



Collection Law Section

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Reply to: **STEVEN GUTTMAN, CHAIR**
220 SOUTH KING STREET SUITE 1900
HONOLULU, HAWAII 96813

February 16, 2015

Senator Gilbert S.C. Keith-Agaran, Chair
Senator Maile S.L. Shimabukuro, Vice-Chair
Senate Judiciary Committee

Re: SB 779 Relating to Courts
Hearing: February 18, 2015, 9:00 a.m.
Supporting Testimony

Dear Chair, Vice-Chair, and Members of the Committee:

This testimony is being submitted on behalf of the Collection Law Section of the Hawaii Bar Association (“CLS”).¹ The CLS urges passage of this bill. The purpose of this bill is to correct an inconsistency in §604-5 of Hawaii Revised Statutes that has developed in recent years. HRS §604-5 provides the jurisdictional limits for District Court. Historically, the limits within HRS §604-5 provided that the specific performance jurisdiction of the court was consistent with the overall jurisdiction of the court (now at \$40,000). However, during the change in authority from \$20,000 to \$25,000 and very recent change from \$25,000 to \$40,000, the specific performance authority was apparently overlooked and remained at \$20,000. Note, the specific performance jurisdiction did jump from \$10,000 to \$20,000 when the overall court’s authority was changed many years ago.

There is no reason why the court’s specific performance should *not* be consistent with the overall court’s authority and in fact, there are a number of reasons why the two should remain linked. One such reason is that the District Court already has authority to hand down judgments for \$40,000, so why not allow authority to implement a remedy for the same amount. Another reason is that District Court is a more cost effective, simpler, faster, and efficient forum for the public, both in the public’s capacity as a party and the public’s capacity as a taxpayer. Why force a \$21,000 claimant to file in the more complex and expensive Circuit Court when District Court would otherwise suit the situation just fine?

¹ *The comments and recommendations submitted reflect the position/viewpoint of the Collection Law Section of the HSBA. The position/viewpoint has not been reviewed or approved by the HSBA Board of Directors, and is not being endorsed by the Hawaii State Bar Association.*

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Thank you.

Respectfully,

/S/ William J. Plum

William J. Plum
Vice-Chair
Collection Law Section of the HSBA

cc: Steven Guttman
Patricia A. Mau-Shimizu

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