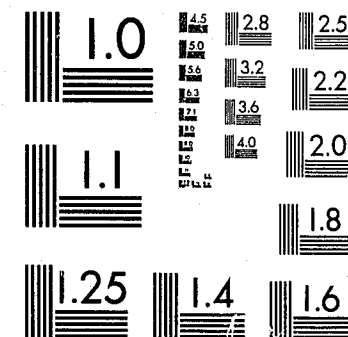


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THE SMALL CLAIMS COURT EXPERIMENTAL PROJECT

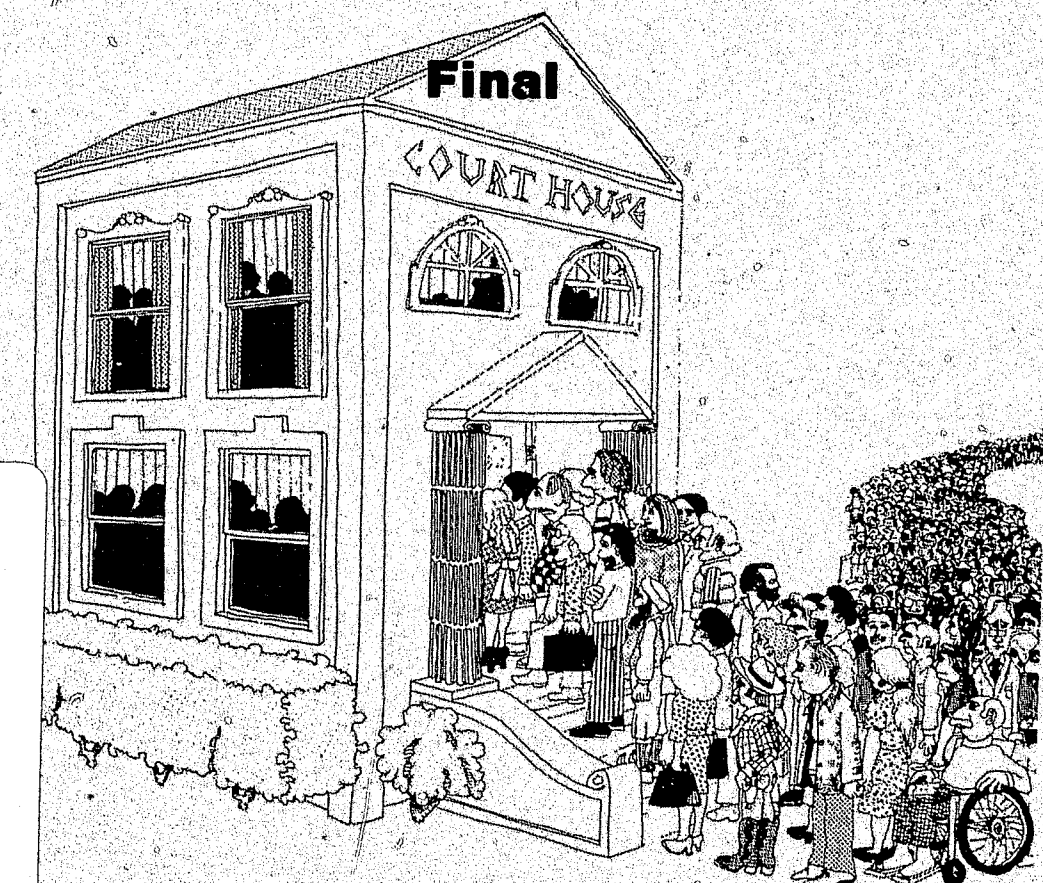
A REPORT TO THE LEGISLATURE

CR sent
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ON

THE MONETARY JURISDICTION

EXPERIMENT



STATE OF CALIFORNIA
DEPARTMENT OF
**Consumer
Affairs**

81703



1020 N STREET, SACRAMENTO, CALIFORNIA 95814
(916) 445-4465



October 1980

NCJRS

DEC 7 1980

Honorable James R. Mills
President Pro Tempore
California State Senate
State Capitol, Room 5100
Sacramento, California 95814

Honorable Leo T. McCarthy
Speaker of the Assembly
California Senate Assembly
State Capitol, Room 3164
Sacramento, California 95814

Dear Mr. President Pro Tempore and
Mr. Speaker:

As you know, small claims court represents the primary judicial forum available in California to resolve consumer and other minor civil disputes. In order to improve the operation of small claims court and increase accessibility, two experiments have been conducted over the last three years under the auspices of the small claims court experimental project. The purpose of the monetary jurisdiction experiment, the results of which are contained in this report, was to determine the desirability of increasing the maximum allowable claim in small claims court and the impact of any change on litigants and the courts.

We are pleased to confirm the trends reflected in the preliminary report on the experiment published last April. The evidence shows that the increase in the small claims jurisdiction to \$1500 in six courts around the state operated principally to the benefit of individuals, particularly plaintiffs. A significant increase in the percentage of individuals who brought cases over \$750 appeared while the percentage of business and government creditors declined. The dramatic shift in plaintiff composition provides the most striking finding which demonstrates the success of the experiment in affording increased access to the courts, but not the only result which compels the conclusion that an increase in the small claims monetary jurisdiction is warranted.

Both plaintiffs and defendants believe the jurisdiction should be substantially higher than the current \$750 limit, and both

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Honorable James R. Mills
Honorable Leo T. McCarthy

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October 1980

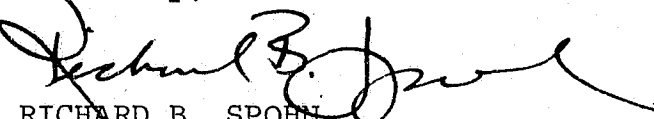
groups reported that at least \$1500 or more would have to be in controversy before they would seek legal assistance. These results suggest that a never-never land now exists in our judicial system where it is virtually impossible to pursue a legal matter without an attorney and yet impractical to do so with an attorney. An increase in the small claims jurisdiction would eliminate this shortcoming.

Defendants also fared reasonably well during the experiment. The percentage of individual defendants decreased in cases above \$750, defaults were reduced, and defendants prevailed more frequently in contested cases. These results demonstrate that raising the jurisdiction does not necessarily work to the disadvantage of defendants.

Beyond simply averting disadvantage to any party, the legal advisor concept again demonstrated its value during the experiment. With the opportunity afforded for any litigant to seek legal and procedural counseling regarding his or her case, the program operated -- in the eyes of court staff, judges, and the public -- to provide a higher quality of justice. Such an improved quality of justice becomes especially important when viewed in the context of legal claims which constitute a sizable amount of money.

We would like to acknowledge the fine work of the staff of the Judicial Council under Chief Justice Rose Elizabeth Bird, especially the dedicated efforts of Joe Doyle, Bern Jacobson, and Ron Titus. In addition, we deeply appreciate the contribution of the Advisory Committee to the project, under the direction of the Honorable Robert Beresford. The members of the Committee have labored intensively and constructively for three years to ensure the success of the project. Without their continuous support and participation, our effort would have been immeasurably diminished.

Sincerely,


RICHARD B. SPOHN
Director

Statutory

SMALL CLAIMS COURT EXPERIMENTAL PROJECT
ADVISORY COMMITTEE

2004 Adele Place
San Jose, California 95125
(408) 264-4259

August 1980

Honorable James E. Mills	Honorable Leo T. McCarthy
President <u>Pro Tempore</u>	Speaker of the Assembly
California State Senate	California State Assembly
State Capitol	State Capitol
Sacramento, California 95814	Sacramento, California 95814

Dear Mr. President Pro Tempore and Mr. Speaker:

The Recommendations and final Report to the Legislature of the Department of Consumer Affairs and the Advisory Committee of this project are presented to you pursuant to section 123.5 of the Code of Civil Procedure.

