 206G Budget Justification - Depreciation
10. SPO-H-206H Budget Justification - Program Activities

#### **B. Other Financial Related Materials**

##### **1. Accounting System**

The Legal Aid Society of Hawaii is a 501c(3) corporation, or a nonprofit organization. Since nonprofit organizations have a basic responsibility for accountability or stewardship for funds received, the accounting system employed by LASH should:

- Comply with all legal and technical requirements of governmental (such as Legal Services Corporation and the State of Hawaii) and other funding source; and
- Disclose in detail all sources and amounts of support and revenue, the nature and amount of expenditure corresponding to each source.

Based on the above objectives of full disclosure, compliance with governmental



agencies (including the LSC Accounting Guide and Audit Guide) and accurate reporting, the LASH accounting system consists of the following accounting concepts:

**a. Functional Classification of Expenditures**

This is an accounting device for segregating the program's expenditures into two categories according to its functions, namely Program Functions and Support Functions versus the traditional classification of expenditures in natural (or direct) categories such as salaries, rent, supplies, etc. "Program Functions" are defined as the organization's social service activities whereas; "Support Functions" are management administrative overhead and fundraising costs. This concept of accounting is widely known among non-profit organizations and is recommended by the AICPA Audit as well as the LSC Audit Guide.

The Legal Aid Society of Hawai'i's in-house computerized accounting system has the capability of reporting in the traditional way of natural categories classification as well as the "Functional" classification. Reporting includes a "Functional" category that is a further breakdown of the natural expenditures into functions or activities. Since the objectives for LASH are to service indigent clients who have legal problems in civil lawsuits such as family law, public assistance, consumer, landlord/tenant, housing matters, etc., the "Program Functions" of LASH will be categorized according to the types of services that are provided to its clients in various areas of law. The "Support Function" refers to the activities that provide the necessary developmental, organizational and managerial support to ensure the operation of the organization and these administrative activities are not identifiable with any one "Program Function" or "Program Activity". In other words, the Support Service is the administrative burden or overhead.

Besides information about how the funds are spent in each particular expense category such as rent, utilities and salaries, the funding sources may also be interested in what objectives are achieved by incurring such expenditures. The functional basis accounting is appropriate for this, as it reports according to expenditures related to each function or activity and provides information to the funding sources as to how the resources received are utilized to achieve the organization's goals and objectives.

**b. Modified Accrual Basis Accounting**

The two most common bases of accounting are cash basis and accrual basis. The cash basis of accounting requires only that cash inflows and outflows be recorded in the accounting records at the time these transactions actually occur, that is,

upon receipt or payment of cash. The merit of the cash basis is that it is simpler to maintain and requires the least entries in the accounting system.

The accrued basis of accounting requires that revenues (as opposed to receipts) be recorded in the accounting record when earned, and expenses be recorded when they are incurred (as opposed to paid). This method provides a more accurate reflection of the financial position and is more difficult and time consuming to maintain than the cash basis.

In view of cost/benefit of the two methods, LASH has adopted the "Modified Accrual Basis of Accounting" which is a combination of the above two methods. This method allows the program to keep its book on a cash basis during the year and make the necessary adjustments to record the accruals for reporting purposes at year end. This method is acceptable according to LSC Accounting Guide.

c. Fund Accounting

The term "Fund Accounting" is defined as a method established to record assets designated for a specific purpose and to record transactions affecting such assets. It is a double entry system for recording associated financial transactions with a specific funding source. Fund Accounting eliminates the need for separate bank accounts and sets of accounting records for each funding source, and a single integrated accounting system is sufficient to handle all funds.

There are two classifications of funds in the system of LASH, namely, "Temporarily Restricted," and "Unrestricted" Support. Temporarily Restricted funds are those that can be spent on certain activities in accordance with the terms of the grantor. The program therefore has procedures assuring that funds are used in a manner consistent with the funding sources' requirements. After the grant terms are fulfilled, the grant funds are released. Unrestricted funds are resources that are under direct control of the governing board, and may be used at their discretion to support any valid activities in accordance with the limitation of its charter and bylaws.

These various fund sources may operate on a particular "fund cycle" that may differ from LASH's fiscal year. In instances when reporting dates of the funding source are different from the program's reporting date, adjustments and/or pro-ratios are made to reflect this difference. However, the integrity of LASH's accounting system is not disrupted.

d. Fund Allocation

LASH is funded by several restricted and unrestricted funding sources. Expenses

that are especially identifiable to each specific funding source, for example, payroll expenses, are charged directly to each fund accordingly. However, costs that are not specifically related to a single funding source must be allocated between two or more funding sources. LASH allocates these overhead expenditures between Legal Services Corporation and State of Hawaii funds in proportion to the grants received from each funding source for a given fiscal year, as well as allocating our federally negotiated indirect to those funding sources that allow it.

