The Judiciary, State of Hawaii

Testimony to the Senate Committee on Judiciary and Labor
Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair

Friday, February 8, 2013, 10:00 a.m.
State Capitol, Conference Room 016

by
Elizabeth Kent
Director
Center for Alternative Dispute Resolution

Bill No. and Title: Senate Bill No. 966, Relating to the Uniform Mediation Act.

Purpose: Adopts the Uniform Mediation Act of the National Conference of Commissioners on Uniform State Laws.

Judiciary's Position:

The Judiciary takes no position on the merits of this bill which does not have a direct impact on the Judiciary. Whether to address protection of statements made in mediation by an evidentiary rule of admissibility (Rule 408 of the Hawaii Rules of Evidence, the current law) or to adopt a privilege for mediation parties and mediators is a policy decision.

The Uniform Mediation Act (UMA) was a joint project of the Alternative Dispute Resolution Section of the American Bar Association and the Uniform Law Commission. As a member of the UMA drafting committee, I am available to provide background and answer any questions about the UMA. The UMA commentary notes that the purpose of the UMA is to:

- promote candor of parties through confidentiality of the mediation process, subject only to the need for disclosure to accommodate specific and compelling societal interests;

- encourage the policy of fostering prompt, economical, and amicable resolution of disputes in accordance with principles of integrity of the mediation process, active party involvement, and informed self-determination by the parties; and

- advance the policy that the decision-making authority in the mediation process rests with the parties.

The Judiciary endeavored to inform the public and the mediation community about the UMA by collaborating to hold public forums and provide print information about the UMA.

Thank you for the opportunity to testify on Senate Bill No. 966.

TESTIMONY OF THE COMMISSION TO PROMOTE UNIFORM LEGISLATION

ON S.B. No. 966

RELATING TO THE UNIFORM MEDIATION ACT.

BEFORE THE SENATE COMMITTEE ON JUDICIARY AND LABOR

DATE: Friday, February 8, 2013, at 10:00 a.m.
LOCATION: Conference Room 016, State Capitol

PERSON(S) TESTIFYING: KEVIN P. H. SUMIDA
Commission to Promote Uniform Legislation

E-MAIL to JDLTestimony@Capitol.hawaii.gov

Chair Hee and Members of the Senate Committee on Judiciary and Labor:

My name is Kevin Sumida and I am one of Hawaii's Uniform Law Commissioners. Hawaii's uniform law commissioners support the passage of S.B. No. 966.

Mediation is a process in which the parties decide the resolution of their dispute themselves with the help of a mediator, rather than having a ruling imposed on them. The parties' participation in mediation allows them to reach results that are tailored to their interests and needs. In recent decades there has been enormous growth in mediation in many different types of disputes.

The Uniform Mediation Act (UMA), promulgated by the National Conference of Commissioners on Uniform State Laws in 2001, is an important new development in the law of mediation. Highlights of the act include:

Certainty. Current legal rules on mediation can be found in more than 2,500 state and federal statutes; more than 250 of these deal with issues of confidentiality and privileges alone. Complexity means uncertainty, inhibiting the use of mediation. The Act provides one comprehensive law for privileges and confidentiality in mediation.

Privacy. A central purpose of the Act is to provide a privilege that assures confidentiality. The act establishes a privilege of confidentiality for mediators and participants that prohibits what is said during mediation from being used in later legal proceedings.

Exceptions to Privilege. The Act provides exceptions to the privilege. These exceptions include threats made to inflict bodily harm or other violent crime, when parties attempt to use mediation to plan or commit a crime, when the information is needed to prove or disprove allegations of child abuse or neglect, or when the information is needed to prove or disprove a claim or complaint of professional misconduct by a mediator.

Party Protection. In addition to ensuring confidentiality in the mediation process, the act further promotes mediation by requiring the disclosure of known conflicts of interest by the mediator, as well as disclosure of the mediator's qualifications.

Autonomy. The Act promotes autonomy of the parties by leaving to them those matters that can be set by agreement.

This bill would establish an evidentiary privilege for mediators and participants in mediation that applies in later proceedings. Currently mediation communications are covered by the Hawaii Rules of Evidence, Rule 408. The privilege in this bill provides significantly more protection for mediation communications.