The project was established in July 1977 and it terminated on June 30, 1980. This report describes the second phase of the project, called the Monetary Jurisdiction Experiment. A preliminary report to the Legislature about this experiment was presented to you in April 1980. A report to the Legislature was also presented to you in August 1979 covering the first phase of the project, a two-year study, called the Court Assistance Project.

There are nearly one half million small claims cases filed each year in California. In a three-year period, this project has analyzed over 100,000 small claims cases and secured comments from more than 1,000 litigants and other persons concerned with small claims procedures.

A majority of small claims litigants believe they can get a fair trial in courts processing small claims, despite flaws this project has found in the system. Few cases that could properly have been filed in the small claims division were found in the civil division of the municipal courts that participated in our survey. It appears that the public likes the simple, inexpensive, expeditious and non-adversary small claims procedures.

We have learned in the project that raising small claims maximum monetary jurisdiction to \$1500 in six municipal courts had no significant adverse impact on the operations of those courts. Moreover a large majority of the small

Honorable James R. Mills
Honorable Leo T. McCarthy

August 1980

claims litigants who were questioned favor a jurisdictional limit substantially higher than \$1500.

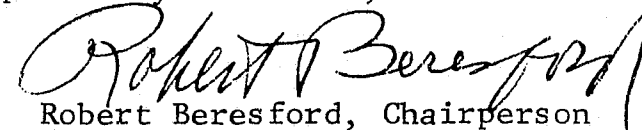
Representatives of the three branches of government, the legal profession and the public have worked together harmoniously in the public interest throughout the life of this project. Termination of the project should not mark the end of such cooperative efforts to help courts become more responsive to the need of our people for a less expensive, less complex and more expeditious system of civil justice than we have now. Small claims courts have the potential for fulfilling a large part of this need of our people.

The Advisory Committee acknowledges with appreciation the assistance and cooperation it has received from: presiding judges, judges and clerks in each of the participating judicial districts; many scores of litigants and members of the public interested in small claims procedures; numerous members of the staffs of the Administrative Office of the Courts and the Department of Consumer Affairs, especially, Roger Dickinson, Esq., Staff Counsel of the Department, who coordinated the project from its beginning and is principal author of this report and the other two reports of the project; Joe Doyle, Chief, Statistics Section; Bern Jacobson; Ronald R. Titus and Stephen C. Birdlebaugh, Esq., Staff Attorney, all of the Administrative Office of the Courts; Professor Howard Schutz of the University of California at Davis.

For their invaluable guidance and support, the Advisory Committee thanks: Richard B. Spohn, Esq., Director of the Department of Consumer Affairs; Ralph J. Gampell, Administrative Director of the Courts; and The Honorable Rose Elizabeth Bird, Chief Justice of California and Chairperson of the Judicial Council.

For the Advisory Committee,

Respectfully submitted,


Robert Beresford, Chairperson

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TO THE
SMALL CLAIMS COURT
EXPERIMENTAL PROJECT

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1 Appointed January, 1978
2 Retired January, 1979
3 Resigned December, 1977
4 Appointed To Fresno Superior Court May, 1979

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INTRODUCTION AND SUMMARY

Small claims court is intended to provide a fair, fast, and inexpensive procedure to adjudicate claims which are relatively small but often of great importance to the persons involved. Lawyers are not allowed to represent litigants in the proceedings, but may assist them before or after they appear in court. Hearings are usually informal and the judges use investigative techniques to elicit evidence.

Assembly Bill 3606 (Chapter 1287, Statutes 1976) initially created the Small Claims Court Experimental Project for the purpose of testing programs and procedures designed to increase accessibility to small claims court for individuals and reduce the number of cases in which defendants do not appear. Jointly administered by the Department of Consumer Affairs and the California Judicial Council, a court and litigant assistance experiment was conducted between mid-1977 and mid-1979, and a report detailing the results of the experiment was released in August, 1979. Assembly Bill 2578 (Chapter 723, Statutes 1978) expanded the project to include a monetary jurisdiction experiment conducted between mid-1979 and mid-1980. A fifteen-member Advisory Committee monitored the experiments and participated in the preparation of required reports.

Forty-three states and the District of Columbia have small claims courts with jurisdictional maximums ranging between \$300 and \$2000. Of those with small claims courts, 15 states have a jurisdictional limit which exceeds the current \$750 ceiling in California. At the same time, only three states with a higher jurisdiction than California generally bar attorneys from representing litigants in small claims court.

During the monetary jurisdiction experiment, a \$1500 jurisdictional maximum for small claims cases was implemented for a one-year period in six courts: Fresno, Oakland-Piedmont, West Orange County, Compton, East Los Angeles, and Chino. In addition, the East Los Angeles and Chino courts instituted small claims advisor programs through which litigants could receive legal assistance, and the Oakland-Piedmont and West Orange County courts permitted defendants in cases over \$750 to transfer their cases to the civil division of the court if they so wished. The small claims filing fee was increased in Oakland-Piedmont, West Orange County, Compton, and Fresno to three dollars and in East Los Angeles and Chino to five dollars in order to cover additional clerical and programmatic costs.

Extensive data on over 9900 cases was collected regarding the operation of the small claims process in the experimental courts and in two "control" courts, Stockton and El Cajon. In addition, nearly 1400 litigants responded to a mail survey concerning their experiences in and perceptions of small claims court. Finally, a sample of cases up to \$1500 filed in the civil divisions of each of the experimental courts was reviewed.

The principal beneficiaries of the increased jurisdictional limit were individual plaintiffs. While in cases up to \$750, only 26% of the plaintiffs were individuals, in cases over \$750, 46% of the plaintiffs were individuals. In all six courts, the increase in the percentage of individual plaintiffs in cases above \$750 reached a statistically significant level.

A dramatic shift in the types of claims filed also occurred. The percentage of consumer credit claims fell by a statistically significant degree in the above \$750 category in all six experimental courts, while the percentage of personal injury/property damage actions increased in the above \$750 category by a statistically significant margin in five of six courts. Consumer goods and services claims also generally comprised a greater percentage of all claims in cases over \$750 than in cases of \$750 or less.

Most individual plaintiffs agreed that one could get a fair trial in small claims court, and 65% of individual plaintiffs were satisfied with their experience in small claims court. However, collection of judgments presented a significant problem for plaintiffs irrespective of the size of their claims; an average of 72% of prevailing plaintiffs reported difficulty in trying to collect their money.

Individual plaintiffs reported that over \$1500 would have to be in controversy before they would seek legal assistance, and both individual and business and government plaintiffs believe the small claims jurisdiction should be more than \$1700.

Individuals comprised the overwhelming percentage of defendants in cases both above and below \$750; however, five of six experimental courts recorded a statistically significant decrease in the percentage of individual defendants in cases above \$750. In general, defaults by individual defendants decreased in cases above \$750, and individual defendants prevailed more often after a contested trial in cases over \$750. A greater cost to defend cases over \$750 was reported by individual defendants, but no difference in the amount of time required to defend a case appeared.

Most defendants who responded to the survey believed that one can get a fair trial in small claims court, and 56% of individual defendants were satisfied with their experience. In general, defendants believe the jurisdiction of small claims court ought to be about \$1400, and that more than that amount would have to be in controversy before they would seek legal help.

About 58% of the claims of \$750 or less involved \$300 or less. It is highly likely that most such cases consisted of a business creditor suing an individual on a consumer credit transaction. As claim size increased, a shift from dominance of the forum by business creditors suing individuals to a balance between business creditors and individuals suing mostly individuals occurred.

Small claims advisors who assisted litigants in Chino and East Los Angeles were popular with litigants who received assistance. Litigants in all eight courts who responded to the mail survey found the advisor concept highly desirable. On the other hand, little use occurred of the option available to defendants in Oakland-Piedmont and West Orange County in cases over \$750 to transfer their cases to the civil division. Most defendants surveyed indicated that they would prefer to remain in small claims court.

