



## *The Judiciary, State of Hawaii*

### Testimony to the Senate Committee on Judiciary and Labor

Senator Clayton Hee, Chair

Senator Maile S.L. Shimabukuro, Vice Chair

Thursday, April 7, 2011, 9:30 a.m.

State Capitol, Conference Room 016

by

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**Bill No. and Title:** House Bill No. 1333, H.D. 1, Relating to Small Claims Court

**Purpose:** Increases the monetary limit of claims that may be filed in small claims court.

### **Judiciary's Position:**

The Judiciary is supportive of raising the small claims jurisdictional limit from \$3,500 to less than \$5,000 under House Bill No. 1333, H.D. 1.

If the jurisdictional limit is less than \$5,000, a party is afforded the following benefits by filing in Small Claims Court because there is no right to a jury trial:

1. A plaintiff is allowed to keep control of where the case is heard. If there is no right to a jury trial, a case cannot be removed to Regular Claims court or to Circuit Court without the plaintiffs consent.
2. A case is generally set for trial within 30 days. Since parties represent themselves and the rules of evidence are relaxed, cases are heard more quickly than in other trial courts.
3. There is no right to appeal the judgment. The parties are able to have their case come to a final resolution. If there is a monetary award to any party, that party can timely receive his or her award.



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4. Parties have an opportunity to resolve their differences with the help of a mediator.

The Judiciary supports mediation because it provides useful opportunities for resolution that may help to preserve relationships and bring more satisfying results for all parties involved.

However, the Judiciary notes that if the jurisdictional limit is increased there will be an increased number of cases filed in Small Claims Court. Currently, the Small Claims Court has already seen an increase in the amount of filings and this increase in caseload has had a tremendous impact on the court staff and its operating costs, such as supplies, equipment and other support costs.

Thank you for the opportunity to provide testimony on this measure.