The Act does not apply to collective bargaining disputes, some judicial settlement conferences, or mediation involving parties who are all minors.

This Act is a product of the Uniform Law Commission, in collaboration with the American Bar Association's Section on Dispute Resolution.

The Act has been endorsed by the American Arbitration Association, the Judicial Arbitration and Mediation Service, CPR Institute for Dispute Resolution, land the National Arbitration Forum. It has also been approved by the American

Bar Association.

The UMA has been adopted by eleven juridictions (District of Columbia, Idaho, Illinois, Iowa, Nebraska, New Jersey, Ohio, South Dakota, Utah, Vermont, and Washington). It is presently being considered for adoption in two other states (Massachusetts and New York). Attached is a brief summary of the UMA for your information.

We urge your support of this bill.

Uniform Law Commission
The National Conference of Commissioners on Uniform State Laws
Contact Us: **312.450.6600**

Mediation Act Summary

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 resolving that dispute. Because it is a voluntary process, and because of the relatively low costs associated with mediation versus a more formal legal proceeding or even arbitration, mediation has become one of the most ubiquitous forms of dispute resolution in America today. Mediation is available in a wide variety of contexts, and state law has adopted various situation-specific rules to cope with the growth in the use of mediation. The widespread success of mediation as a form of dispute resolution has led to some problems, however, in that over 2500 separate state statutes affect mediation proceedings in some manner. In many cases, mediating parties cannot be sure which laws might apply to their efforts (especially in a multi-state context). This complexity is especially troublesome when it undermines one of the most important factors promoting mediation as a means of dispute resolution, namely the parties' ability to depend on the confidentiality of the proceeding, and their power to walk away without prejudice if an agreement cannot be voluntarily reached.

Promulgated by the National Conference of Commissioners on Uniform State Laws (NCCUSL) in 2001, the Uniform Mediation Act (UMA) is intended to address this core concern about the confidentiality of mediation proceedings. The result of a unique joint drafting effort between NCCUSL and the American Bar Association through its Dispute Resolution Section, the UMA is intended as a statute of general applicability that will apply to almost all mediations, except those involving collective bargaining, minors in a primary or secondary school peer review context, prison inmate mediation, and proceedings conducted by judicial officers who might rule in a dispute or who are not prohibited by court rule from disclosing mediation communications with a court, agency, or other authority.

The UMA's prime concern is keeping mediation communications confidential. Parties engaged in mediation, as well as non-party participants, must be able to speak with full candor for a mediation to be successful and for a settlement to be voluntary. For this reason, the central rule of the UMA is that a mediation communication is confidential, and if privileged, is not subject to discovery or admission into evidence in a formal proceeding [see Sec. 5(a)]. In proceedings following a mediation, a party may refuse to disclose, and prevent any other person from disclosing, a mediation communication. Mediators and non-party participants may refuse to disclose their own statements made during mediation, and may prevent others from disclosing them, as well. Thus, for a person's own mediation communication to be disclosed in a subsequent hearing, that person must agree and so must the parties to the mediation. Waiver of these privileges must be in a record or made orally during a proceeding to be effective. There is no waiver by conduct.

As is the case with all general rules, there are exceptions. First, it should be noted that the privilege extends only to mediation communications, and not the underlying facts of the dispute. Evidence that is otherwise admissible or subject to discovery does not become inadmissible or protected from discovery by reason of its use in a mediation. A party that discloses a mediation communication and thereby prejudices another person in a proceeding is precluded from asserting the privilege to the extent necessary for the prejudiced person to respond. A person who intentionally uses a mediation to plan or attempt to commit a crime, or to conceal an ongoing crime, cannot assert the privilege.

Also, there is no assertable privilege against disclosure of a communication made during a mediation session that is open to the public, that contains a threat to inflict bodily injury, that is sought or offered to

prove or disprove abuse, neglect, abandonment, or exploitation in a proceeding where a child or adult protective agency is a party, that would prove or disprove a claim of professional misconduct filed against a mediator, or against a party, party representative, or non-party participant based on conduct during a mediation. If a court, administrative agency, or arbitration panel finds that the need for the information outweighs the interest in confidentiality in a felony proceeding, or a proceeding to prove a claim of defense to reform or avoid liability on a contract arising out of the mediation, there is no privilege.