Filings increased an average of 15% in the six experimental courts, and an average of 19% of all claims were above \$750. A greater percentage of cases over \$750 reached a hearing, and a greater percentage of the larger cases were contested. Judicial bench time per case was somewhat higher for cases over \$750 than for cases of \$750 or less; but clerical time per case did not change. The impact on aggregate judicial and clerical time could not be precisely measured, but the evidence available suggests that an increase in the small claims jurisdiction is likely to have relatively little effect on aggregate judicial and clerical time.

RECOMMENDATIONS

- (1) The existing small claims monetary jurisdiction of \$750 should be increased to as much as \$1500. Such an increase will adjust the monetary jurisdiction in accordance with inflation and the need to provide increased access to the courts to resolve minor disputes.
- (2) Programs designed to provide improved access to the courts and enhance the quality of justice in small claims court, such as legal advisor programs, should be implemented to the extent feasible in conjunction with any increase in the small claims monetary jurisdiction in order to promote the efficient disposition of claims. In addition, as the amounts in controversy become larger and an increasing percentage of cases present more complex issues of fact and law, a clear need exists to assure that litigants have a fair opportunity to present their cases.
- (3) Small claims procedure should not be changed in any way which would permit defendants to automatically transfer their cases out of small claims court. There is no demonstrated need for such an option, and the benefits of adjudicating disputes in the quick and informal small claims forum outweigh any value in allowing defendants to automatically opt out of small claims court.
- (4) As the small claims monetary jurisdiction increases, it is imperative that further attention be devoted to streamlining and simplifying the process for collecting judgments. The integrity of the entire small claims process is substantially compromised by the difficulty litigants experience in seeking to enforce their judgments.
- (5) The small claims monetary jurisdiction should be reviewed on a regular basis to determine if additional increases are warranted.

CHAPTER I. THE MONETARY JURISDICTION EXPERIMENT:
BACKGROUND AND OVERVIEW

A. The Setting

Small claims court represents an inexpensive procedure which is designed to permit citizens to resolve minor disputes in an expeditious and just fashion. Filing and other fees are set at minimal levels, trials are held within a brief time after cases are filed, procedure in court is informal, and the judge uses investigative techniques to elicit evidence from the parties and witnesses.

Forty-three states and the District of Columbia currently have small claims courts.¹ The procedures vary from state to state as do the maximum claim amounts which can be sought with the range running from \$300 in various states to \$2000 in Alaska and New Mexico. Generally, however, the limits fall between \$500 and \$1000. The current California jurisdictional ceiling is set at \$750, a maximum exceeded by fifteen other states.²

Although attorneys may not represent litigants in small claims court in California, attorneys are permitted to appear on behalf of litigants in thirty-one states, including twelve of the fifteen states in which the monetary jurisdiction exceeds that of California.³ Thus, California provides the fairly rare combination of a relatively high monetary jurisdiction attached to a procedure which bars legal representation in court.

When the Legislature first established small claims court in California in 1921, a limit of \$50 on claims was imposed. Over the years, the jurisdictional maximum has been increased periodically until it reached \$750, a level that was adopted in 1976 as a result of AB 3885 (Chapter 1289, Statutes 1976) by Assemblyman Bill McVittie. The progression in jurisdiction has taken the following steps:

1949 -- \$100

1957 -- \$150

1961 -- \$200

1967 -- \$300

1972 -- \$500

1977 -- \$750

Two fundamental reasons appear to account for the historical increases in small claims monetary jurisdiction. First, the typical kinds of claims thought suitable for adjudication -- minor personal injuries, minor property damage, small contract claims, and small unpaid debts -- have increased in amount as a result of inflation as time has passed. Second, as business expenses have increased, it has become increasingly impractical for attorneys to handle on a fee basis cases which involve small sums of money.

Recently, in addition to these historical factors, a third reason for increasing the small claims jurisdiction has been offered. The informal and inexpensive system used in small claims court makes judicial redress affordable and convenient to individuals while keeping costs to taxpayers to a minimum. Some have suggested that these advantages present

a rationale for expanding the subject matter jurisdiction of small claims court and pushing the monetary limit to \$10,000 or beyond.⁴

During 1978, two pieces of legislation were introduced which would have increased the current small claims jurisdiction on a statewide basis. AB 2542 by Assemblyman Robert Cline prescribed \$1500 as the jurisdictional ceiling while AB 2578 by Assemblyman Art Torres initially contained a \$2000 limit. In the course of the debate over these bills, substantial concern was voiced by groups such as the Western Center on Law & Poverty and California Rural Legal Assistance that raising the jurisdiction would increase the use of small claims court as a judicial collection agency by businesses. Prior studies indicated that businesses were the predominant plaintiffs in small claims courts,⁵ and legal services groups feared that boosting the jurisdiction would only operate to subject individuals to adverse judgments for significant sums of money without recourse to legal representation. In addition, some judges and clerks worried that such an increase would require considerably more time and staff to be devoted to small claims at a time when resources are, at best, marginally adequate. As a result, AB 2578 was amended to provide for an experiment to examine the impact on litigants and the courts of increasing the monetary jurisdiction of small claims court to \$1500 (the bill is reproduced in full as Appendix A).

B. The Small Claims Court Experimental Project

The "monetary jurisdiction experiment" created by AB 2578 was placed under the auspices of the Small Claims Court Experimental Project,⁶ jointly administered by the Department of Consumer Affairs and the Judicial Council. Established in 1976 by AB 3606 authored by Assemblyman Willie Brown (Chapter 1287,

Statutes 1976), the project's initial mission was to test reforms in small claims court which were designed to increase accessibility and reduce the number of defaults by individuals. An Advisory Committee of 15 members composed of representatives of consumers, business, the Legislature, the Attorney General, the State Bar, and the Judiciary was established to assist in carrying out the project and preparing the evaluation of the experimental programs and procedures. Six courts around the state were involved in "the court assistance experiment," as it was subsequently denominated,⁷ and a report to the Legislature which evaluated the experiment and made twelve recommendations for action was released in August, 1979.⁸

C. The Monetary Jurisdiction Experiment

Under the terms of the monetary jurisdiction experiment, six municipal courts were specified to implement a \$1500 jurisdictional limit for a year beginning April 1, 1979. The courts designated were: Oakland-Piedmont, Fresno, West Orange County, East Los Angeles, Compton, and the Chino Division of San Bernardino

In order to judge the efficacy of certain programs and procedures in connection with the increased jurisdiction, additional features were included in the experiment. Two of the six courts, East Los Angeles and Chino, provided "small claims advisors."¹⁰ The advisors, who could have been attorneys, law students, or paralegals, were available to assist litigants outside court. However, they did not appear in court as advocates nor prepare documents for use at trial.

In addition, two of the remaining four courts, West Orange County and Oakland-Piedmont, offered defendants in cases involving more than \$750 the option to transfer their cases, prior to trial, to the civil division of the municipal court.¹¹ Through this

mechanism, defendants in cases above the prevailing statewide jurisdictional maximum could obtain legal representation at trial if they wished.

General venue provisions were also modified to preclude corporations from forum-shopping exclusively for the purpose of taking advantage of the experimental jurisdictional limit. Generally, venue in small claims actions properly lies in the municipal court where the defendant is located, where a contract is entered into, or where an accident has occurred.¹² For the duration of the experiment, however, corporations were permitted to file actions in excess of \$750 only against defendants who resided in the experimental districts.¹³ This limitation ensured that the results of the experiment did not reflect cases which normally, absent the increased jurisdiction, would have been filed in other courts.

In order to offset extra clerical or judicial time engendered by the experiment, the normal filing fee of two dollars was augmented in the experimental courts by an additional dollar.¹⁴ In addition, the expense of the advisor programs was met by collecting two dollars per case as part of the filing fee.¹⁵ Thus, the filing fee per case during the experiment was three dollars in Compton, Oakland-Piedmont, West Orange County and Fresno and five dollars in East Los Angeles and Chino.

