

STAND. COM. REP. NO.

749

Honolulu, Hawaii

MAR 04 2021

RE: H.B. No. 338
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 338 entitled:

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

begs leave to report as follows:

The purpose of this measure is to:

- (1) Require an appellate court to conduct a hearing when a party to any lawsuit, action, or proceeding of the appellate court files a motion for hearing on a possible conflict of interest; and
- (2) Allow the judge or justice who is the subject of the motion an opportunity to file a response to the motion or recuse themselves.

Your Committee received comments on this measure from the Judiciary.

Your Committee finds that the fair, independent, and impartial administration of justice is a longstanding value of American jurisprudence. Your Committee further finds that at the appellate level, authorizing the filing of a motion for a hearing on a possible conflict of interest when a party to a lawsuit, action, or proceeding believes that a judge or justice hearing the

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appeal has a disqualifying conflict of interest would facilitate a valuable exchange regarding impartiality, allow a judge or justice the opportunity to rebut any alleged conflict, and promote transparency within the Judiciary.

Your Committee has amended this measure by 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 & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 338, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 338, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



MARK M. NAKASHIMA, Chair



