

STAND. COM. REP. NO. **47**

Honolulu, Hawaii

FEB 12 2009

RE: S.B. No. 120
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committee on Judiciary and Government Operations, to which was referred S.B. No. 120 entitled:

"A BILL FOR AN ACT RELATING TO THE UNIFORM MEDIATION ACT,"

begs leave to report as follows:

The purpose of this measure is to adopt the Uniform Mediation Act.

Mediation is a process that allows parties to voluntarily resolve a dispute with the help of a third party. Communications made during the mediation process are currently covered by Rule 408 of the Hawaii Rules of Evidence. This bill increases protection for mediation communications. It establishes an evidentiary privilege for mediators and parties that participate in mediation. This bill covers most mediations except those involving collective bargaining, minors in a primary or secondary school peer review context, youth in correctional institutions, and mediations that are conducted by a judge who might issue a ruling on the case.

The Hawaii Commission to Promote Uniform Legislation submitted testimony in support of the bill.

Your Committee has amended this bill by making technical, nonsubstantive changes for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary and Government Operations that is attached

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to this report, your Committee is in accord with the intent and purpose of S.B. No. 120, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 120, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Government Operations,


BRIAN T. TANIGUCHI, Chair