D. Data Collection

AB 2578 required the Department of Consumer Affairs and the Judicial Council to study the effects of the jurisdictional change upon litigants and the courts.¹⁶ Data collected in the course of the study would serve as the foundation for two reports to the Legislature on the results of the experiment.¹⁷ Discussion in the reports would include the following topics: (1) any change

in filing practices by plaintiffs, (2) the reasons for any such changes, (3) the impact of the experiment on individuals, (4) the impact on judicial and clerical time and expense, and (5) the use of the transfer option. To provide a basis for comparison, the Stockton and El Cajon courts were designated as control courts where the same data was collected as in the other participating courts, but the \$750 limit on small claims actions was maintained.

In order to assemble pertinent information designed to answer the questions posed by the Legislature, a variety of data collection techniques were employed. Relevant information on cases filed was recorded by the clerks in the participating courts; a litigant survey involving 200 plaintiffs and 200 defendants from each court was conducted,¹⁸ and a sampling of regular civil cases up to \$1500 in the participating courts was reviewed for comparative purposes. Collection of data began in April, 1979, and continued through March, 1980.

A one-page "case report" form (see Appendix C) was initiated on small claims cases filed in the participating courts on a random sample basis. The sampling was designed to produce about 100 case reports from each court per month except Chino. That court only handled about fifty cases per month total, and therefore reported on all of them.

The case report covered such items as: characteristics of plaintiffs and defendants, types of actions filed, amounts claimed and awarded, types of dispositions, and judicial and clerical time consumed. Appropriate items of the form were completed as the case moved through the process. When 30 days had elapsed following the original or last revised trial date, the form was

forwarded to the Administrative Office of the Courts. Table 1.1 displays the completeness of reporting during the experiment.

In addition, a survey of litigants was conducted in each court drawn from a random sample of 200 cases filed between April and August 1979, in which there had been a disposition after trial.¹⁹ Corporations, other businesses, and governmental entities as well as individuals were included in the sample. Table 1.2 displays a breakdown of the response rate. The sampling error for such a sample is approximately $\pm 5\%$.²⁰ The survey was designed to elicit information that was not available from the case reports such as litigant attitudes, feelings, and preferences.

Thirdly, a review of a sampling of cases of \$1500 or less filed in the civil division of the six experimental courts was conducted. One hundred cases from each month of October and November 1979 were analyzed.²¹ Information regarding type of litigant, type of complaint, and amount in controversy was obtained for comparison with data collected from the small claims divisions. Also noted for each case was the type of representation and whether the claim involved an assignee.²² The purpose of gathering such data was to assess the impact of an increase in the small claims jurisdiction on the civil division of the court.

The full results derived from the data collected are contained in the Judicial Council Report to the Advisory Committee which is Appendix D of this report.

TABLE 1.1
COMPLETENESS OF REPORTING

COURT	TOTAL FILINGS	EXPECTED CASE REPORTS	RECEIVED CASE REPORTS	DIFFERENCE	PERCENT COMPLETE REPORTING	CASE REPORTS IN ANALYSIS
OAKLAND- PIEDMONT	13740	1237	1164	73	94	1025
CHINO*	773	773	440	333	57	318
CONS. FRESNO	12037	1685	1440	245	85	1256
COMPTON	9145	1646	1599	47	97	1461
EAST L. A.	4760	1476	1448	28	98	1296
WEST ORANGE CO.	12497	1500	1481	19	99	1268
EL CAJON	6887	1377	1230	147	89	1039
STOCKTON	6127	1348	1178	170	87	1098

*Ninety-six case reports were received from Chino on May 19, 1980 too late to be included in this report.

Source: Judicial Council

TABLE 1.2
RESPONSE RATES FOR PLAINTIFFS,
DEFENDANTS, AND ALL LITIGANTS

COURTS	PLAINTIFFS		DEFENDANTS		ALL LITIGANTS	
	RESPONSES	PERCENT RESPONSE	RESPONSES	PERCENT RESPONSE	RESPONSES	PERCENT RESPONSES
CHINO	65	73.9	28	36.3	93	56.3
EAST LA	118	63.4	53	30.4	171	47.5
OAKLAND- PIEDMONT	129	69.4	64	39.2	193	55.8
W. ORANGE	134	70.5	61	35.7	195	54.0
COMPTON	125	67.6	49	28.8	174	49.0
FRESNO	141	74.6	43	25.7	184	51.7
EL CAJON	138	75.4	56	33.5	194	55.4
STOCKTON	145	75.1	50	31.0	195	55.1
ALL COURTS	995	71.2	404	32.3	1399	52.8

Source: Litigant Survey

CHAPTER II. THE IMPACT ON PLAINTIFFS

A. Plaintiff Composition

Data collected during the court assistance experiment showed that over 60% of the small claims in the courts studied were filed by business and government creditors, categorized as "non-natural" entities, while individuals filed about 40% of the claims. The most common claims, in order of frequency, were consumer credit transactions, landlord-tenant disputes, and personal injury/property damage claims.

With respect to claims up to \$750, the data gathered during the monetary jurisdiction experiment reveals an even higher level of court use by business and government creditors. As Table 2.1 shows, between 64% and 83% of all plaintiffs involved in cases up to the current prevailing statewide maximum in the experimental courts were corporations, other businesses, or government agencies. Only 17% to 36% of all claims of \$750 or less were filed by individuals.

In contrast, individuals comprised a much greater percentage of plaintiffs in cases over \$750. As also shown in Table 2.1, individuals provided 49% or more of the plaintiffs in four of the six experimental courts. Additionally, all six courts experienced a statistically significant jump in the percentage of individual plaintiffs.²³ Naturally, as percentages of individuals as plaintiffs increased, the percentages for business and government filings decreased. In fact, in each of the six courts, at least one of the categories of business and government plaintiffs decreased by a statistically significant amount.

TABLE 2.1

TYPE OF PLAINTIFF ABOVE AND BELOW \$750 CLAIM AMOUNT, BY COURT.

COURT & AMOUNT	NUMBER	PERCENT DISTRIBUTION OF PLAINTIFFS				
		TOTAL PERCENT	CORPOR- ATION	OTHER BUSINESS	GOVT. AGENCY	NATURAL PERSON
OAKLAND- PIEDMONT						
0 - 750	836	99	23	14	28*	34*
750 - 1500	189	100	19	15	16	50
CHINO						
0 - 750	231	100	8	57*	<1	35*
750 - 1500	87	99	9	26	0	64
CONS. FRESNO						
0 - 750	1015	101	49*	21	5	26*
750 - 1500	243	100	41	16	4	39
COMPTON						
0 - 750	1193	99	55	7	20*	17*
750 - 1500	268	100	50	7	4	39
EAST L. A.						
0 - 750	1111	100	71*	8	3	18*
750 - 1500	135	100	37	9	4	50
WEST ORANGE CO.						
0 - 750	990	100	46*	16	2	36*
750 - 1500	278	99	38	11	1	49
EL CAJON						
0 - 750	1038	100	37	22	2	39
STOCKTON						
0 - 750	1096	101	47	11	16	27

Percentages may not total 100 due to rounding.
 *Statistically significant at the .05 level.

Source: Judicial Council

Results from litigants sampled show that 42% of the individuals had been in small claims court before while 80% of the non-natural entities had been involved in a small claims court case. Thus, it would be reasonable to expect that businesses and governmental agencies, due to more frequent contact with the court, would become aware more rapidly of an increase in the small claims jurisdiction, and that the percentages of claims filed by such entities would predominate above \$750. Instead, although business and government entities did comprise a substantial percentage of claimants in cases over \$750, the increased jurisdiction principally provided a forum for individuals

B. Claim Types

Again, as in the results obtained during the court assistance experiment, consumer credit transactions comprised nearly half or more of all claims up to \$750. In addition, as Table 2.2 shows, personal injury/property damage and landlord-tenant cases occurred next most often while consumer goods and services cases made up 5% to 12% of all claims.

