



The Judiciary, State of Hawai‘i

**Testimony to the
Senate Committee on Judiciary and Labor**
Senator Gilbert S. C. Keith-Agaran, Chair
Senator Karl Rhoads, Vice Chair

February 21, 2017, 9:00 a.m.
State Capitol, Conference Room 016

By

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Deputy Chief Court Administrator, District Court of the First Circuit

WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Bill No. 98, Relating to Courts.

Purpose: Raises the district courts' jurisdictional limit for civil actions involving specific performance.

Judiciary's Position:

The Judiciary supports Senate Bill No. 98.

Senate Bill 98 corrects an inconsistency in Hawai‘i Revised Statutes §604-5 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 \$40,000). However, during the change in authority from \$20,000 to \$25,000 and a very recent change from \$25,000 to \$40,000, the specific performance authority was apparently overlooked and remained at \$20,000. The passage of SB98 should correct this inconsistency.

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



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February 18, 2017

Senator Gilbert Keith-Agaran, Chair
Senator Karl Rhoads, Vice Chair
& Members
Senate Judiciary Committee

Re: SB 98 Relating to Courts

Dear Chair, Vice Chair and Members:

This testimony is being submitted on behalf of the Collection Law Section of the Hawaii Bar Association (“CLS”).¹ The CLS asks that you please pass SB 98.

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. Further back in time, when the District Court’s overall jurisdiction jumped from \$10,000 to \$20,000, so did the court’s specific performance jurisdiction.

In reviewing the situation, 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 it to implement a remedy for the same amount? Another reason is that District Court is a more cost effective, simpler, and efficient forum to litigate in, for both sides. Why force a claimant with a \$21,000 claim to file in the more complicated and expensive Circuit Court when District Court could otherwise handle the situation?

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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Additionally, SB 98 provides consistency and uniformity to the District Court's jurisdiction. Consistency and uniformity are generally considered positive qualities for any court to have.

Thank you.

Respectfully,

\S\ William J. Plum

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