

Honolulu, Hawaii

, 2020

FEB 14

RE: H.B. No. 2675

H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2675 entitled:

"A BILL FOR AN ACT RELATING TO THE JUDICIARY,"

begs leave to report as follows:

The purpose of this measure is to require an appellate court to conduct a hearing when a party to any suit, action, or proceeding of the appellate court files a motion for hearing on possible conflict of interest pertaining to a judge or a justice.

Your Committee received testimony in support of this measure from one individual. Your Committee received comments on this measure from the Judiciary and Common Cause Hawaii.

Your Committee finds that the fair, independent, and impartial administration of justice is a long-standing value of American jurisprudence. In Hawaii, judges are recused for various reasons including a disqualifying relationship, pecuniary interest, previous judgment, or other perceived bias or prejudice. Your Committee further finds that authorizing the filing of a motion for a hearing on a possible conflict of interest when a party to a suit, action, or proceeding believes that a judge or justice hearing an appellate case has a disqualifying conflict of interest would facilitate a valuable colloquy regarding impartiality, allow a judge or justice the opportunity to rebut



any allegation of a disqualifying conflict of interest, and promote transparency within the State's Judiciary.

Your Committee has amended this measure by:

- (1) Changing its effective date to July 1, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of 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 H.B. No. 2675, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2675, H.D. 1, and be referred to your Committee on Finance.

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



CHRIS LEE, Chair



