

Hawaii State Association of Counties

Counties of Kauai, Maui and Hawaii, City & County of Honolulu



September 4, 2012

TO: COUNCIL CHAIR ERNEST Y. MARTIN
AND ALL COUNCILMEMBERS

FROM: COUNCILMEMBER STANLEY CHANG, SECRETARY *JA*
HAWAII STATE ASSOCIATION OF COUNTIES

SUBJECT: CENTER FOR ALTERNATIVE DISPUTE RESOLUTION
BOARD OF ADVISORS

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Section 613-13, Hawaii Revised Statutes, established a Board of Advisors (Board) for the Center for Alternative Dispute Resolution (Center) consisting of nine members appointed by the Chief Justice. Of the nine members, the statute mandates that two of the members must be from the Hawaii State Association of Counties (HSAC). The duties of the Center and Board are set forth in the statute which is attached.

At its August 31, 2012, monthly meeting, the HSAC Executive Committee (Committee) requested that all Councils submit suggested nominees to replace Councilmember Ann Kobayashi, who is expected to vacate her HSAC appointment to the Center's Board. I am currently appointed as the other HSAC Board member to the Center. Please note that the Committee plans to endorse suggested nominees to the Chief Justice at its September 11, 2012 monthly meeting.

HSAC President Rapozo requested that suggested nominee(s) lists be sent to his office.

Please do not hesitate to contact me if you have any questions regarding this matter.

Attachment

Copy: Councilmember Mel Rapozo, President of HSAC
Office of the City Clerk
Office of Council Services
Council Administrative Services



MISC. COM. 2289

[CHAPTER 613]
CENTER FOR ALTERNATIVE DISPUTE RESOLUTION

Section

613-1 Definitions

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resolution

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[§613-1] **Definitions.** As used in this chapter, unless the context otherwise requires:

"Alternative dispute resolution" or "ADR" means methods, procedures, or techniques that are used to resolve differences voluntarily and that do not require a traditional and formal adjudicatory trial or contested hearing. These methods include, but are not limited to, mediation, contractual arbitration, fact-finding, consensus-building, and neutral-expert evaluation.

"Board" means the board of advisors of the center for alternative dispute resolution.

"Center" means the center for alternative dispute resolution.

"Government agencies" means the offices, departments, branches, and other subdivisions of state and county governments. [L 1989, c 346, pt of §2; am L 1991, c 131, §1]

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[§613-2] **Establishment of the center for alternative dispute resolution.** (a) There is established within the judiciary the center for alternative dispute resolution. The center shall facilitate the effective, timely, and voluntary resolution of disputes. Through these resolutions, it shall help reduce public and private costs of litigation and increase satisfaction with the justice system. The center shall accomplish its purposes by:

- (1) Providing, where feasible and agreed to by the parties, the consultative resources and technical assistance needed to achieve voluntary resolutions for cases that affect the public interest or the work of state and county agencies. These cases shall include but not be limited to:
 - (A) Public disputes involving actual or threatened court actions over the allocation or management of public resources or the siting of public facilities;
 - (B) Complex litigation cases in which a court or a regulatory or administrative agency has determined that the dispute involves multiple parties or formidable technical, procedural, or factual issues, or both;
 - (C) Policy roundtables in which the center, at the request of an executive, legislative, or judicial decisionmaker, convenes and chairs advisory discussions on matters pertaining to standards or rules; and
 - (D) Other cases directly referred by judges, legislators, agency heads, or appointed government officials;
- (2) Promoting in a systematic manner the appropriate use of alternative dispute resolution; and
- (3) Disseminating to government agencies and to the community at large up-to-date information on the methods and applications of alternative dispute resolution.

(b) The center shall be organized, guided, and administratively maintained by the chief justice or the chief justice's designee. The chief justice shall appoint a director of the center. The director may hire staff necessary to accomplish the purposes of this chapter, including but not limited to an assistant director and a program specialist. The director, assistant director, and program specialist shall have substantial experience, training, and education in the methodologies of alternative dispute resolution. Employees of the center shall be exempt from chapter 76, shall not be considered civil service employees, but shall be entitled to any employee benefit plan normally inuring to civil service employees. [L 1989, c 346, pt of §2; am L 1991, c 131, §1; L 2000, c 253, §150]

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[§613-3] **Board of advisors.** (a) A board of advisors of the center for alternative dispute resolution, consisting of nine members, shall be appointed by the chief justice. The board shall:

- (1) Foster greater understanding of the center and its purpose by government agencies and by the general public;
- (2) Assist the center in disseminating information about the uses, applications, and advantages of alternative dispute resolution; and
- (3) Strengthen the acceptance and utilization of alternative dispute resolution by government agencies and the public.

(b) The board of advisors shall include two representatives from the executive branch, two from the legal community, two from the Hawaii state association of counties, and three from the public at large. The board shall meet from time to time to review the center's work and to advise the chief justice and staff of the center regarding the use of alternative dispute resolution methods for matters involving or affecting government agencies and the general public. The board of advisors may add ex officio members as they deem beneficial or desirable to help achieve the center's purposes. All members of the board shall serve without pay. [L 1989, c 346, pt of §2; am L 1991, c 131, §1]

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[§613-4] **Annual report.** The center shall submit a report on its activities to the legislature at least twenty days prior to the convening of each regular legislative session. [L 1989, c 346, pt of §2; am L 1991, c 131, §1]

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