

Testimony in SUPPORT of HB 1844

Submitted by David Chee, Attorney at Law.

I support the change in the threshold amount from \$5,000 to \$10,000 for jury trials for the following reasons:

- The cost of a lawsuit before a jury will almost always exceed \$10,000. It does not make sense to allow a dispute resolution mechanism (jury trial) that exceeds the value of the amount in dispute.
- The cost of jury trials prevents some people from getting justice. If a defendant wants to raise a cost-barrier to a plaintiff to prevent them from asserting their rights, demanding a jury trial is a good strategy to consider.
- Jury trials take longer and require more judicial resources than non-jury trials. Attorneys, Judges and their staff need to prepare for a jury and to carefully determine what a jury can, and cannot, hear and see.
- It is hard to imagine a simple jury trial in a civil matter that does not take at least two days, whereas a simple non-jury trial can usually be finished in half a day. During those two days, the jury pool is inconvenienced for the first day and the actual jury for two days. This is disruptive to their lives, their employers, and also to the people who depend on them to care for the young and old.
- In my experience, if someone is going to force a jury trial for a dispute that has a value of less than \$10,000 then they are using the cost of the jury procedure as leverage. I don't think the State should make the jury trial process available where its only purpose is to beat the other guy into submission.

**Testimony of Edward C. Kemper
Relating to HB1844 Constitutional Amendment and HB1845
(corresponding HRS Amendment).**

Raising Jury Demand from \$5,000 to \$10,000

I am a practicing attorney in the various courts in the State of Hawaii, and I am one of the designated reporters for judge-lawyer meetings held in 2012 and 2013 (commonly called "The Bench-Bar Conference").

One of the purposes of the Bench-Bar Conference was to come up with suggestions that would benefit the court, the attorneys, and the parties before the court.

One of the suggestions was that the Constitution of the State of Hawaii and any related statutes be amended to increase the threshold for a jury trial in Circuit Court from \$5,000 to \$10,000.

By way of background, jury trials may only be held in Circuit Court and not in District Court. As a result, the cost to the parties and the Court system are significantly greater than if a matter is tried in District Court. Simply stated, District Court handles matters much more expeditiously with less cost than in Circuit Court.

Given the fact that the \$5,000 threshold was enacted in Hawaii's Constitution in 1978, inflation alone calls for an increase.

At this time, I do not know whether the Judiciary has a position for or against this provision, but I do believe that it is in everyone's best interest to be realistic about the need for a jury trial given the increase of costs for all parties concerned.