

STAND. COM. REP. NO.

261

Honolulu, Hawaii

FEB 13, 2009

RE: H.B. No. 782  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fifth State Legislature  
Regular Session of 2009  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 782 entitled:

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

begs leave to report as follows:

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

Mediation is a process by which a third party facilitates communication and negotiation between parties to a dispute to assist them in reaching a voluntary agreement to resolve the dispute.

Under present law, mediation communications are covered by the Hawaii Rules of Evidence, Rule 408. This bill provides more protection for mediation communications by establishing an evidentiary privilege for mediators and participants in mediation. It ensures that information disclosed in mediation will be privileged in later proceedings. The bill applies to most mediations, except those involving collective bargaining, minors in the primary or secondary school peer-review context, or youth in a correctional institution if all parties reside in the institution, or mediations that are conducted by a judge who might make a ruling on the case.

The Hawaii Commission to Promote Uniform Legislation testified in support of this bill.

HB782 HD1 HSCR JUD HMS 2009-1872



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 that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 782, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 782, H.D. 1, and be referred to the Committee on Finance.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,

  
JON RIKI KARAMATSU, Chair



