



The Judiciary, State of Hawai‘i

**Testimony to the
Senate Committee on Judiciary**
Senator Karl Rhoads, Chair
Senator Glenn Wakai, Vice Chair

February 5, 2019, 9:00 a.m.
State Capitol, Conference Room 016

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, 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.

Senate Bill No. 1286 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 should correct this inconsistency.

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



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February 4, 2019

Senator Karl Rhoads, Chair
and Members of Senate Judiciary Committee

Re: SB 1286 Relating to Courts
Hearing: 2/5/19 @ 9:00 a.m.

Dear Chair Rhoads:

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

SB-1286

Submitted on: 2/4/2019 3:29:25 PM

Testimony for JDC on 2/5/2019 9:00:00 AM



Submitted By	Organization	Testifier Position	Present at Hearing
Jane Sugimura	Testifying for Collection Section of Hawaii State Bar Association	Support	Yes

Comments:

I join in and support the testimony of Bill PLum submitted to this committee.