When compared to the types of claims above \$750 which were filed, a clear shift can be detected. All six courts, as Table 2.2 reveals, experienced a statistically significant decrease in consumer credit claims while five of the six courts saw a statistically significant increase in personal injury/property damage actions. Consumer loan claims also increased in five of six courts, and landlord-tenant actions decreased in five of six courts. Consumer goods and services cases rose to 7% to 21% of all claims.

These shifts are consistent with the trend which shows an increase in the percentage of individual plaintiffs in cases over \$750. Tables 2.3 and 2.4 provide further indications of

TABLE 2.2
TYPE OF COMPLAINT ABOVE AND BELOW \$750 CLAIM AMOUNT, BY COURT.

COURT & AMOUNT	NUMBER	PERCENT DISTRIBUTION OF COMPLAINTS							
		TOTAL PERCENT	LANDLORD- TENANT	CONSUMER GOODS	CONSUMER SERVICES	CONSUMER CREDIT	CONSUMER LOANS	PERSONAL INJURY, ETC.	OTHER
OAKLAND- PIEDMONT									
0 - 750	836	99	13	2	3	58	4	8	11
750 - 1500	129	101	8	11	4	41	8	25	11
CHINO									
0 - 750	231	99	4	2	3	39	7	12	32
750 - 1500	87	99	9	0	10	24	8	23	25
CONS. FRESNO									
0 - 750	1015	101	9	2	10	50	14	11	5
750 - 1500	243	100	5	2	9	33	22	23	6
COMPTON									
0 - 750	1193	100	4	1	5	70	12	7	1
750 - 1500	268	100	5	4	7	40	22	20	2
EAST L. A.									
0 - 750	1111	100	5	1	5	43	34	6	6
750 - 1500	185	100	2	1	6	19	29	31	12
WEST ORANGE CO.									
0 - 750	989	99	14	2	8	46	13	10	6
750 - 1500	278	100	8	4	17	23	22	14	12
EL CAJON									
0 - 750	1038	99	15	9	29	11	13	10	7
STOCKTON									
0 - 750	1096	100	12	1	3	45	12	10	17

Percentages may not total 100 due to rounding.
*Statistically significant at the .05 level.
Source: Judicial Council

TABLE 2.3
COMPLAINT: CONSUMER CREDITS
TYPE OF PLAINTIFF ABOVE AND BELOW \$750 CLAIM AMOUNT, BY COURT.

COURT & AMOUNT	NUMBER	% OF ALL CASES	PERCENT DISTRIBUTION OF PLAINTIFFS				
			TOTAL PERCENT	CORPOR- ATION	OTHER BUSINESS	GOVT. AGENCY	NATURAL PERSON
OAKLAND- PIEDMONT							
0 - 750	489	58	100	34	18	37	11
750 - 1500	77	41	100	32	26	26	16
CHINO							
0 - 750	91	39	100	0	81	1	9
750 - 1500	21	24	101	10	67	0	24
CONS. FRESNO							
0 - 750	508	50	101	60	32	3	3
750 - 1500	79	33	100	50	30	5	8
COMPTON							
0 - 750	839	70	101	60	9	28	4
750 - 1500	106	40	100	67	15	5	13
EAST L. A.							
0 - 750	479	43	100	79	16	2	3
750 - 1500	36	19	101	42	31	17	11
WEST ORANGE CO.							
0 - 750	455	46	100	62	28	1	9
750 - 1500	65	23	101	57	25	2	17
EL CAJON							
0 - 750	118	11	100	54	24	6	16
STOCKTON							
0 - 750	489	45	99	65	15	15	4

Percentages may not total 100 due to rounding.
Source: Judicial Council

TABLE 2.4
COMPLAINT: PERSONAL INJURY OR PROPERTY DAMAGE
TYPE OF PLAINTIFF ABOVE AND BELOW \$750 CLAIM AMOUNT, BY COURT.

COURT & AMOUNT	NUMBER	% OF ALL CASES	TOTAL PERCENT	PERCENT DISTRIBUTION OF PLAINTIFFS			
				CORPORATION	OTHER BUSINESS	GOVT. AGENCY	NATURAL PERSON
OAKLAND-PIEDMONT							
0 - 750	71	8	100	0	3	7	90
750 - 1500	47	25	99	0	4	4	91
CHINO							
0 - 750	28	12	100	7	14	0	79
750 - 1500	20	23	100	0	10	0	90
CONS.							
FRESNO							
0 - 750	109	11	100	7	0	15	78
750 - 1500	56	23	100	9	2	5	84
COMPTON							
0 - 750	82	7	99	7	1	7	84
750 - 1500	54	20	100	11	0	6	83
EAST L. A.							
0 - 750	70	6	100	3	1	6	90
750 - 1500	57	31	100	2	0	2	96
WEST ORANGE CO.							
0 - 750	102	10	100	11	3	6	80
750 - 1500	38	14	100	5	3	8	84
EL CAJON							
0 - 750	106	10	101	6	2	5	88
STOCKTON							
0 - 750	107	10	100	12	1	7	80

Percentages may not total 100 due to rounding.

Source: Judicial Council

the nature of the shift in plaintiff filings. Table 2.3 shows that consumer credit cases were filed primarily by non-national entities while Table 2.4 reveals that personal injury/property damage claims were brought overwhelmingly by individuals. Where, as here, a decline in the percentage of consumer credit claims occurred while an increase in the percentage of personal injury/property damage claims appeared, it would be reasonable to expect a concomitant increase in the percentage of individual plaintiffs. The data reflect such a pattern.

A comparison of claim types with a breakdown of cases filed on the civil side of the experimental courts shows virtually all such cases involved either unlawful detainer or consumer credit claims. Table 2.5 displays the distribution of claims filed by attorneys and by litigants on their own behalf, known as pro per. These results further suggest that individuals with claims benefited principally from the increased small claims jurisdiction.

TABLE 2.5 CIVIL CASES IN EXPERIMENTAL COURTS, BY TYPE OF REPRESENTATION

COURT	REPRESENTATION	NO. OF FILINGS	PERCENT DISTRIBUTION OF REPRESENTATION BY TYPE OF COMPLAINT						
			Total Filings	Unlawful Detainer	Consumer Goods	Consumer Services	Consumer Credit	Consumer Loan	Consumer P. Inj./Prop. D. Other
OAKLAND-PIEDMONT									
	Attorney	157	78	25			44	4	5
	Pro Per	43	22	21			1		
	TOTAL	200	100	46			45	4	5
CHINO									
	Attorney	37	100	35			49	5	11
	Pro Per								
	TOTAL	37	100	35			49	5	11
FRESNO									
	Attorney	154	95	6			80	4	3
	Pro Per	46	5	3				<1	2
	TOTAL	200	100	9			80	4	3
COMPTON									
	Attorney	144	72	23			42	3	2
	Pro Per	46	28	27			1		<1
	TOTAL	200	100	50			43	3	2
EAST LOS ANGELES									
	Attorney	139	80	24			43	9	4
	Pro Per	35	20	18			1		1
	TOTAL	174	100	42			44	9	5
WEST ORANGE									
	Attorney	166	83	30		1	44	2	2
	Pro Per	34	17	14			1		3
	TOTAL	200	100	44		1	45	2	2

Source: Court Research Associates

Whereas almost no personal injury/property damage cases were recorded on the civil side of the courts, a substantial percentage of such cases were brought in small claims court as noted above. In addition, almost no consumer goods or services actions, in which an individual would normally be the plaintiff, were filed on the civil side; while in small claims court, such actions comprised up to 21% of all claims in the experimental courts.

C. Claim Amounts

Table 2.6 indicates that the vast majority of claims filed during the experiment sought \$750 or less. This result is not surprising, since it presumably requires a lengthy period before the public becomes generally aware of an event such as a change in the monetary jurisdiction of small claims court. Thus, while passage of time and increasing inflation would be likely to cause a shift in the distribution of claims above and below \$750, the results of the experiment suggest that an increase in jurisdiction will not cause an immediate shift in the predominant amounts of claims.

TABLE 2.6
PERCENT OF CASES ABOVE AND BELOW \$750.

