STAND. COM. REP. NO. **533** -12

Honolulu, Hawaii

Feb 17, 2012

RE: H.B. No. 626

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Sixth State Legislature Regular Session of 2012 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 626 entitled:

"A BILL FOR AN ACT RELATING TO THE HAWAII UNIFORM COLLABORATIVE LAW ACT,"

begs leave to report as follows:

The purpose of this measure is to enact the Uniform Collaborative Law Act, which authorizes a potential litigant to enter into an agreement to attempt to resolve the dispute without using the courts.

The Commission to Promote Uniform Legislation supported the measure. The Supreme Court Standing Committee on the Rules of Evidence offered comments on the measure.

Your Committee acknowledges the comments of one testifier who noted that the lynchpin for this Act is the broad privilege prohibiting the disclosure of communications developed during the collaborative process in a subsequent legal proceeding. As a result, the parties to the process can be more forthcoming in communications to one another.

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. 626 and recommends that it pass Second Reading and be referred to the Committee on Finance.

HB626 HSCR JUD HMS 2012-2175

STAND. COM. REP. NO. 533 -12 Page 2

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

GILBERT KEITH-AGARAN, Chair

State of Hawaii House of Representatives The Twenty-sixth Legislature

HSCR533-In

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: HB 626	Committee Referral: JUD, FIN			2/13/	12
☐ The committee is reconsidering its previous decision on the measure.					
The recommendation is to: A Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)					
JUD Members		Ayes	Ayes (WR)	Nays	Excused
1. KEITH-AGARAN, Gilbert S.C. (C)		ン			
2. RHOADS, Karl (VC)		~			
3. BROWER, Tom		-			
4. CABANILLA, Rida T.R.	~				V
5. CARROLL, Mele					- L
6. COFFMAN, Denny					<u></u>
7. HERKES, Robert N.		<u></u>			
8. ITO, Ken					レ
9. LUKE, Sylvia					
10. McKELVEY, Angus L.K.					-
11. SOUKI, Joseph M.		4		•	
12. TSUJI, Clift					
13. FONTAINE, George R.				,	
14. MARUMOTO, Barbara C.		- - -			
15. THIELEN, Cynthia					
TOTAL (15)		10	0	0	5
The recommendation is: Adopted If joint referral, did not support recommendation. committee acronym(s)					
Vice Chair's or designee's signature: Raul Alsos					
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO					