

STAND. COM. REP. NO.

2981

Honolulu, Hawaii

MAR 20 2014

RE: H.B. No. 1634

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred H.B. No. 1634 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to clarify the scope of the Uniform Mediation Act.

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

Your Committee finds that the Uniform Mediation Act under chapter 658H, Hawaii Revised Statutes, does not apply to a mediation conducted by a judge who might make a ruling on a case. The Judiciary testified that in reviewing the impact of the Uniform Mediation Act on existing court rules and procedures, it found instances where a judge may be assigned to a particular case but will not issue a ruling in the case. For example, in Circuit Court, a presiding judge may enlist another judge to conduct a settlement conference in the pending court case. While these types of settlement conferences are usually not considered mediation, the Judiciary expressed concern that the broad language of the Uniform Mediation Act may include these types of settlement conferences as mediation. This measure clarifies the scope of the Uniform Mediation Act by excluding mediation conducted by a judge on a case.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report,

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your Committee is in accord with the intent and purpose of H.B. No. 1634, and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

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




CLAYTON HEE, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* HB 1634	Committee Referral: JDL	Date: 3/11/14		
<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 checked="" type="checkbox"/> Pass, unamended 2312 <input 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 S.L. (VC)				✓
GABBARD, Mike	✓			
GALUTERIA, Brickwood				✓
IHARA, Jr., Les				✓
SOLOMON, Malama	✓			
SLOM, Sam	✓			
TOTAL	4	-	-	3
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes