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February 27, 2012

Senator David Y. Ige, Chair
Senate Ways & Committee

RE: **SB 2003, SD 1 RELATING TO COURT FEES**
Hearing Date: Tuesday, February 28, 2012
Hearing Time: 9 a.m.
Place: Conference Room _____
State Capitol, 415 South Beretania Street, Honolulu

POSITION: NOT IN SUPPORT

Dear Committee Chair, Vice-Chair & Members:

The current process server's fee is \$25.00. To increase the fee from \$25.00 to \$40.00 is a 60% increase and will inevitably place undue burden on those utilizing the court system to resolve legal disputes.

Anytime fees are increased, it creates barriers that may prevent some, especially those who already can least afford to seek access to our justice system, from having access, which is not only unfortunate – it is wrong. Making the court system less accessible will not benefit the parties by any means.

During these tough economic times, the last thing Hawai'i should do is force its residents, especially financially struggling residents, to pay an increase in fees in order to gain access to the state court system.

I humbly urge you to not support this legislation at this time.

Sincerely,

A handwritten signature in black ink, appearing to be 'Lynn A.S. Araki-Regan'.

Lynn A.S. Araki-Regan
Attorney at Law

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: plm@hawaiiantel.net
Subject: Testimony for SB2003 on 2/28/2012 9:00:00 AM
Date: Monday, February 27, 2012 7:37:14 PM

Testimony for WAM 2/28/2012 9:00:00 AM SB2003

Conference room: 211
Testifier position: Support
Testifier will be present: No
Submitted by: Robert Dukat
Organization: Individual
E-mail: plm@hawaiiantel.net
Submitted on: 2/27/2012

Comments:

I am a private process server on the Big Island.

This is the first time in over 10 years that this subject has been addressed. I suggest the following, keeping in mind that the taxpayer is not affected.

We do not usually serve criminal documents.

- 1) The effective date should be 2012.
- 2) The fee for service of any civil document should be \$50 per document, per subject to be served.
- 3) The mileage should be at least either \$ 1 per mile from the court, one way or .60 per mile, round trip, figured on each service.

The cost of fuel is rising at an alarming rate, and should be reviewed annually.

The mileage should be on a per case, per document, per subject to be served, basis.

Mileage should be allowed for each attempt made, as the subjects are always not home on the first attempt.

There is no provision for an unsuccessful attempt i.e. the subject moved or no provision for locating a new address in the field.

The fees for this should be the same as a completed service.

There are two other bills, SB 2242 and SB2963 addressing the same subject and there seems to be some conflict.

Thank you for allowing me to testify.

Very truly yours,
Robert F. Dukat



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A handwritten signature in black ink, appearing to read 'George S. Shimada', written in a cursive style.

George S. Shimada
Chairman of the Board

Serving the debt collection needs of Hawaii since 1954