

HB2784,

HD1



THE JUDICIARY, STATE OF HAWAII

Testimony to the Senate Committee on Judiciary and Government Operations

The Honorable Brian T. Taniguchi, Chair
The Honorable Dwight Y. Takamine, Vice Chair

Friday, March 12, 2010, 9:30 a.m.
State Capitol, Conference Room 016

by
Thomas R. Keller
Administrative Director of the Courts

WRITTEN TESTIMONY ONLY

Bill No. and Title: House Bill No. 2784, H.D. 1, Relating to Small Claims Court

Purpose: Increases the monetary limit of claims being filed in small claims court. Effective December 21, 2058.

Judiciary's Position:

The Judiciary is supportive of raising the small claims jurisdictional limit from \$3,500 to \$4,500 under House Bill No. 2784, House Draft 1. However, there are concerns about the provision that would amend the small claims statute to allow a case to be transferred to the regular claims division of district court without the consent of all parties.

A plaintiff has the burden to prove his/her case and is afforded the benefit of choosing the forum in which to bring his/her case. By allowing *either party* to choose the forum, the benefits of a "quick" resolution and minimal costs to *both* will be lost.

Thank you for the opportunity to testify on this measure.

Honorable Members of the JGO committee:

I hereby testify in favor of Bill HB2784 HD1, for two reasons:

1) That bill will save money to hundreds of Hawaii consumers, small business owners, landlords and tenants, by allowing them to settle their disputes quickly and inexpensively in Small Claims courts.

2) Bill HB2784 HD1 will bring the state of Hawaii more in line with the rest of the country. As indicated in list below, 37 out of 50 states have Small Claims court limits higher than \$3,500. For example, in California that limit is \$7,500; in Alaska \$10,000; and in Tennessee \$25,000.

Source: Document titled "How Much Can I Sue for In Small Claims Court?"

<http://www.nolo.com/legal-encyclopedia/article-30031.html>

Sincerely,

Giuseppe Leone, Small Claims Court Mediator

Small Claims Court Limits for the 50 States

(1) Up To \$3,500

Alabama \$3,000; Arizona \$2,500; Hawaii \$3,500; Kentucky \$1,500; Louisiana \$3,000; Massachusetts \$2,000; Michigan \$3,000; Mississippi \$3,500; Missouri \$3,000; Montana \$3,000; Nebraska \$2,700; New Jersey \$3,000; Ohio \$3,000; Rhode Island \$2,500.

(2) More Than \$3,500

Alaska \$10,000; Arkansas \$5,000; California \$7,500; Colorado \$7,500; Connecticut \$5,000; Delaware \$15,000; District of Columbia \$5,000; Florida \$5,000; Georgia \$15,000; Idaho \$5,000; Illinois \$10,000; Indiana \$6,000; Iowa \$5,000; Kansas \$4,000; Maine \$6,000; Maryland \$5,000; Minnesota \$7,500; Nevada \$5,000; New Hampshire \$5,000; New Mexico \$10,000; New York \$5,000; North Carolina \$5,000; North Dakota \$10,000; Oklahoma \$6,000; Oregon \$7,500; Pennsylvania \$8,000; South Carolina \$7,500; South Dakota \$12,000; Tennessee \$25,000; Texas \$10,000; Utah \$10,000; Vermont \$5,000; Virginia \$5,000; Washington \$5,000; West Virginia \$5,000; Wisconsin \$5,000; Wyoming \$5,000.