STAND. COM. REP. NO.



Honolulu, Hawaii MAYAN 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,



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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 Month

KARL RHOADS, Chair



State of Hawaii House of Representatives The Twenty-seventh Legislature

H5CR 1238

Record of Votes of the Committee on Judiciary

Bill/Resolution No.:	Committee Referral:	Date:	1 1	
SB966	JUD	3	1413	
□ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: \Box Pass, unamended (as is) A Pass, with amendments (HD) \Box Hold				
Pass short form bill with Ho to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. RHOADS, Karl (C)	X			
2. HAR, Sharon E. (VC)	X			
3. BELATTI, Della Au	×			
4. BROWER, Tom	Ĺ Х́			
5. CABANILLA, Rida T.R.				X
6. CARROLL, Mele				χ
7. ITO, Ken	X			
8. KAWAKAMI, Derek S.K.	X			
9. LEE, Chris	×			
10. TSUJI, Clift	X			
11. WOOLEY, Jessica	\sim			
12. MCDERMOTT, Bob				
13. THIELEN, Cynthia	/~		X	
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TOTAL (13)	10		١	2
The recommendation is:				
If joint referral did not support recommendation.				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				