

STAND. COM. REP. NO. **2525**

Honolulu, Hawaii

**FEB 27 2014**

RE: S.B. No. 2080

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  
S.B. No. 2080 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.

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 who 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 S.B. No. 2080 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,



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CLAYTON HEE, Chair



