

**Electronically Filed
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IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

In the Matter of the
SMALL CLAIMS ONLINE DISPUTE RESOLUTION PILOT PROJECT

ORDER ESTABLISHING A SMALL CLAIMS ONLINE DISPUTE RESOLUTION
PILOT PROJECT IN THE DISTRICT COURTS OF THE STATE OF HAWAI‘I
(By: Recktenwald, C.J., Nakayama, McKenna, Wilson, and Eddins, JJ.)

Upon consideration of the request by the Standing Committee on Innovations, Technology, and Self-Represented Litigants to establish an online pilot project for Small Claims disputes in an effort to increase access to justice through the use of a digital space in which parties in Small Claims matters may resolve their disputes in a timely and convenient way,

IT IS HEREBY ORDERED that:

1. A Small Claims Online Dispute Resolution (“ODR”) Pilot Project is established in the District Courts of the State of Hawai‘i, effective July 1, 2021 and expiring on June 30, 2022, unless extended or made permanent by order of this court.

2. The Small Claims ODR Pilot Project shall include a system for self-represented litigants to initiate a Small Claims case, make payment or request for a filing fee waiver, submit documents to the court, and enter into negotiation and or mediation to resolve a dispute entirely online. The Hawai'i Rules of the Small Claims Division of the District Courts shall apply to the Small Claims ODR Pilot Project.

3. During the pilot project period:

a. All Small Claim actions filed after the effective date of this order and throughout the pilot project period shall be entered into the Small Claims ODR Pilot Project.

b. A Small Claims ODR Pilot Project "Notice to Defendant of Online Dispute Resolution" ("Notice") as set forth in Attachment A hereto shall be served on the defendant along with the Statement of Claims.

c. A defendant shall have up to fourteen (14) days from the date of service of the Notice to register for the Small Claims ODR Pilot Project.

d. Any party without access to technology or who is not able to use technology may request to be exempted from the Small Claims ODR Pilot Project. An exemption request that substantially complies with the form set forth in Attachment B hereto shall be submitted to the respective District Court. The Deputy Chief Judges of each circuit are

authorized to develop exemption request forms appropriate for their respective circuits.

4. The Small Claims ODR Pilot Project shall apply only to Small Claims actions filed in the District Courts of the State of Hawai'i pertaining to assumpsits and residential security deposits.

5. The Small Claims ODR Pilot Project shall be implemented in a phased schedule, starting with the First Circuit and thereafter followed by the Second, Third, and Fifth Circuits. During the initial implementation in the First Circuit, the Small Claims ODR Pilot Project shall be limited to individual self-represented parties who initiate a Small Claims case during the pilot project period. The Deputy Chief Judge of the First Circuit is authorized to determine the appropriate date for multiple parties, represented parties, and attorneys to enter into the Small Claims ODR Pilot Project. The Deputy Chief Judges of the Second, Third, and Fifth Circuits are authorized to determine the appropriate date to implement the Small Claims ODR Pilot Project in their respective District Courts within the pilot project period.

6. The Standing Committee on Innovations, Technology, and Self-Represented Litigants shall submit to the supreme court two reports on the pilot project -- (1) the first report is due on December 30, 2021; and (2) the second report is

due on March 30, 2022. The reports shall set forth: (1) the number of matters included in the pilot project; (2) how and whether the pilot project increased the participation rate of parties in Small Claims matters; and (3) any other information to determine whether the pilot project has yielded the benefits envisioned by this proposal. The final report shall also set forth a recommendation regarding the long-term or permanent implementation of the pilot project. The Committee may request an extension of these deadlines for good cause.

DATED: Honolulu, Hawai'i, June 23, 2021.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ Todd W. Eddins