COURT	NUMBER	PERCENT DISTRIBUTION BY AMOUNT		
		TOTAL PERCENT	\$0 - \$750	\$751 - \$1500
OAKLAND-PIEDMONT	1025	100	82	18
CHINO	318	100	73	27
CONS. FRESNO	1258	100	81	19
COMPTON	1461	100	82	18
EAST L. A	1296	100	86	14
WEST ORANGE CO.	1268	100	78	22
EL CAJON	1038	100	100	-
STOCKTON	1096	100	100	-

Source: Judicial Council

The likely reason underpinning the foregoing is well demonstrated by Table 2.7 which shows that 48% to 64% of all claims of \$750 or less fall under \$300. Since consumer credit cases comprise nearly half of all claims up to \$750 generally, it is likely that many such cases are included in the less-than-\$300 category. Such a conclusion seems reasonable since most business and government entities -- bulk of plaintiffs in consumer credit cases -- are not likely to allow debts to accumulate beyond several hundred dollars per debtor before they take steps to collect. Therefore, increasing the jurisdiction may be expected to operate more to advantage of individuals whose claims are larger than \$750 but not large enough to practically pursue through formal adjudication.

TABLE 2.7
PERCENT OF CASES OF \$750
OR LESS BELOW \$300

COURT	Total Cases of \$750 or Less	Cases Below \$300	Percent Cases Below \$300
Oakland-Piedmont	841	510	61%
Chino	232	135	54%
Fresno	1019	640	63%
Compton	1198	740	62%
East Los Angeles	1114	530	48%
West Orange	989	560	64%

Source: Judicial Council

D. Judgments

The overwhelming majority of plaintiffs who reach trial prevail. Table 2.8 shows that among those who responded to the litigant survey, individuals won 70% to 95% of their cases while business and government entities prevailed even more frequently, 80% to 100% of the time. The amount in controversy did not have any statistical impact on the rate of obtaining favorable judgments.

Table 2.9 reveals that individual plaintiffs won judgments after contested cases more often when the amount involved exceeded \$750. In fact, a statistically significant increase in such judgments occurred in two of the experimental courts. However, the data also indicates an increase in judgments after trial for defendants, a decrease in default judgments for plaintiffs, and a decrease in dispositions other than after a contested trial or default. Thus, while the rate of winning did not change significantly for individual plaintiffs who reached court, it appears

TABLE 2.8
DID YOU WIN A COURT JUDGMENT?
BY PLAINTIFF TYPE & BELOW AND ABOVE \$750

COURTS	NATURALS				NON-NATURALS			
	YES %	NO %	N	SIG.	YES %	NO %	N	SIG.
Chino								
0 - 750	91	9	23		100	0	16	
751 - 1500	84	16	19	NS	100	0	6	NS
East L.A.								
0 - 750	83	17	47		93	6	30	
751 - 1500	88	12	24	NS	80	20	10	NS
Oakland-Piedmont								
0 - 750	79	21	57		100	0	34	
751 - 1500	89	11	18	NS	94	6	17	NS
West Orange Co.								
0 - 750	94	6	66		97	3	39	
751 - 1500	94	6	16	NS	100	0	8	NS
Compton								
0 - 750	84	16	44		91	9	34	
751 - 1500	70	30	23	NS	94	6	16	NS
Fresno								
0 - 750	95	5	43		98	2	48	
751 - 1500	86	14	21	NS	100	0	21	NS
El Cajon								
0 - 750	90	10	76		94	6	51	
Stockton								
0 - 750	81	19	67		97	3	62	

Source: Litigant Survey

TABLE 2.9 PLAINTIFF: NATURAL PERSON
TYPE OF DISPOSITION ABOVE AND BELOW \$750 CLAIM AMOUNT, BY COURT.

		PERCENT DISTRIBUTION OF DISPOSITION					
COURT & AMOUNT	NUMBER	TOTAL PERCENT	TRIAL JUDGEMENT FOR PLAINTIFF	TRIAL JUDGEMENT FOR DEFENDANT	DEFAULT JUDGEMENT FOR PLAINTIFF	DEFAULT JUDGEMENT FOR DEFENDANT	ALL OTHER
OAKLAND- PIEDMONT							
0 - 750	286	100	24	6	18	1	51
750 - 1500	94	100	31	9	12	1	47
CHINO							
0 - 750	80	100	29	3	20	0	40
750 - 1500	56	100	41	9	18	2	30
CONS.							
FRESNO							
0 - 750	259	100	34	12	14	1	39
750 - 1500	95	101	40	13	13	1	34
COMPTON							
0 - 750	208	100	29	9	15	1	46
750 - 1500	104	100	36	12	15	1	36
EAST L. A.							
0 - 750	203	100	31	10	14	<1	45
750 - 1500	92	100	51	14	11	0	24
WEST							
ORANGE CO.							
0 - 750	356	99	32	11	15	1	40
750 - 1500	137	101	43	11	10	1	36
EL CAJON							
0 - 750	407	100	34	14	13	1	38
STOCKTON							
0 - 750	291	100	35	12	20	<1	32

Percentages may not total 100 due to rounding.
*Statistically significant at the .05 level.

Source: Judicial Council

a higher percentage of cases over \$750 were contested, and defendants prevailed more often.

In terms of the amounts won by those who received judgments, Table 2.10 shows that the average amounts tended to be well below the jurisdictional maximum. However, business and government entities consistently obtained judgments for higher amounts than individuals.

Figures 2.11 to 2.16 compare the amounts of claims in cases in which a hearing occurred versus the amounts of judgments awarded. In all six courts, average claim amounts and average judgment amounts corresponded quite closely. However, as the average claim amount climbed higher, the average judgment amount generally began to fall off somewhat.

In addition, in all six courts, the average claim in the \$1350 to \$1500 range fell at or very near the \$1500 limit which suggests that plaintiffs reduced their claims to get to small claims court. While this was no doubt true in some instances, it is notable that the average judgment awarded for the same range was substantially lower. Thus, it may be that a significant number of \$1500 claims were inflated to the jurisdictional maximum rather than reduced. Some additional evidence on this point appears in Table 2.17 which shows that plaintiffs consistently received a lower percentage of the amount they claimed in cases over \$750.

E. Collection

As Table 2.18 indicates, in most instances, the actual amount collected by victorious plaintiffs was relatively small. Non-natural entities generally received more money in absolute terms, but as displayed above, they also received larger average judgments.

