
A BILL FOR AN ACT

RELATING TO SMALL CLAIMS COURT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that small claims court
2 was initially intended to be a means to bypass the formal and
3 expensive traditional judicial process. Though in practice, by
4 allowing for legal representation, individuals can find
5 themselves in inequitable circumstances when it comes to
6 presenting legal arguments, objecting to motions, and appealing
7 decisions.

8 The legislature finds that hiring a lawyer for small claims
9 court is rarely cost efficient. In addition, Hawaii small
10 claims court limits the amount in controversy in most cases to
11 \$5,000, while most individuals filing claims for that amount or
12 less are unable to afford or find an attorney to represent them.
13 The legislature also finds that numerous states including
14 California, Nebraska, and Idaho do not allow for legal
15 representation in small claims courts.

16 The purpose of this Act is to ensure that small claims
17 court remains a cost effective, equitable, fair, and accessible



1 method of obtaining justice for all individuals in Hawaii by
2 prohibiting representation in small claims court by legal
3 counsel for all parties.

4 SECTION 2. Section 633-28, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "**§633-28 Small claims, no appeal; appearance by whom.** (a)

7 Actions shall be commenced and conducted in the small claims
8 division of the district court as provided by the rules of
9 court. The clerk of the court, at the request of an individual,
10 shall prepare the papers required to be filed in an action in
11 the court, but the clerk's services in the preparation of these
12 papers shall not be available to a corporation, partnership, or
13 association, or to any individual proprietorship. The mode of
14 service shall be:

15 (1) As provided by law or rule of court for cases in the
16 district courts; provided that for any small claims
17 action, service may be made by one of the parties to
18 the action by means of personal service to the other
19 parties, on the condition that:

20 (A) The party being served signs that party's name to
21 indicate actual receipt of service; or



1 (B) A competent witness, who is not an employee,
2 family member, or agent of the plaintiff appears
3 at a hearing on the matter or provides a
4 notarized affidavit testifying that personal
5 service on the party sought to be served was
6 accomplished in the witness' presence;

7 (2) As to actions arising under paragraphs (1) and (3) of
8 section 633-27(a), by registered mail or by certified
9 mail with return receipt signed by the addressee
10 showing delivery within the circuit; or

11 (3) As to actions arising under paragraph (2) of section
12 633-27(a), by registered mail or by certified mail
13 with return receipt signed by the addressee showing
14 delivery at any place within or without the State.

15 There shall be no appeal from a judgment of the small claims
16 division, but the court, sitting as the small claims division,
17 may alter or set aside any judgment as provided by the rules of
18 court.

19 (b) Notwithstanding any provision of law requiring the
20 licensing of practitioners, ~~[any person, with the approval of~~
21 ~~the court, may appear on behalf of the person or another person~~



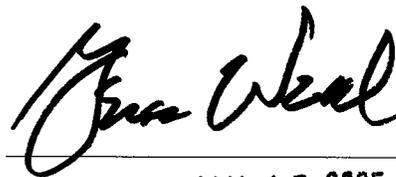
1 ~~in the small claims division of the district court, provided~~
 2 ~~that,~~] in cases in the small claims division of the district
 3 court [~~involving disagreement between landlord and tenant about~~
 4 ~~the security deposit in a residential landlord-tenant~~
 5 ~~relationship,~~] licensed practitioners are prohibited from
 6 appearing on behalf of another person. The services of an
 7 unlicensed person appearing under this subsection shall be
 8 without compensation, either by way of direct fee, contingent
 9 fee, or otherwise. In the event representation services are
 10 rendered for compensation, this subsection is inapplicable and
 11 the rendering of the services constitutes the unlawful practice
 12 of law, except as otherwise provided."

13 SECTION 3. Statutory material to be repealed is bracketed
 14 and stricken.

15 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:



JAN 17 2025



H.B. NO. 518

Report Title:

Small Claims Court; Attorney; Representation; Legal Counsel

Description:

Prohibits licensed attorneys from representing clients in small claims court.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

