

Honolulu, Hawaii

March 28, 2013

RE: S.B. No. 966
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 966 entitled:

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

begs leave to report as follows:

The purpose of this measure is to help reduce unnecessary litigation in the State and encourage alternative means of dispute resolution by adopting the Uniform Mediation Act.

The Mediation Center of the Pacific, Inc.; Mediation Centers of Hawaii; Honolulu Board of REALTORS; Hawai'i Association of REALTORS; and Hawaii's Uniform Law Commissioners supported this measure. The Chair of the Family Law Section of the Hawaii State Bar Association and a concerned individual opposed this measure. The Judiciary and a concerned individual provided comments.

Your Committee has amended this measure by:

- (1) Inserting definitions for "international commercial mediation" and "model law";
- (2) Specifying that mediation, as defined in the measure, does not include hooponopono, ifoga, or other similar traditional or customary dispute resolution practices;
- (3) Specifying an exception to a mediator's authority to disclose a mediation communication evidencing abuse,



neglect, abandonment, or exploitation of an individual to a public agency responsible for protecting individuals against such mistreatment;

- (4) Specifying that a report, assessment, evaluation, recommendation, or finding, in addition to other communications, made in violation of the prohibition on certain mediator reports may not be considered by a court, administrative agency, or arbitrator; and
- (5) Making technical, nonsubstantive amendments for clarity, consistency, and style.

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 S.B. No. 966, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 966, H.D. 1, and be placed on the calendar for Third Reading.

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

Karl Rhoads

KARL RHOADS, Chair



