



Center for Alternative  
Dispute Resolution  
Hawaii State Judiciary  
417 South King Street  
Honolulu, Hawaii 96813

Phone:  
808-539-4ADR (4237)

Fax:  
808-539-4416

E-mail:  
CADR@courts.hawaii.gov

Website:  
www.courts.state.hi.us/cadr

## CADR and Legislative Updates

### CADR News

The Center for Alternative Dispute Resolution's new director, Andrew Hipp, joined the Center on May 12.



Several bills related to alternative dispute resolution (ADR) were introduced during the Twenty-Seventh Legislature, 2014. The following bills passed:



### HB1634 - Relating to the Uniform Mediation Act

Amended Hawaii Revised Statutes Section 658H-3, to clarify the scope of the Uniform Mediation Act. The Judiciary provided testimony and strongly supported the bill, one of the Judiciary's 2014 package bills, with the purpose of clarifying that any judge assigned to a court case, and not only a judge who might issue a ruling in the case, is excluded from the scope of the Uniform Mediation Act.

- ◆ 4/1/2014 Signed into law by the Governor, Act 005

### HB1823, HD1, SD1, CD1 - Relating to Public Lands

Requires mediation in disputes regarding the fair market value or fair market rental of public land in sale, lease, or repurchase transactions involving the Board of Land and Natural Resources. Provides for binding arbitration in the event of unsuccessful mediation.

- ◆ 5/5/2014 Pending action by Governor \*

### HB1830 HD2 SD1 - Relating to Real Estate Appraisers

Requires arbitration awards, records of awards, and related supporting materials under chapter 466K, Hawaii Revised Statutes, to be public records. Requires licensed or certified real estate appraisers who are named or appointed in a submission agreement to appraise or arbitrate entered into after July 1, 2014, to record with the bureau of conveyances all arbitration awards; records of awards, if separately issued; and any supplementary, dissenting, or explanatory opinions on awards within ninety days of the notification of the determination of the award to the parties. Specifies that no agreement between the parties or the appraisers acting as arbitrators may preclude or deny the requirement to record an award, the record of the award, or any supplementary, dissenting, or explanatory opinions. Clarifies that failure to comply is a violation of real estate appraiser license or certification requirements. (SD1)

- ◆ 4/30/2014 Became law without the Governor's signature, Act 073



## **SB60, SD1, HD1, CD1 - Relating to Victims of Crimes**

Affords victims and surviving immediate family members, and any accompanying loved ones, the right to participate in restorative justice processes for the harm suffered by the victim, upon written request, and requires those parties to be informed of this right by the police or prosecutor. The Bill provides a description of restorative justice processes such as restorative conferences, restorative justice circles, restorative sessions and native Hawaiian reconciliation practices such as ho'oponopono.

- ◆ 5/1/2014 Pending action by Governor \*

---

The following bills did not pass and may be reintroduced as new bills in 2015:

## **HB2356 - Relating to Mediation Affecting Judicial Foreclosure**

Expands the application of mandatory mortgage foreclosure dispute resolution by requiring mortgagees, including Hawaiian home lands trust homestead beneficiaries and lawful successors in interest, to participate, at the mortgagor's election, in mediation to avoid foreclosure or mitigate damages from foreclosure prior to filing a judicial foreclosure action for property that has been the mortgagor's primary residence for a specified period. Applies the dispute resolution requirement to judicial foreclosure actions filed prior to the effective date of this bill and pending an initial court hearing. Effective upon approval.

- ◆ 2/10/2014 The committees on Consumer Protection & Commerce (CPC)/Judiciary (JUD) recommended that the measure be deferred

## **SB2023 - Relating to Small Claims Court**

Increases the monetary jurisdictional limit of small claims court involving cases for recovery of money and cases for the return of leased or rented personal property. Increasing the jurisdictional limit could significantly increase the number of small claims cases referred to mediation.

- ◆ 1/24/2014 The Committee on Judiciary & Labor (JDL) deferred the measure

## **SB2311 - Relating to Small Claims Court**

Increases monetary jurisdictional limit of small claims court.

- ◆ 1/21/2014 Referred to JDL, Ways & Means (WAM); no hearing

## **SB2059 and HB1529 - Relating to the Judiciary**

Requires the auditor to perform a management and performance audit of the family court of the first circuit, including activities by guardians ad litem, child custody evaluations, mediator and evaluator qualifications and training, income determination, decisions made in the best interests of the child, and the child custody process.

- ◆ 1/15/2014 SB2059 Referred to Human Services (HMS)/JDL, WAM; no hearing
- ◆ 1/15/2014 HB1529 Referred to JUD, Legislative Management (LMG); no hearing

---

\* The Governor has until June 23 to give notice of his intent to veto a bill and until July 8 to sign the bill into law, let it become law without his signature, or veto it.