The Uniform Mediation Act is meant to have broad application, while at the same time preserving party autonomy. While a mediation proceeding subject to the Act can result from an agreement of the parties, or be required by statute, a government entity, or as part of an arbitration, the Act allows parties to opt out of the confidentiality and privilege rules described above. Also, the Act does not prescribe qualifications or other professional standards for mediators, allowing parties (and potentially states) to make that determination. The Act generally prohibits a mediator, other than a judicial officer, from submitting a report, assessment, evaluation, finding, or other communication to a court agency, or other authority that may make a ruling on the dispute that is the subject of the mediation. The mediator may report the bare facts that a mediation is ongoing or has concluded, who participated, and, mediation communications evidencing abuse, neglect, or abandonment, or, other non-privileged mediation matters. The Act also contains model provisions calling for a mediator to disclose conflicts of interest before accepting a mediation (or as soon as practicable after discovery). His or her qualifications as a mediator must be disclosed to any requesting party to the dispute.

The Uniform Mediation Act will further the goals of alternative dispute resolution by promoting candor of the parties by fostering prompt, economical, and amicable resolution of disputes, by retaining decision-making authority with the parties, and by promoting predictability with regard to the process and the level of confidentiality that can be expected by participants.

THE SENATE
THE TWENTY-SEVENTH LEGISLATURE
REGULAR SESSION OF 2013

COMMITTEE ON JUDICIARY AND LABOR
Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair

Hearing Date: Friday, February 8, 2013
Time: 10:00 a.m.
Place: Conference Room 016
State Capitol
415 South Beretania Street

By: Tracey Wiltgen, Executive Director
The Mediation Center of the Pacific, Inc.

Bill No. and Title: SB 966, Relating to the Uniform Mediation Act

SUBMITTED BY E-MAIL: testimony@capitol.hawaii.gov

TO SENATOR CLAYTON HEE, CHAIR, SENATOR MAILE S. L. SHIMABUKURO, VICE CHAIR AND MEMBERS OF THE COMMITTEE:

My name is Tracey Wiltgen, Executive Director of the Mediation Center of the Pacific (the Mediation Center) and **I am writing on behalf of the Mediation Center to support SB 966**.

The Mediation Center is a 501(c)(3) not for profit corporation that was founded in 1979 to provide Hawaii's people with peaceful approaches to working through conflict. Over the years, the Mediation Center has developed processes that help participants address a broad array of issues and meet the unique needs of Hawaii's culturally diverse populations. Parties in conflict are assisted in resolving their immediate dispute, as well as in improving communication and strengthening their relationships for the future.

Confidentiality is a key element in ensuring that mediation is a comfortable, productive process for the more than 3,500 people the Mediation Center assists annually. However, over the past ten years with the growth of Mediation, Hawaii courts are increasingly likely to compel mediators (especially at Community Mediation Centers like the Mediation Center), to testify in Court or deposition and to produce their mediation notes. This fact has a chilling effect on the mediators who generously donate their time to mediate for the Mediation Center and other community mediation centers throughout the State and dramatically changes the non adversarial nature of the mediation process.

The Mediation Center of the Pacific and other community mediation centers throughout the State are a critical resource for Hawaii's communities. With the assistance of more than 200 volunteer mediators, every day people are assisted in resolving their conflicts through the informal, confidential process of mediation. The work of the community mediation centers increases access to justice and reduces the caseload of Family and District Courts.

If confidentially in mediation is not protected, community mediation centers will lose valued mediators and will no longer be able to offer affordable, quality mediation services for the low income and vulnerable populations of Hawaii.

To maintain the important work of the community mediation centers and preserve the essential element of confidentially that helps make mediation successful, the Mediation Center strongly supports SB 966.

