



The Judiciary, State of Hawai'i

**Testimony to the
House Committee on Judiciary**
Representative Chris Lee, Chair
Representative Joy A. San Buenaventura, Vice Chair

Thursday, March 14, 2019, 2:00 p.m.
State Capitol, Conference Room 325

by

Calvin C. Ching
Deputy Chief Court Administrator
District Court of the First Circuit

WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Bill No. 1286, S.D. 1, 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. 1286, S.D. 1.

Senate Bill No. 1286, S.D. 1, 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 Senate Bill No. 1286, S.D. 1, should correct this inconsistency.

The Judiciary respectfully requests that the effective date be amended to July 1, 2019.

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



TESTIMONY

House Committee on Judiciary
Hearing: Thursday, March 14, 2019 (2:00 p.m.)

TO: The Honorable Chris Lee, Chair
The Honorable Joy A. San Buenaventura, Vice Chair


FROM: Derek R. Kobayashi
HSBA President

RE: Senate Bill No. 1286, SD1
Relating to Courts

Chair Lee, Vice Chair San Buenaventura and Members of the House Judiciary Committee, the Hawaii State Bar Association, at the request of the Collection Law Section, submits this testimony **IN SUPPORT** of Senate Bill 1286, SD1 which would provide consistency in the monetary jurisdictional limits for State District Court actions.

Currently the jurisdictional monetary limits for District Court actions EXCEPT for specific performance relief requested is \$40,000. The specific performance jurisdictional limit remains at \$20,000.

To reiterate, this measure would provide consistency in District Court jurisdictional limits. Thank you for the opportunity to provide supportive testimony.

Respectfully submitted,

DEREK R. KOBAYASHI
President, Hawaii State Bar Association

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March 13, 2019

Representative Chris Lee, Chair
Representative Joy A. San Buenaventura, Vice Chair
and Members of House Ways and Means Committee

Re: SB 1286 Relating to Courts
Hearing: 3/14/19 @ 2:00 p.m.

Dear Chair Lee:

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 1286.

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 the more 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 Hawaii State Bar Association (“HSBA”) only. The position/viewpoint has not been reviewed or approved by the HSBA Board of Directors.*

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Lastly, SB 1286 provides consistency and uniformity to the District Court's jurisdiction.

Thank you.

Respectfully,

/S/ William J. Plum

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

LATE

SB-1286-SD-1

Submitted on: 3/14/2019 12:04:54 AM
Testimony for JUD on 3/14/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jane Sugimura	Individual	Support	Yes

Comments:

THis is a housekeeping measure and is intended to update this section of the statute to be consistent with the change made years ago to the district court. jurisdictional limits. I join in and support the testimony of Bill Plum from the Collection Section of the Hawaii State Bar Association