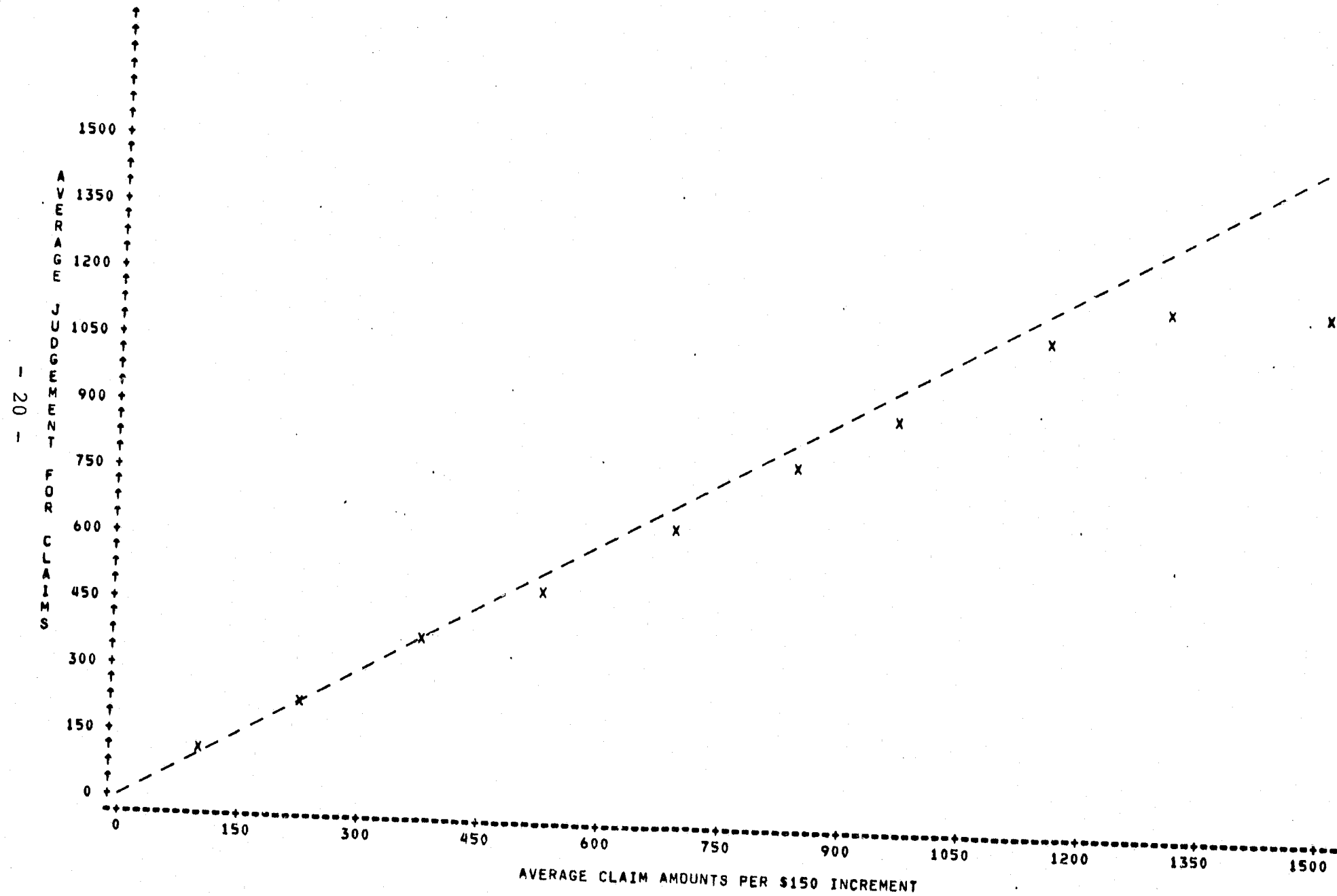
However, they did not necessarily recover a higher percentage of the amount awarded, as Table 2.19 reveals. It shows that for awards of \$750 or less, plaintiffs collected on the average between 34% and 64% while for awards over \$750, the average amount collected ranged between 20% and 69% of the amount awarded. Additionally, as Table 2.20 indicates, most plaintiffs experienced difficulty trying to collect regardless of the size of their judgment. For those who received judgments of \$750 or less, 58% to 90% had trouble collecting while 40% to 93% of those who obtained judgments over \$750 encountered difficulty trying to collect. Thus, it appears that the size of judgment alone did not engender more or fewer problems in collection, but collection, in general, remains a significant problem.

TABLE 2.10
IF YOU WON A JUDGMENT, HOW MUCH DID YOU WIN?
AVERAGE DOLLARS
BY PLAINTIFF TYPE & BELOW AND ABOVE \$750

COURTS	NATURALS		NON-NATURALS	
	AVERAGE	N	AVERAGE	N
Chino				
0 - 750	348	23	462	16
751 - 1500	745	20	881	6
East L.A.				
0 - 750	209	49	532	31
751 - 1500	786	24	980	10
Oakland-Piedmont				
0 - 750	266	58	527	34
751 - 1500	841	17	1083	17
West Orange Co.				
0 - 750	275	67	396	40
751 - 1500	948	16	1061	9
Compton				
0 - 750	328	46	422	35
751 - 1500	814	23	979	17
Fresno				
0 - 750	314	45	352	48
751 - 1500	763	21	1047	21
El Cajon				
0 - 750	290	80	413	53
Stockton				
0 - 750	238	70	370	64