Private Attorney Involvement (PAI) is calculated from the actual number of PAI hours by staff members. Using these hours, the actual salary expenditures are then attributed to PAI costs along with an allocated share based on actual staff hours of rent, supplies, telephone and 60% of insurance costs. An additional 5% of secretarial and administrative costs are also added to the PAI allocation.

e. Cost Center (Location or Branch) Accounting

LASH has Branch offices throughout the state, and its current accounting system reports expenditures by cost-centers (or location). This report is useful in identifying the cost centers that are over or under spent in certain line-item expenditures in comparison to the annual budget so that when discrepancies are significant, remedial actions can be taken aiming towards that particular cost center. Another merit of cost center accounting is that it provides management with information to evaluate the delivery of service of the cost center relative to its costs.

f. Internal Control

Internal control is a systematic approach to safeguard assets, check the accuracy and reliability of accounting data, encourage compliance to regulations and polices, and promote operational efficiency. Internal control involves not only the Accounting personnel, but all departments and personnel who interface with the accounting system.

Two fundamental principles of internal control are:

- Segregation of Duties - The main purpose of segregation of duties is such that no individual can initiate, execute and record a transaction without a second individual being involved in that process. Specific individuals are responsible for accomplishing specific financial functions so that cross checks can be made between each individual to minimize errors and the potential for fraud.

- **Authorization and Recording Procedures** - Authorization and recording procedures must be established in writing to provide adequate control over assets, liabilities, revenues and expenses. These formal documents, forms and procedures prevent misunderstandings and errors in recording and processing financial transactions.

The degree of internal control being utilized varies depending upon the size of the organization and the cost/benefit factor. Internal control should never be overlooked nor be overused such that complete control is achieved at a cost outweighing the return (benefit). Internal control, when properly implemented and enforced, is a set of procedures and cross checks which, in the absence of collusion, would minimize the likelihood of misappropriation of assets and would maximize the likelihood of detection if it occurs. Good internal controls, while constituting no guarantee against embezzlement, may aid in prompt discovery.

The following list of internal control practices are utilized by LASH:

- **Make all payments by check** - All LASH payments with the exception of Petty Cash are made on serially pre-numbered checks, unless payment by credit card is required by the vendor; any use of the credit card requires documentation and approval. Two signatures are required on all checks. No "Cash" checks can be issued.
- **Petty Cash Fund** - A Petty Cash Fund entrusted to a single custodian is used for each office (location) for small and nominal payments other than check payment. All Petty Cash Funds are on an imprest basis (that is, established for a fixed amount and reimbursed periodically to bring the cash in the fund up to the authorized amount.) All vouchers for Petty Cash payments are serially numbered, signatures are required for both payee and authorized personnel, and the amount paid and date are executed in ink.
- **Record all Cash Receipts immediately** -
  - For all mailed remittances, record each item in the Cash Receipts Log immediately upon opening the mail.
  - For cash collections and donations, issue pre-numbered receipts and record immediately in the Cash Receipts Log.
- **Deposit all Cash Receipts daily** - The total amount collected should be deposited daily or the following day. No cash disbursements should be made out of the cash collected. An independent person should reconcile the deposit slips to the Cash Receipts Log.

- Reconcile bank accounts monthly – The Executive Director opens the General, Payroll, Litigation, and Client Trust Account bank statements and initials and dates each statement upon review. An independent person, usually the Accounting Clerk, who does not handle the actual disbursement or receipt of cash should receive the rest of the bank statements directly from the bank, reconcile the bank accounts monthly and retain copies of the reconciliation.
- Purchase authorization - All purchase of goods, services, and equipment should be authorized by a designated person by issuance of a serially numbered Purchase Order. The Purchase Order should include the following information: stock number and description of the order, quantity order, price per unit and total price.
- Maintain receiving record - To support payment of invoices, a record of goods and services received is maintained.
- Document payments properly and fully - When check payments to vendors are submitted for approval and signing, they should be supported by invoices, Purchase Order and receiving reports (shipping labels). The persons signing the check should review the supporting documents to verify all proper procedures are being followed and that payment is proper. Petty Cash disbursements also should be accounted for by signed receipts.
- Cancel paid invoices - When checks are issued to vendors for payment, the supporting documents are cancelled by noting on the processed invoices the payment date, number of the check and the amount paid. This will prevent resubmission of paid invoices for future payment.
- Safekeeping of records - All unused checks, cash on hand (Petty Cash), books of original entry (general journal entries), books of final entry (General Ledger and trial balance), records in support of Subsidiary Ledgers and all storage devices with accounting information are closely safeguarded by locked equipment.
- Prepare monthly financial statements - Comparative statements are prepared monthly in detail so that significant variations in any revenue or expense category will be disclosed. Significant variances are investigated and the reasons for them determined. Variances are reported to the Board bi-monthly.
- Bonding - all Staff members and Board Officers whose duties involve

handling the resources of the program are insured under the "Fidelity Bonds", as a protection against loss through embezzlement, theft, forgery or any other fraudulent acts.

