STAND. COM. REP. NO.

749

Honolulu, Hawaii

, 2021

MAR 0 4

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 themself.

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

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,



## State of Hawaii House of Representatives The Thirty-first Legislature



## Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: HB 338	Committee Referral:	Date	" 3-2-2	1
☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: ☐ Pass, unamended (as is) ☐ Pass, with amendments (HD) ☐ Hold ☐ Pass short form bill with HD to recommit for future public hearing (recommit)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. NAKASHIMA, Mark M. (C)				
2. MATAYOSHI, Scot Z. (VC)				
2 ICUIVAMA Linda				
3. ICHIYAMA, Linda				
4. KOBAYASHI, Dale T.				
· ANDMARIDING DELLE				
5. LoPRESTI, Matthew S.		ne de la companya de		
6. LOWEN, Nicole E.		A CONTRACTOR OF THE STATE OF TH	Acceptable of the second secon	
7. McKELVEY, Angus L.K.				en i Responsa persona en esca
8. NAKAMURA, Nadine K.				
O TAKUMI D				
9. TAKUMI, Roy M.				
10. TODD, Chris				
Too Toob, on to				
11. TOKIOKA, James Kunane				
12. WARD, Gene				
		-		
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TOTAL (12)	10-	Ø	<u> </u>	2
The recommendation is:  Adopted  If joint referral, did not support recommendation.  committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				