

*Attorney Visits*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

FAITH CHRISTINE ISHII,  
a minor, by FLORENCE  
KIMING IKENARA ISHII,  
her mother and next friend,  
individually and on behalf  
of all other persons  
similarly situated,

Plaintiffs,

vs.

ANDREW T. CHANG, in  
his capacity as Director,  
Department of Social  
Services and Housing,  
State of Hawaii;  
KAYO CHUNG, individually  
and as Administrator,  
Hawaii Youth Correctional  
Facility,

Defendants.

CIVIL NO. 75-0238



AGREEMENT OF SETTLEMENT

Plaintiffs have brought this action based on the constitutional rights of juvenile inmates, present and future, of the Hawaii Youth Correctional Facility to free access to counsel and to due process in the courts. Plaintiffs and Defendants hereby enter into the following agreement:

1. Parties agree that the juvenile inmates have the right to access to counsel and to due process in Courts as provided by the United States and the Hawaii State Constitutions.

2. All visitation with Hawaii Youth Correctional Facility (HYCF) residents by their attorneys shall be on an individual and private basis unless otherwise agreed and

Ishii v. Chang



shall occur during the normal business hours of 8:00 a.m. to 5:00 p.m. Monday through Friday or on weekends with prior notice to HYCF except for emergency situations when residents shall have free access to attorneys of their choice;

3. Consultation of attorney and client shall also be allowed by means of unmonitored telephone conversation between the hours of 8:00 a.m. and 8:00 p.m. daily;

4. HYCF shall maintain a list of current residents which identifies their present attorney of record and such attorneys shall have access to their individual clients without requirement for verification of attorney-client relationship;

5. That where a retained attorney not of record seeks entry to the facility for the purpose of visitation with his client, HYCF may deny access for a period of time reasonably sufficient to determine attorney-client relationship of the desire of the minor to see counsel. Verification of attorney status shall be made through inspection of an ABA membership card or business card. In order to establish the existence of an attorney-client relationship, HYCF may consult with the resident the attorney seeks to visit, the resident's parents, or the resident's attorney of record if any. If any of the above indicate the existence of such a relationship, consultation shall be permitted;

6. Paralegal assistants of attorneys shall be permitted to confer with their attorney's client on the same basis upon presentation of a letter of introduction from the attorney or by prior telephoned arrangements;

16,904  
A  
4/20

*Ishii*

285

7. Parties agree that all present and future inmates and their parents shall be provided a written notice of their rights to counsel, which shall include the following statement:

Dear Minor/Parent:

While your present residence in the Hawaii Youth Correctional Facility/Koolau does take away most of your freedom and rights, the United States and the State of Hawaii Constitutions promise you rights, which cannot be taken from you.

These rights include your right to talk to your lawyer. Should you wish to contact your lawyer concerning conditions of your confinement or access to the Courts, your lawyer can help you with such request. You may contact your lawyer by phone between 8:00 a.m. and 8:00 p.m. You may see your lawyer at MYCF during the regular work day, 8:00 a.m. until 5:00 p.m. or you may write to your lawyer.

8. The terms and provisions of this agreement shall be subject to revision or modification upon application by either party to this agreement. Any such revision or modification may be by agreement or by order of this Court. Following the effective date of this agreement, either party may petition this Court for an order declaring the respective rights and obligations of the parties to this agreement to be in violation thereof, and requiring compliance with the terms and provisions of this agreement.

9. A copy of this Agreement of Settlement shall be distributed to all present inmates in MYCF and mailed to their parents or guardians with the following notice:

NOTICE

An agreement of settlement is being proposed in ISHII, et. al. v. CHANG et. al., which is a class action suit dealing with the right of access to

986  
counsel in Koolau/Hawaii Youth Correctional Facility. Any person who wishes to exclude himself or has any questions on the proposed settlement should contact the Clerk of the U. S. Federal District Court.

10. Procedures outlined in this Agreement of Settlement shall be effective immediately; shall continue in full force and effect; and shall be incorporated within rules and regulations promulgated pursuant to H.R.S. § 533-3.

DATED: Honolulu, Hawaii, this 18<sup>th</sup> day of September, 1975.

LEGAL AID SOCIETY OF HAWAII  
Attorney for Plaintiffs

By Wesley K. Lau  
WESLEY K. LAU

ATTORNEY GENERAL, STATE OF HAWAII  
Attorney for Defendants

By John Campbell  
JOHN CAMPBELL, JR.  
Deputy Attorney General