

We hope you enjoy Hartley & McGehee, LLP's newest Newsletter.

HARTLEY & MCGEHEE

Excellence in Family Law



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The Court's Focus on Civility

On January 20, 1961, President John F. Kennedy delivered one of the most celebrated inaugural addresses in American history. Standing on the steps of the U.S. Capitol, Kennedy famously declared: "So let us begin anew – remembering on both sides that civility is not a sign of weakness, and sincerity is always subject to proof. Let us never negotiate out of fear, but let us never fear to negotiate. Let both sides explore what problems unite us instead of belaboring those problems which divide us." At the time, Kennedy was discussing his hope to achieve peace with the Soviet Union, but his message regarding the importance of civility still resonates in American legal culture fifty years later.

It is common knowledge that lawsuits often involve drawn-out, bitter disputes among the parties, their attorneys, the final decision-makers and other affected third parties. Nowhere is this antagonism more apparent than in the practice of Family Law. In handling cases that are often contentious and emotionally-charged, Family Law attorneys must uphold their responsibility to conduct themselves with dignity and civility toward their opponents and the court in order to reach amicable and fair resolutions for their clients.

In 2004, the Hawai'i Supreme Court and the Hawai'i State Bar Association adopted the "Guidelines of Professional Courtesy and Civility for Hawai'i Lawyers" to "assist all in the legal profession and the justice system in conducting themselves in a

manner that is fair, efficient and humane.” The Guidelines offer Hawai‘i attorneys useful guidance on various subjects, including scheduling, punctuality, communications with clients and adversaries, settlement and alternative dispute resolution and trials and hearings. Unlike the “Hawai‘i Rules of Professional Conduct,” the Guidelines are “aspirational” and not mandatory ethical rules for all Hawai‘i attorneys. Rather, the Guidelines are offered to promote “the accepted norms of professional behavior upon which the successful functioning of the judicial system depends.”

By voluntarily abiding by the Guidelines, in the spirit of President Kennedy’s call for mutual respect among adversaries, we attorneys must make every effort to see any honest disagreement or difficult situation as an opportunity to exercise our professional courtesy and civility toward others.

For more information on the “Guidelines of Professional Courtesy and Civility for Hawai‘i Lawyers,” please visit http://www.courts.state.hi.us/docs/court_rules/rules/gpcc.htm.

In a Nutshell:

Pro Bono

Rule 6.1 of the *Hawai‘i Rules of Professional Conduct*, which governs attorneys, provides that, “[a] lawyer should aspire to provide at least 50 hours of *pro bono* services per year.” Many of Hawai‘i’s attorneys meet and exceed this goal.

In 2008, the Hawai‘i Judiciary formed the Hawai‘i Access to Justice Commission in an effort to “substantially increase access to justice in civil legal matters for low-and moderate-income residents of Hawai‘i.” One program created to help accomplish the goal is the Kapolei Access to Justice Room (“KAJR”) at the Kapolei Family Court.

Steven L. Hartley, Managing Partner of Hartley & McGehee, and the 2012 Hawai‘i State Bar Association Family Law Section President, played an instrumental role in creating and developing the KAJR at the Ronald T. Y. Moon Kapolei Courthouse on O‘ahu late last year. At the KAJR, volunteer

attorneys provide legal assistance and advice to family court litigants in matters such as divorce and paternity. The KAJR is open from 11:30 a.m. to 1:30 p.m. on the first and third Thursday of every month. Individuals may schedule a KAJR appointment with the Ho'okele Self Help Desk on the first floor of the Kapolei Courthouse and may be reached at (808) 954-8290. Walk-ins are also accepted subject to availability.

A similar center, called the Honolulu Access to Justice Room ("HAJR"), was also established in August 2012 at the Honolulu District Courthouse. At that room, volunteer attorneys provide legal assistance and advice to litigants in district court civil matters such as temporary restraining orders, landlord-tenant cases and debt collection. The HAJR is open from 8:30 a.m. to 1:30 p.m. on Mondays and Wednesdays. By the end of 2012, Access to Justice Rooms were available throughout the state.

In order to meet and exceed the aspirational pro bono service goals, the attorneys at Hartley & McGehee also participate in various other pro bono activities including coaching high school mock trial teams, the Hawai'i State Bar Association Legal Lines Program and Volunteer Legal Services of Hawai'i Neighborhood Legal Clinics and Uncontested Divorce Workshops.

Hartley & McGehee's pro bono efforts also extend beyond the courtroom. In November and December 2012, Hartley & McGehee held its 5th annual Food & Fund Drive to benefit the Hawai'i Food Bank. With the assistance of neighboring Kailua businesses the firm collected 1,103 pounds of food as well as monetary donations to help feed Hawaii's hungry in time for the Christmas holiday.

Finally, pro bono also means giving back and promoting family law practice. In 2012, Hartley & McGehee established the Hartley & McGehee Excellence in Family Law Award given annually to a law student who demonstrates a high level of commitment and dedication to family law. The 2012 award recipient, Michelle Moorhead, is currently working under the Honorable R. Mark Browning, Senior Judge of the Family Court at the Kapolei Courthouse.

New Attorney Joins Hartley & McGehee

Continuing our long history of serving Hawai'i's people in all areas of Family Law, Hartley & McGehee is very proud to announce Kailua native and University of Hawai'i's William S. Richardson School of Law Alumnus **Amanda O. Jensen, Esq.** as our firm's newest Associate Attorney.

Please visit our website's "Attorneys" page to learn more about Ms. Jensen.

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