



Collection Law Section

Reply to:

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March 29, 2011

Representative Marcus Oshiro, Chair
and Committee Members
House Finance Committee
State of Hawaii

TESTIMONY IN SUPPORT OF SB 1491

**RE: SB 1491 / RELATING TO DISTRICT COURTS
HEARING 3/30/11 @ 1:00 PM**

Dear Rep. Oshiro and Committee Members:

The Collection Law Section of the Hawaii State Bar Association supports passage of SB 1491.¹ SB 1491 extends to parties in District Court cases, the ability to effect service of process on individuals or entities located outside the state, without first having to request permission of the court. For background, a party in a Circuit Court case can effect service on parties outside the state without having to take this extra step. In practice, District Court judges, when asked, routinely grant requests to serve process outside the state. If passed, this legislation would give authority to District Court parties that mirrors the authority currently given to Circuit Court parties. Not only would SB 1491 save time and attorney's fees for the parties wanting to serve process on out of state parties, it would also help to save judicial resources. In short, this simplification of procedures in District Court would benefit everyone.

The Collection Law Section therefore urges that this bill be passed.
Thank you.

Respectfully,

/s/ Bill Plum

Bill Plum
Vice Chair

cc: Steve Guttman
Lyn Flanigan

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¹ The opinions of the Collection Law Section are not necessarily the opinions of the Hawaii State Bar Association proper.

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March 29, 2011

Rep. Marcus R. Oshiro, Chair
Rep. Marilyn B. Lee, Vice-Chair
House Committee on Finance
State of Hawaii

Re: Testimony in Support of SB1491 SD1 HD1 Re District Courts
Hearing: Wed., March 30, 2011 @ 1 p.m., Conf. Room #308

Chair Oshiro, Vice-Chair Lee and Members of the Finance Committee:

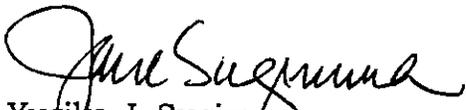
I am a principal of this firm and I have been practicing law in the Hawaii state courts since 1978.

I support passage of this bill because it will allow parties in a district court suit to serve a complaint on an out-of-state defendant without first having to file a motion with the court to get permission to do so. Parties in circuit court lawsuits can already serve out-of-state defendants under Hawaii law without having to get the court's approval.

Passing this bill will result in cost savings to the judiciary since district court judges and staff will not have to process and file these ex parte motions for leave to serve out-of-state defendants that they are currently required to do.

Thank you for allowing me to testify on this bill.

Very Truly Yours, -


Yuriko J. Sugimura
Of BENDET FIDELL

YJS:cp