

JUDtestimony

From: Marvin.H.Nakagawa@courts.state.hi.us
Sent: Wednesday, February 09, 2011 2:58 PM
To: JUDtestimony
Subject: Testimony to House JUD for HB1333 on 2/11/11
Attachments: HB1333(JUD).pdf

Attached please find testimony from the Hawaii State Judiciary:

TESTIFIER: Rodney A. Maile, Administrative Director of the Courts (Written Only)
COMMITTEE: House Committee on Judiciary
HEARING DATE: Friday, February 11, 2011, 2:00 p.m.
MEASURE NO: HB1333, Relating to Small Claims Court
NO. OF COPIES: 3



THE JUDICIARY, STATE OF HAWAII

Testimony to the House Committee on Judiciary
The Honorable Gilbert S.C. Keith-Agaran, Chair
The Honorable Karl Rhoads, Vice Chair

Friday, February 11, 2011, 2:00 p.m.
State Capitol, Conference Room 325

by
Rodney A. Maile
Administrative Director of Courts

WRITTEN TESTIMONY ONLY

Bill No. and Title: House Bill No. 1333, 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.

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.



House Bill No. 1333, Relating to Small Claims Court
House Committee on Judiciary
February 11, 2011
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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.
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.

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 09, 2011 4:05 PM
To: JUDtestimony
Cc: tracey@mediatehawaii.org
Subject: Testimony for HB1333 on 2/11/2011 2:00:00 PM
Attachments: HB1333.2011.pdf

Testimony for JUD 2/11/2011 2:00:00 PM HB1333

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Tracey S. Wiltgen
Organization: The Mediation Center of the Pacific, Inc.
Address: 245 N. Kukui Street, Ste. 206 Honolulu, Hawaii 96817
Phone: 521-6767
E-mail: tracey@mediatehawaii.org
Submitted on: 2/9/2011

Comments:



THE MEDIATION CENTER OF THE PACIFIC, INC.

Bringing People Together to Talk and Resolve Their Differences

245 N. Kukui St., #206 Honolulu, HI 96817 Tel: 521-6767 Fax: 538-1454 Email: mcp@mediatehawaii.org

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HOUSE OF REPRESENTATIVES
THE TWENTY-SIXTH LEGISLATURE
REGULAR SESSION OF 2011

COMMITTEE ON JUDICIARY
Rep. Gilbert S.C. Keith-Agaran, Chair
Rep. Karl Rhoads, Vice Chair

Hearing Date: Friday, February 11, 2011
Time: 2:00 p.m.
Place: Conference Room 325

By: Tracey Wiltgen, Executive Director
The Mediation Center of the Pacific, Inc.

Bill No. and Title: HB 1333, Relating to Small Claims Court

SUBMITTED BY E-MAIL: testimony@capitol.hawaii.gov

TO THE HONORABLE GILBERT S.C. KEITH-AGARAN, CHAIR,
THE HONORABLE KARL RHOADS, VICE CHAIR AND MEMBERS
OF THE COMMITTEE:

My name is Tracey Wiltgen, Executive Director of the Mediation Center of the Pacific (the Mediation Center) and I am writing on behalf of the Mediation Center to respectfully request the Committee on Judiciary approve **HB 1333 and increase the jurisdictional limit for Small Claims Court to \$5,000.00.**

The Mediation Center is a 501(c)(3) not for profit corporation whose mission is to provide high quality mediation and dispute resolution services that are affordable and accessible. The Mediation Center is the only dispute resolution option on Oahu to assist individuals in the low-income population in resolving disputes quickly and creatively. To increase access to justice for Hawaii's people, the Mediation Center is a member of the legal services consortium and actively involved in the committees of the Access to Justice Commission. Through this work, more people in the low-income population are assisted in accessing justice including in small claims matters.

The Mediation Center supports HB 1333 because increasing the jurisdictional limit will enable more people, particularly those in the low-income population, to pursue their claims and have access to justice.

The Mediation Center currently provides mediation at all of the District Courts throughout Oahu. This past Fiscal Year (FY 09-10) year, the Mediation Center provided mediation for 650 small claims and summary possession cases at the various district courts. Through mediation, the participants were assisted in talking and negotiating solutions to resolve their issues quickly in approximately 48% of the cases. Parties who were not able to reach an agreement in mediation, immediately returned to court to have the judge hear their case and render a decision. Mediation participants and Judges report that even when mediation didn't result in a written agreement, the parties were more focused in presenting their case to the Judge.

Equally significant is the fact that in approximately 20% of the Summary Possession cases, agreements are reached in mediation that dismiss the action for eviction and allow the tenant to remain on the property. In another 30% of the Summary Possession cases, mediation agreements extend the time frame in which the tenant is required to move, thereby giving the tenant more time to find a new home.

In the current economic downturn, more people will need and should have access to the options provided by Small Claims Court because it offers two options, mediation and a hearing when mediation does not result in a settlement, for people to pursue their claims in an easy, inexpensive and expeditious manner.

The Mediation Center encourages your approval of HB 1333 to increase the jurisdictional limit for Small Claims court to \$5,000 and provide more people with the opportunity to resolve their disputes quickly and inexpensively.

Sincerely,



Tracey S. Wiltgen
Executive Director

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 08, 2011 12:18 PM
To: JUDtestimony
Cc: mediationplus@gmail.com
Subject: Testimony for HB1333 on 2/11/2011 2:00:00 PM
Attachments: Bill HB1333_testimony.docx

Testimony for JUD 2/11/2011 2:00:00 PM HB1333

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Giuseppe Leone
Organization: Individual
Address: 44-431 Kaneohe Bay Drive Kaneohe HI 96744
Phone: (808) 254-4115
E-mail: mediationplus@gmail.com
Submitted on: 2/8/2011

Comments:

February 8, 2011

Rep. Gilbert S.C. Keith-Agaran, Chair

Rep. Karl Rhoads, Vice Chair

Rep. JUD Committee Members

I support Bill HB1333 to increase the monetary limit of claims that may be filed in small claims court for three reasons.

First, the current \$3,500 limit was set in 1992, and has never been adjusted for inflation.

Second, increasing the limit from \$3,500 to \$5,000 will save money to more consumers and small business owners, by allowing them to settle their disputes in small claims court, without having to hire an attorney.

Third, Bill HB1333 will bring the state of Hawaii more in line with the rest of the country. Currently, 37 out of 50 states (*) have small claims court limits higher -- or much higher -- than \$3,500. For example, the limit in California is \$7,500, in Alaska \$10,000, in Georgia \$15,000, and in Tennessee \$25,000.

Thank you.

Giuseppe Leone, Mediator

(*) Source: "How Much Can I Sue for in Small Claims Court?"

<http://www.nolo.com/legal-encyclopedia/small-claims-suits-how-much-30031.html;jsessionid=7243DF716FDEBDC7DEDD7E79FE7D205D>