



*THE JUDICIARY, STATE OF HAWAII*

**Testimony to the House Committee on Judiciary**  
Representative Gilbert S.C. Keith-Agaran, Chair  
Representative Karl Rhoads, Vice Chair

Thursday, March 31, 2011, 2:00 p.m.  
State Capitol, Conference Room 325

by  
Judge Glenn Kim, Chair  
Hawaii Supreme Court Standing Committee on the Rules of Evidence

**WRITTEN TESTIMONY ONLY**

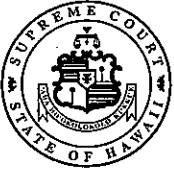
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**Measure No. and Title:** House Concurrent Resolution No. 202, Requesting the Hawaii Supreme Court Standing Committee on the Rules of Evidence to Study and Report on the Implementation of the Hawaii Uniform Collaborative Law Act

**Judiciary's Position:**

The Hawaii Supreme Court Standing Committee on the Rules of Evidence (Evidence Committee) supports the intent of this measure to carefully review all aspects of the Hawaii Uniform Collaborative Law Act (HUCLA) prior to implementation. The Evidence Committee is prepared to comply with this measure's request to review the HUCLA, as indicated through House Bill No. 626, but emphasizes that its study and recommendations would be limited strictly to the potential evidence provisions of the measure.

Thank you for the opportunity to comment on House Concurrent Resolution No. 202.



**Supreme Court — THE JUDICIARY • STATE OF HAWAII**

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**Mark E. Recktenwald**  
CHIEF JUSTICE

March 8, 2011

Representative Gilbert S.C. Keith-Agaran  
Chair, House Committee on Judiciary  
Hawaii State Capitol  
415 S. Beretania Street, Room 424  
Honolulu, HI 96813

Dear Representative Keith-Agaran,

I received your letter dated February 23, 2011 regarding H.B. 626 relating to the Hawai'i Uniform Collaborative Law Act. Thank you for considering the Judiciary's request and for deferring the measure to allow the Judiciary's Standing Committee on the Rules of Evidence to study the proposal. I have forwarded your letter to the members of that committee who will ensure that the bill is reviewed, and a report with their evaluation, findings and recommendations is submitted to you, in the format described in your letter, no later than November 1, 2011.

Please do not hesitate to contact me if you or other members of the House Committee on Judiciary need anything further.

Sincerely,

A handwritten signature in black ink that reads "Mark E. Recktenwald".

MARK E. RECKTENWALD  
Chief Justice

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**TESTIMONY OF THE  
COMMISSION TO PROMOTE UNIFORM LEGISLATION**

**ON H.C.R. No. 202 / H.R. No. 174  
REQUESTING THE HAWAII SUPREME COURT STANDING  
COMMITTEE ON THE RULES OF EVIDENCE TO STUDY AND  
REPORT ON THE IMPLEMENTATION OF THE  
HAWAII UNIFORM COLLABORATIVE LAW ACT.**

**BEFORE THE HOUSE COMMITTEE ON JUDICIARY**

**DATE:** Thursday, March 31, 2011, at 2:00 p.m.  
Conference Room 325, State Capitol

**PERSON(S) TESTIFYING:** Ken Takayama,  
Commission to Promote Uniform Legislation

WEB Address: <http://www.capitol.hawaii.gov/emailtestimony>

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Chair Keith-Agaran and Members of the Committee:

I am Ken H. Takayama, and I am a member of the state Commission to Promote Uniform Legislation (CPUL). The CPUL appreciates this opportunity to testify in strong support of H.C.R. No. 202 and H.R. No. 174.

(1) H.C.R. No. 202 and H.R. No. 174 request the Hawaii Supreme Court Standing Committee on the Rules of Evidence to conduct a study on the implementation of the Hawaii Uniform Collaborative Law Act;

(2) House Bill No. 626 (2011) proposed the enactment of the Uniform Collaborative Law Act, which would have established a framework for the practice of collaborative law in Hawaii;

Collaborative law is a form of alternative dispute resolution, and is a voluntary process in which the lawyers and clients agree that the lawyers will represent the clients solely for purposes of settlement, and that the clients will hire new counsel if the case does not settle;

H.B. No. 626 was heard by this Committee on February 10, 2011. The Committee held the bill in response to communication from the Judiciary requesting that

the bill be held so that it could be reviewed by the Supreme Court's Committee on the Rules of Evidence.

Consequently, H.C.R. No. 202 and H.R. No. 174 formalize this Committee's decision last month to give the Judiciary the opportunity it requested to conduct a review of the Uniform Collaborative Law Act.

Thank you again for this opportunity to testify.