Respectfully,

Tracey S. Wiltgen, Executive Director
The Mediation Center of the Pacific

THE MEDIATION CENTER OF THE PACIFIC, INC.
Bringing People Together to Talk and Resolve Their Differences

245 N. Kukui St. # 206, Honolulu, HI 96817 Tel: 521-6767 Fax: 538-1454 Email: mcp@mediatehawaii.org

The Mediation Center of the Pacific, Inc.
Board of Directors' Resolution
Supporting Confidentiality in Mediation Legislation
(The Uniform Mediation Act or alternative)

Be it RESOLVED, that on January 23, 2013

The Directors of the Board of the Mediation Center of the Pacific (MCP) declare our policy to support House Bill 418 in the 2013 term of the Hawaii Legislature, specifically based upon the Uniform Mediation Act, or other similar bills for the purpose of strengthening the legal protections for confidentiality in mediation, covering all communications in the mediation process, including the initial contacts with staff arranging and scheduling the mediation session(s), through the interaction of mediators with parties, co-mediators, staff and other non-party participants in the process, and to the final stages of agreement writing and following feedback through surveys of the participants.

Be it FURTHER RESOLVED, that The MCP Board of Directors hereby authorizes the Executive Director, Officers and Committee Chairs of the Board's Program & Quality Assurance Committee and Business Development Committee to represent the Board's above stated policy, at public appearances, including before legislative committees and in private discussions with legislators and/or other persons concerned with House Bill 418 or such similar bills.

Charles Hurd, Esq., Mediator

1180 Lunaai Street

Kailua, Hawaii 96734

February 6, 2013

Senate Judiciary & Labor Committee

Attn.: Chair Clayton Hee

Re. SB 966 (Uniform Mediation Act); Hearing on February 8, 2013, 10:00 a.m.

I am writing to support SB 966. I write as an individual, who serves as a mediator in private practice, as well as a volunteer for community mediations, through the Mediation Center of the Pacific, on whose board I also serve.

WHY WE NEED A MEDIATION PRIVILEGE STATUTE IN HAWAII.

Because of gaps in coverage of existing Court rules/guidelines and in the absence of any statutes regulating mediation, the participants in mediations (parties, legal counsel, mediators and non-party participants) cannot count on confidentiality of their communications during mediation. Without confidentiality, mediations are doomed to fail or worse, likely to create more problems, because there will not be the essential trust for open dialogue to resolve any dispute. Recent experiences of mediators being compelled to testify and produce their mediation notes highlight the need for this legislation.

WHAT DO WE HAVE NOW IN HAWAII?

Rule 408, Hawaii Rules of Evidence provides:

"Evidence of (1) furnishing or offering or promising to furnish, or (2) accepting or offering or promising to accept, a valuable consideration in compromising or attempting to compromise a claim which was disputed as to either validity or amount, or (3) mediation or attempts to mediate a claim which was disputed, is <u>not admissible to prove liability for or invalidity of the claim or its amount.</u> Evidence of conduct or statements made in compromise negotiations or mediation proceedings . . . likewise . . . This rule does not require exclusion . . . when the evidence is offered for another purpose, such as proving bias or prejudice of a witness, negating a contention of undue delay, or proving an effort to obstruct a criminal investigation or prosecution.

Rule 12.2(f), Rules of the Circuit Court of the State of Hawaii provides:

Unless the parties otherwise agree in writing, the neutral, counsel, the parties, and other participants in any mediation, shall not communicate with the civil court adjudicating the merits of the mediated matter (including the settlement or trial judge) about the substance of any position, offer, or other matter related to mediation, nor shall a court request or order disclosure of such information unless such disclosure is required to enforce a settlement agreement, adjudicate a dispute over mediator fees, or provide evidence in any attorney disciplinary proceeding, and then only to the extent required to accomplish such purpose.

Note: These are rules for excluding evidence from the judge or jury's consideration during a court proceeding; they do not establish a privilege of confidentiality for mediation communications.

WHAT'S WRONG WITH HRE RULE 408 AND CIRCUIT CT. RULE 12.2? DON'T THEY DO THE JOB?

As a former trial attorney for thirty years (until I semi-retired in 2006, to concentrate on mediations and other alternative dispute resolution), I have witnessed a distinct increase in the willingness of Hawaii attorneys to seek subpoenae compelling mediators to testify in Court or deposition and to produce their mediation notes in the same or later lawsuits. Some judges are inclined to enforce the subpoenae with an order to compel, because:

A. HRE 408 does not apply, where the purpose of a party seeking the info is arguably other than to "prove liability for or invalidity of the claim or its amount". (This line of reasoning has been used by judges locally, to compel production of records and to compel testimony of mediators.)
B. The rules do not bar parties from seeking discovery of mediation communications, by means of a subpoena to produce documents at a custodial deposition or a subpoena to compel testimony of a mediator at a deposition.
C. Rule 12.2 does not cover cases pending in Circuit Court, where the parties agree to private mediation without a court order appointing the mediator (ambiguity and maybe a loophole in Rule 12.2).

