

HB2784,

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Collection Law Section

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Senator Brian T. Tanaguchi, Chair
and Committee Members of the
Committee on Judiciary and Government Operations
Hawaii State Capitol
Honolulu, Hawaii

March 11, 2010

RE: HB 2784 RELATING TO SMALL CLAIMS COURT

HEARING: 3/12/10 AT 9:30 A.M. - SENATE JUDICIARY COMMITTEE

Dear Senator Tanaguchi and Committee Members:

The Collection Law Section of the Hawaii State Bar Association of supports HB 2784 and offers suggestions to improve the bill.¹ Increasing the jurisdictional limit of the Small Claims Division of the District Court will adjust the current amount of \$3,500 for inflation and will allow that court to hear cases that, for various reasons, are better suited to be heard in that forum.

Additionally, we recommend that the court's limit be increased to \$5,000. A \$5,000 limit will still avoid any conflict with the Hawaii Constitution's provision for a jury demand and it will allow greater access to the courts by the public. As practicing attorneys, we know it is often difficult to justify retaining an attorney for amounts in dispute that are \$5,000 or less.

Lastly, if H.R.S. 633-27 is amended to allow either party to remove the case to the Regular Claims calendar of the District Court, the same would be better stated if the words "agreed to" on line 13 of the second page of the bill were replaced by the word "requested." An "agreement" by definition takes two or more people. Thank you.

Sincerely,

WILLIAM J. PLUM

William J. Plum
Vice-Chair of the Collection Law Section
of the Hawaii State Bar Association

cc: Steven Guttman
Lyn Flanigan

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¹ The views of the Collection Law Section of the Hawaii State Bar Association ("HSBA") are not necessarily the views of the HSBA proper.