

**Testimony of Edward C. Kemper
Relating to SB143 and SB144**

Raising Jury Demand from \$5,000 to \$10,000

I am a practicing attorney in the various courts in the State of Hawaii, and I am one of the designated reporters for judge-lawyer meetings held in 2012 and 2013 (commonly called "The Bench-Bar Conference"). The Bench-Bar Conferences were created by the Committee on Judicial Administration of the Hawaii State Bar Association.

One of the purposes of the Bench-Bar Conference was to come up with proposals that would benefit the court, the attorneys, the parties before the court and ultimately the public

One of the suggestions was that the Constitution of the State of Hawaii and any related statutes be amended to increase the threshold for a civil jury trial in Circuit Court from \$5,000 in damages to \$10,000. (See, Hawaii Bar Journal Report on the Bench Bar conference, volume 15, no. 3 at page 31 (2013)).

By way of background, jury trials may only be held in Circuit Court and not in District Court. As a result, the cost to the parties and the Court system are significantly greater than if a matter is tried in District Court. Simply stated, District Court handles matters much more expeditiously with less cost than in Circuit Court. Furthermore, the burden on the citizens of the State who would have to be summoned for jury duty on a relatively small claim would be removed with this amendment.

Given the fact that the \$1,000 threshold was enacted in Hawaii's Constitution in 1978 and raised to \$5000 in 1988 by a constitutional amendment, inflation alone calls for an increase. In fact, the application of inflation/cost of living increases to the \$5000 for the year 1988 comes out to just over \$10,000 as of 2014. The net effect of the proposed amount to \$10,000 does not affect the right to a jury trial as it existed in 1988.

At this time, I do not know whether the Judiciary has a position for or against this provision, but I do believe that it is in everyone's best interest to be realistic about the need for a jury trial given the increase of costs for all parties concerned.