Moreover, the evidentiary rules do not cover other disputes, such as:

D. Disputes not yet in any court, such as preliminary administrative proceedings like Hawaii Civil Rights Commission or a dispute about elder care, referred by a care home or the Alzheimer's Assn., or a similar dispute over control of a vulnerable elders money and property, when incapacity and undue influence are at issue.
E. Rule 12.2 does not cover all pending cases, such as
    1.) District Court proceedings (small claims, landlord-tenant, etc.); or
    2.) Family Court; or
    3.) Probate Court; or
    4.) Criminal Court, such as an assault case following a mandatory mediation, ordered by a District Judge.

In such an environment of uncertainty, the risk and burden of litigating the uncertain and limited rules do and will continue to fall heavier on the weakest parties to mediation. If the litigants in the next case to test mediation confidentiality happen to be poor or if their counsel happens to not know about the strong policy and developing law (in other jurisdictions) protecting the confidentiality of mediation, then the litigation probably will not raise the best arguments for recognition of the privilege, protection of the confidentiality of mediation and protection of the mediators from compulsion to testify and disclose notes.

There is a growing consensus among a majority of mediators, that a legislative solution is needed now. Recently, at a Hawaii State Bar Assn., ADR Section meeting, a strong majority of participants (19 of 22) expressed their opinion that the state of Hawaii law should be changed to give greater protection to confidentiality in mediation; afterwards, a written survey showed five more votes for same. That's a total of 24 out of 27. The 3 others were abstentions from the vote, not opponents.

Four mediation organizations' boards of directors recently resolved to back legislation to pass the Uniform Mediation Act this term, to give protection to mediation confidentiality. (Mediation Center of the Pacific; Kuikahi Mediation Ctr., Hilo; Mediation Services of Maui; and the Assn. for Conflict Resolution – Hawaii Chapter)

SB 966 (UNIFORM MEDIATION ACT) IS A GOOD SOLUTION.

I've studied and researched these issues extensively and I strongly believe that UMA is the best solution to the problem. First, the UMA explicitly establishes a privilege, protecting the confidentiality of mediation communications. Then, the UMA recognizes certain exceptions to the privilege, when there are countervailing needs and policies. When issues arise, the method of solving them sets up an in camera hearing (exclusion of all but the parties and participants with a stake in the issue of confidentiality), for the judge to preliminarily resolve whether to compel testimony, only if the information is not otherwise available and only if there's a legitimate issue such as protecting the well-being and safety of a child or vulnerable adult, or similar strong policy, already recognized in the law.

UMA key provisions establish a balanced, fair approach to the complex of issues, policies and legitimate interests of all concerned:

Sec. 4. PRIVILEGE AGAINST DISOVERY

(a) Except as otherwise provided in Sec. 6, a mediation communication is privileged as provided in subsection (b) and is not subject to discovery or admissible in evidence in a proceeding unless waived or precluded as provided by Sec. 5.

(b) In a proceeding, the following privileges apply:

(1) A mediation party may refuse to disclose, and may prevent any other person from disclosing, a mediation communication.

(2) A mediator may refuse to disclose a mediation communication, and may prevent any other person from disclosing a mediation communication of the mediator.

(3) A nonparty participant may refuse to disclose, and may prevent any other person from disclosing, a mediation communication of the non-arty participant. . . .

Sec. 6 Exceptions to Privilege

(a) There is no privilege under Section 4 for a mediation communication that is:

(1) in an agreement evidenced by a record signed by all parties to the agreement;

(2) available to the public . . .

(3) a threat or statement of a plan to inflict bodily injury or commit a crime of violence;

(4) intentionally used to plan a crime, attempt to commit or commit a crime, or to conceal an ongoing crime or ongoing criminal activity;

(5) sought or offered to prove or disprove a claim or complaint of professional malpractice or malpractice filed against a mediator;

(6) except as otherwise provided in subsection (c), sought or offered to prove or disprove a claim or complaint of professional misconduct . . . based on conduct occurring during a mediation; or

(7) sought or offered to prove or disprove abuse, neglect, abandonment, or exploitation in a proceeding in which a child or adult protective services agency is a party unless [2 alternatives].

