

Honolulu, Hawaii

APR 03 2012

RE: H.B. No. 626

S.D. 1

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2012  
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, 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 and intent of this measure is to enact the  
Uniform Collaborative Law Act that:

- (1) Authorizes disputants to enter into collaborative law participation agreements signifying interest to resolve the dispute without intervention of a tribunal court or other third-party decision maker;
- (2) Requires parties to a collaborative law process to disclose information fully, candidly, and informally without formal discovery; and
- (3) Subject to certain exceptions, disqualifies attorneys in the collaborative process, and their law firms, from appearing before a tribunal to represent a party in a proceeding related to the collaborative manner.

Your Committee received testimony in support of this measure from the Commission to Promote Uniform Legislation. The Judiciary submitted comments.



Your Committee finds that the Uniform Collaborative Law Act standardizes the most important features of the newly developing area of collaborative law practice while being mindful of ethical concerns as well as questions of evidentiary privilege. In recent years, as the use of collaborative law has grown, it has been governed by a variety of statutes, court rules, and formal and informal standards in different jurisdictions. This measure provides a comprehensive statutory framework to guarantee the benefits of the collaborative process and bring uniformity to the essential features of that process. The Uniform Collaborative Law Act encourages the development and growth of collaborative law as an option for parties who wish to use it as a form of alternative dispute resolution.

Your Committee has amended this measure by:

- (1) Changing the effective date from July 1, 2011, to July 1, 2012; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 626, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 626, 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  
Labor,




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CLAYTON HEE, Chair



The Senate  
Twenty-Sixth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 626	JDL	3/19/12		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile (VC)	✓			
GABBARD, Mike				✓
IHARA, Jr., Les	✓			
SLOM, Sam	✓			
<b>TOTAL</b>	4			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: _____ 				
<b>Distribution:</b> Original                      Yellow                      Pink                      Goldenrod File with Committee Report    Clerk's Office            Drafting Agency        Committee File Copy				

\*Only one measure per Record of Votes