- Fixed assets records - The equipment, furniture and library records are updated monthly and an inventory is taken at least once every other year.
- Audit - An annual audit is performed by an independent auditor. Discovery of irregularities may or may not occur as a direct consequence of an audit, as the primary purpose of an audit is to enable the auditor to express an opinion on the fairness of the financial statements, their compliance with generally accepted accounting principles and the consistency of their application. However, the presence of an independent annual audit may discourage fraudulent acts and at the same time, the auditors will provide professional advice for improvement in the internal accounting controls and procedures to reduce opportunities for defalcation and the possibility of errors and irregularities. Besides the annual audit, Supervisors are to perform checks on Petty Cash and Client Trust Account to ensure conformity with the established procedures.

**2. Audit Report - See Attachment C**

**C. Voluntary Contributions**

After services are rendered, Legal Aid provides older adults the opportunity to contribute voluntarily to the cost of services provided under this grant. Contributions are reported on the Financial Status Report, and used to provide additional units of service.

**VI. Other**

**A. Litigation – not applicable**

No pending litigation to which Legal Aid is a party

## LEGAL ASSISTANCE – Scope of Service

- a. **Definition:** *Provides legal advice, counseling and representation by an attorney or other person acting under the supervision of an attorney to adults 60 years or older or a grandparent or older individual (not child's parent) who is a relative caregiver, including a grandparent or step-grandparent of a child, or a relative of a child by blood, marriage, or adoption who is 55 years of age and older and:*
- i. *Lives with the child.*
  - ii. *Is the primary caregiver of the child because the biological or adoptive parents are unable or unwilling to serve as the primary caregiver for the child.*
  - iii. *Has a legal relationship to the child, such as legal custody or guardianship, or is raising the child informally.*

*A child is an individual who is not more than eighteen years of age or who than eighteen years of age or who is an individual with a disability, from age eighteen to fifty-nine. (Unit of service is one hour of activity; Fee-for-Service paid in increments of 15 minutes).*

### **There are two components of this service.**

- b. Legal Assistance for Older Adults provides legal advice counseling and representation by an attorney or other person acting under the supervision of an attorney. Services will promote and secure the rights and entitlements of older persons in solving legal problems relating to a law, regulation, policy or rule.
  - c. Legal Assistance Adoption/Guardianship Project is directed specifically to grandparents or older individuals who are relative caregivers (a grandparent or step-grandparent of a child or a relative of a child by blood or marriage who is 55 years of age or older) to provide advice, counseling and representation by an attorney or other persons under the supervision of an attorney with caretaking issues including, but not limited to, adoptions and guardianships.
- b. **Minimum service activity requirements which may be included in the Service Authorization Plan according to individual situations and participants' preferences.**
- i. Develop a service plan for the provision of legal services.
  - ii. Interview participants to identify legal problem.
  - iii. Research the law pertaining to the problem.
  - iv. Conduct case finding/investigation.
  - v. Provide legal advice to the individual regarding the identified problem.
  - vi. Draft legal documentation pertaining to the identified problem.
  - vii. Provide individual representation.
  - viii. Provide legal advocacy for individuals regarding the identified problem.

- ix. Prepare legal advocacy educational materials for distribution to individuals.
- x. Provide community education designed to increase participants' awareness of legal assistance information relating to the prevention of legal problems and available resources, benefits and entitlements such as food stamps, medical assistance and SSI, elder rights and other related subjects.
- xi. As needed, provide services to the isolated, institutionalized and/or homebound individuals.
- xii. Specify and conduct outreach activities to ensure that services are targeted to reach the institutionalized, homebound and other older persons with greatest economic or social need, particularly low-income minority.
- xiii. Legal Assistance will also be provided in the following areas: Protective Services—including adult abuse, mental health commitment and guardianship.
- xiv. Health Care—including nursing home care, hospital and other institutional care and health insurance.
- xv. Public Benefits—including Social Security, Medicare, public and subsidized housing.
- xvi. Advance Health Care Directives and Power of Attorney.
- xvii. Consumer Services—including consumer debts, consumer rights and protection.
- xviii. Landlord/tenant problems—including substandard housing, evictions, and rent disputes.
- xix. Guardianships, both of older adult and of minors by older adults, including adoption.
- xx. Applicant may develop other priorities with prior approval from the MCOA.

## EXHIBIT "B"