(b) There is no privilege . . . if a court . . . finds, after a hearing in camera, that the party seeking discovery or the proponent of the evidence has shown that the evidence is not otherwise available, that there is a need for the evidence that substantially outweighs the interest in protecting confidentiality, and . . . the mediation communication is sought or offered in:

(1) a court proceeding involving a felony; or

(2) except . . . in subsection (c), a proceeding to prove a claim to rescind or reform or a defense to avoid liability on a contract arising out of the mediation.

(c) A mediator may not be compelled to provide evidence of a mediation communication referred to in subsection (a)(6) or (b)(2).

(d) If a mediation communication is not privileged . . .[as above], only the portion . . . necessary for the application of the exception from nondisclosure may be admitted.

Admission of evidence under . . . [above] does not render the evidence, or any other mediation communication, discoverable or admissible . . .

Sec. 8. CONFIDENTIALITY. Unless subject to the [insert statutory references to open meetings act and open records act], mediation communications are confidential to the extent agreed by the parties or provided by other law or rule of this State.

Which other jurisdictions have passed the UMA?

Ten states plus the District of Columbia, including Ohio, Illinois and New Jersey (3 "big" states) have past the UMA, since 2005.

Most states which have not passed the UMA have privilege statutes of their own, usually predating the UMA. (e.g. Texas has a very broad protection statute, establishing the privilege with one exception for "manifest injustice", patterned after a federal statute; and California has an absolute privilege statute, which covers all written mediated agreements and oral ones, with an electronic record of same)

What's so good about the UMA?

1. The UMA is a balanced and harmonious set of policy judgments made by the foremost thinkers in the field of dispute resolution (including practicing mediators and mediation services (American Arbitration Assn., JAMS and CPR)- both lawyers and non-lawyers, such as psychologists, family dispute practitioners – including lawyers and judges, litigators, transactional lawyers and legal scholars participated in two years of drafting).
    a. Participation in this amazing example of "private legislation" was open and quite impressive, with a process that took all points of view into consideration.
    b. The judgments of the Commissioners of the National Conference for Uniform State Laws are fair, balanced and nuanced, resulting in near unanimous approval by participants in the process.

    Source: Many articles in law reviews, especially: Reuben, R., "The Sound of Dust Settling: A Response to Criticisms of the UMA," 2003 Journal of Dispute Resolution 99. (Author - a law prof., who served as Assoc. Reporter to the Drafting Committees, NCUSL)

2. The passage of the UMA in 11 jurisdictions has significantly reduced litigation about confidentiality in courts of those jurisdictions. Source: MEDIATION: Law Policy & Practice, by Professors Sarah R. Cole, Craig A. McEwen, Nancy Rogers, James R. Coben and Peter N. Thompson (West 2011), Sec. 8:15, "UMA in the Courts", pp. 295-301 ("One remarkable success of the UMA to date is the relative lack of litigation about its terms. . . . fewer than 30 federal and state cases published on Westlaw [in all 11 jurisdictions, since passage].")
3. Some states in which the UMA was proposed have used its principles to craft a statute, which fits specific conditions in that state. (e.g. Florida)
4. One other state's experience with an absolute and unique statute has generated a large increase in the number of cases litigated, over issues of confidentiality: California – over 60% of all litigation nationally, about confidentiality, where the Cal. Supreme Court is deferential to the legislature's absolute protection and has refused to allow any exceptions, even a very recent

case denying access to information during mediation to a party who later sued his attorney for malpractice or unconscionable behavior during the mediation process.

ONE AMENDMENT NEEDED

I believe it would be wise to explicitly add language to the scope article or the definition of mediation, which makes clear the UMA is not intended to govern dispute resolution practices under traditional, customary practices of Hawaiians (ho'oponopono) or other such ethnic communities, e.g., ifoga in the Samoan community.

The UMA drafters included such a caveat in their official commentary. I believe it's better to make that an explicit boundary of the new law.

CONCLUSION

I want to emphasize that these are my personal views. I plan to attend the hearing and am willing to provide any further information which the Senate Committee may want to ask me for.

Charles H. Hurd

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2-6-2013