

The Hawaii Access to Justice Commission has submitted a court-based mediation program proposal to the Hawaii Supreme Court. Under the program a foreclosure mediation request form must be attached to the front of the complaint and summons. Upon receiving notice that a defendant is interested in mediation, the court would issue an order setting mediation deadlines and the time for filing the answer would be suspended. The defendant and the lender would exchange information based on the federal government's affordability guidelines. If mediation is successful the mediator would document the terms and the court would dismiss the action without prejudice. If the mediation is not successful the court would return the case to active status.

The Commission has also proposed an amendment to the commentary of Rule 2.2 of the Hawaii Revised Judicial Code relating to impartiality and fairness that would allow a judge in ordering sanctions to direct a lawyer to provide pro bono legal services or to make a monetary contribution to persons or organizations of the lawyer's choosing as such persons or organizations are described in the Hawaii Rules of Professional Conduct, Rule 6.1 pertaining to pro bono aspirational goals.

These proposals are currently pending before the Hawaii Supreme Court.