



*THE JUDICIARY, STATE OF HAWAII*

**Testimony to the House Committee on Finance**

The Honorable Marcus R. Oshiro, Chair  
The Honorable Marilyn B. Lee, Vice Chair

Monday, February 22, 2010, 2:30 p.m.  
State Capitol, Conference Room 308

by  
Thomas R. Keller  
Administrative Director of the Courts

**WRITTEN TESTIMONY ONLY**

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**Bill No. and Title:** House Bill No. 2784, H.D. 1, Relating to Small Claims Court

**Purpose:** Increases the monetary limit of claims being filed in small claims court. Effective December 21, 2058.

**Judiciary's Position:**

The Judiciary is supportive of raising the small claims jurisdictional limit from \$3,500 to \$4,500 under House Bill No. 2784, House Draft 1. However, there are concerns about the provision that would amend the small claims statute to allow a case to be transferred to the regular claims division of district court without the consent of **all** parties.

A plaintiff has the burden to prove his/her case and is afforded the benefit of choosing the forum in which to bring his/her case. By allowing *either party* to choose the forum, the benefits of a "quick" resolution and minimal costs to *both* will be lost.

Thank you for the opportunity to testify on this measure.

Testifier's name with position/title and organization: Giuseppe Leone,  
M.C.P. (Mediation Center of the Pacific) mediator for Small Claims Courts  
in Honolulu and Kaneohe.

The Committee the comments are directed to: FIN (Committee on Finance)

Date and time of the hearing: Monday, February 22, 2010 at 2:30 P.M.

Measure number: HB2784 HD1

Number of copies the Committee is requesting: Two.

February 22, 2010

Honorable Members of the FIN committee:

I hereby testify in favor of Bill HB2784 HD1, for two reasons:

- 1) That bill will save money to hundreds of Hawaii consumers, small business owners, landlords and tenants, by allowing them to settle their disputes quickly and inexpensively in Small Claims courts.
- 2) Bill HB2784 HD1 will bring the state of Hawaii more in line with the rest of the country. As indicated in the attached exhibit, 37 out of 50 states have Small Claims court limits higher than \$3,500. For example, in California that limit is \$7,500; in Alaska, \$10,000; and in Tennessee, \$25,000.

Source: Document titled "How Much Can I Sue for In Small Claims Court?"

<http://www.nolo.com/legal-encyclopedia/article-30031.html>

Sincerely,

A handwritten signature in black ink, appearing to read 'Giuseppe Leone', with a stylized, cursive script.

Giuseppe Leone

Up to \$3,500	More than \$3,500
Alabama \$3,000	Alaska \$10,000
Arizona \$2,500	Arkansas \$5,000
Hawaii \$3,500	California \$7,500
Kentucky \$1,500	Colorado \$7,500
Louisiana \$3,000	Connecticut \$5,000
Massachusetts \$2,000	Delaware \$15,000
Michigan \$3,000	District Columbia \$5,000
Mississippi \$3,500	Florida \$5,000
Missouri \$3,000	Georgia \$15,000
Montana \$3,000	Idaho \$5,000
Nebraska \$2,700	Illinois \$10,000
Ohio \$3,000	Indiana \$6,000
Rhode Island \$2,500	Iowa \$5,000
	Kansas \$4,000
	Maine \$6,000
	Maryland \$5,000
	Minnesota \$7,500
	Nevada \$5,000
	New Hampshire \$5,000
	New Mexico \$10,000
	New York \$5,000
	North Carolina \$5,000
	North Dakota \$10,000
	Oklahoma \$6,000
	Oregon \$7,500
	Pennsylvania \$8,000
	South Carolina \$7,500
	South Dakota \$12,000
	Tennessee \$25,000
	Texas \$10,000
	Utah \$10,000
	Vermont \$5,000
	Virginia \$5,000
	Washington \$5,000
	West Virginia \$5,000
	Wisconsin \$5,000
	Wyoming \$5,000