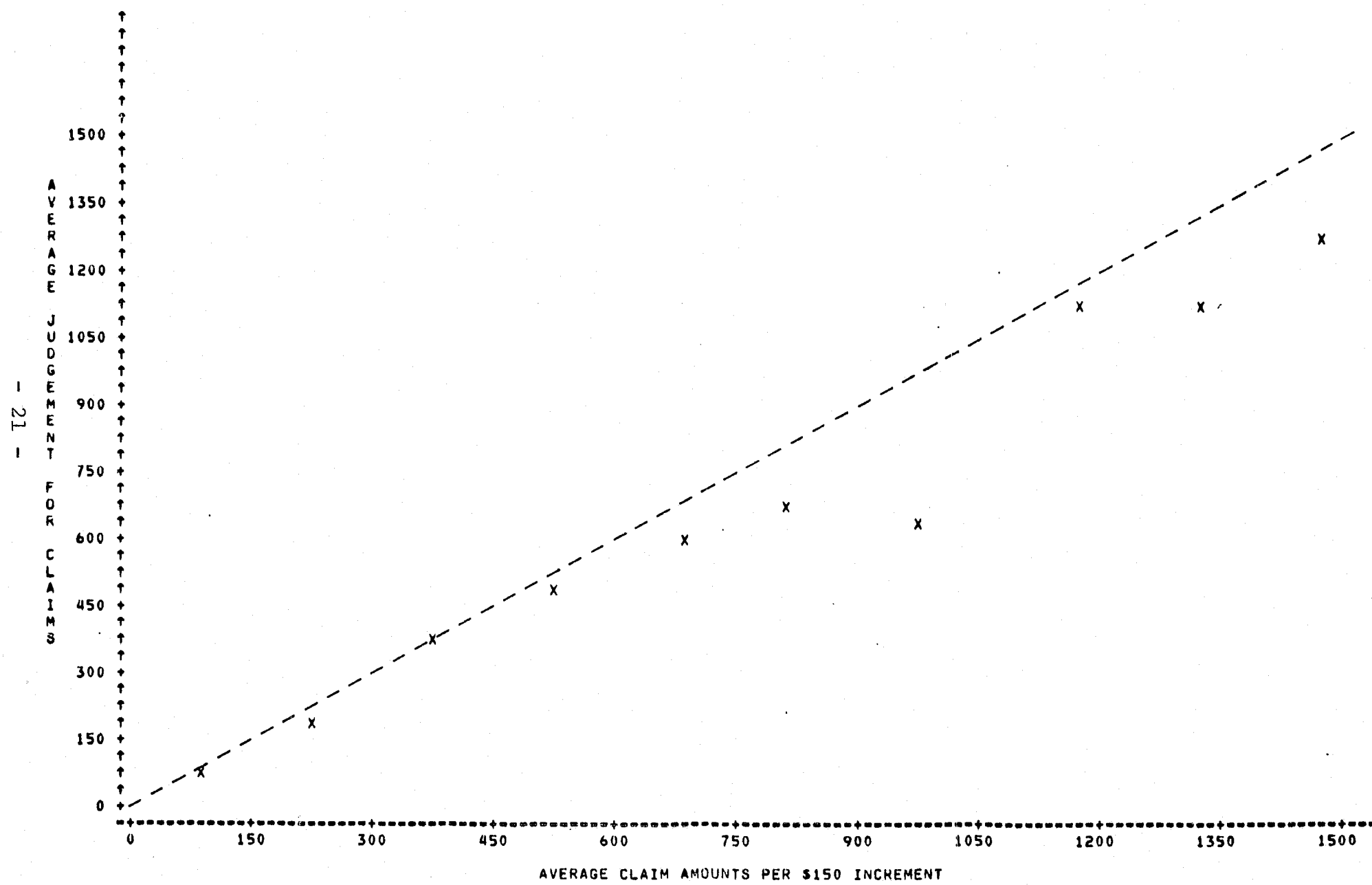
Source: Litigant Survey

Figure 2.11
CLAIM AMOUNTS v. JUDGMENT AMOUNTS
Oakland-Piedmont



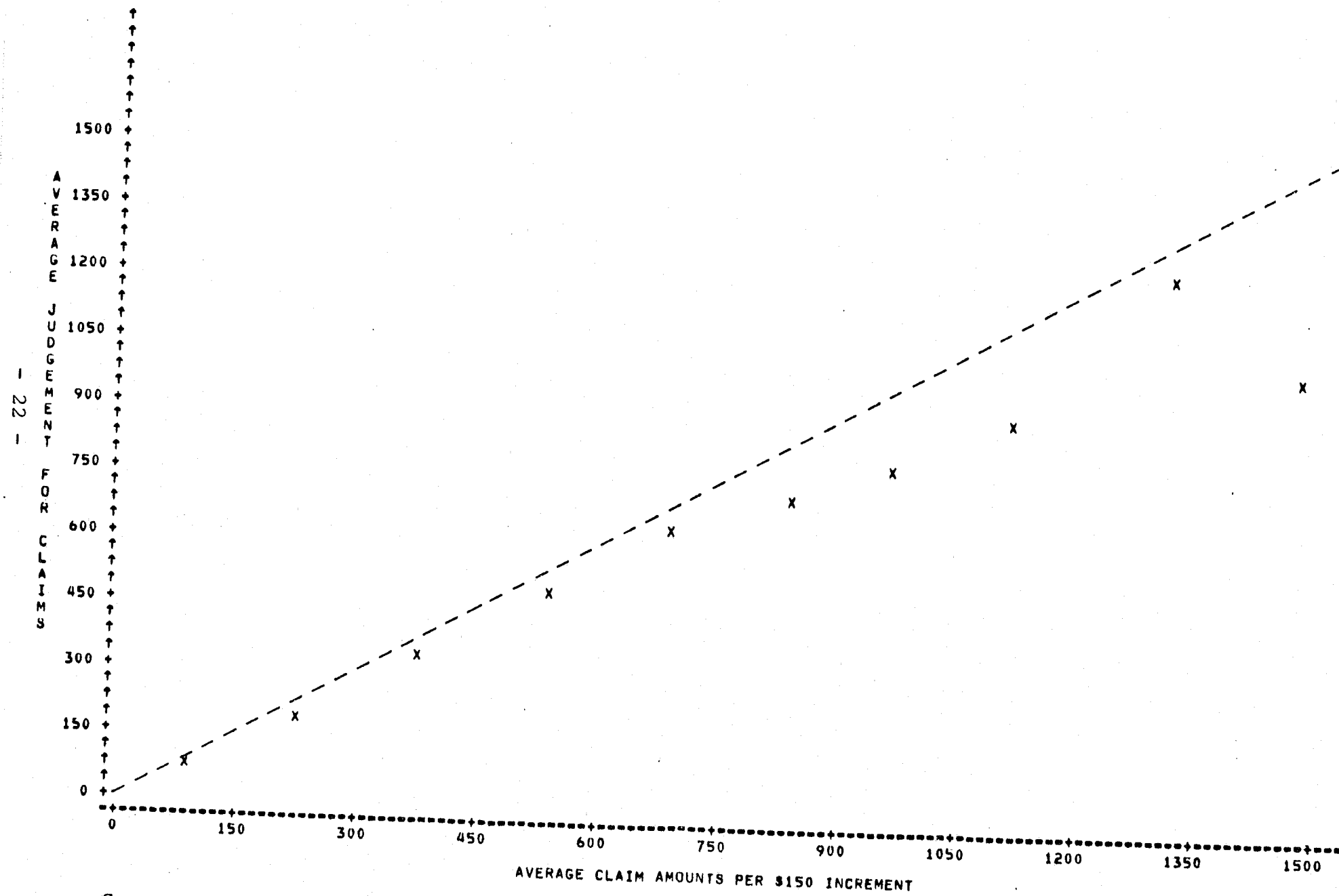
Source: Judicial Council

CLAIM AMOUNTS v. JUDGMENT AMOUNTS Chino



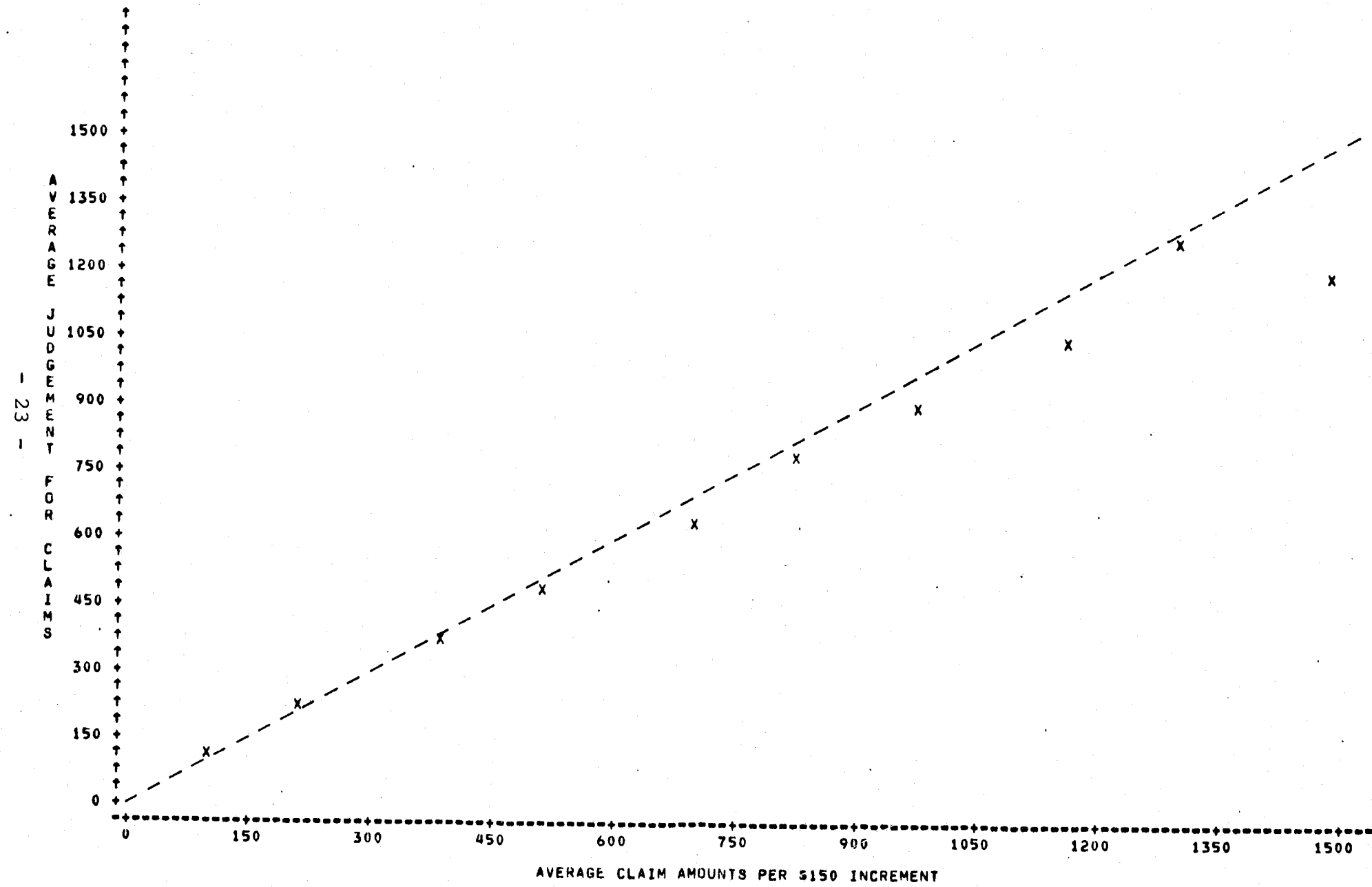
Source: Judicial Council

Figure 2.13
CLAIM AMOUNTS v. JUDGMENT AMOUNTS
Fresno



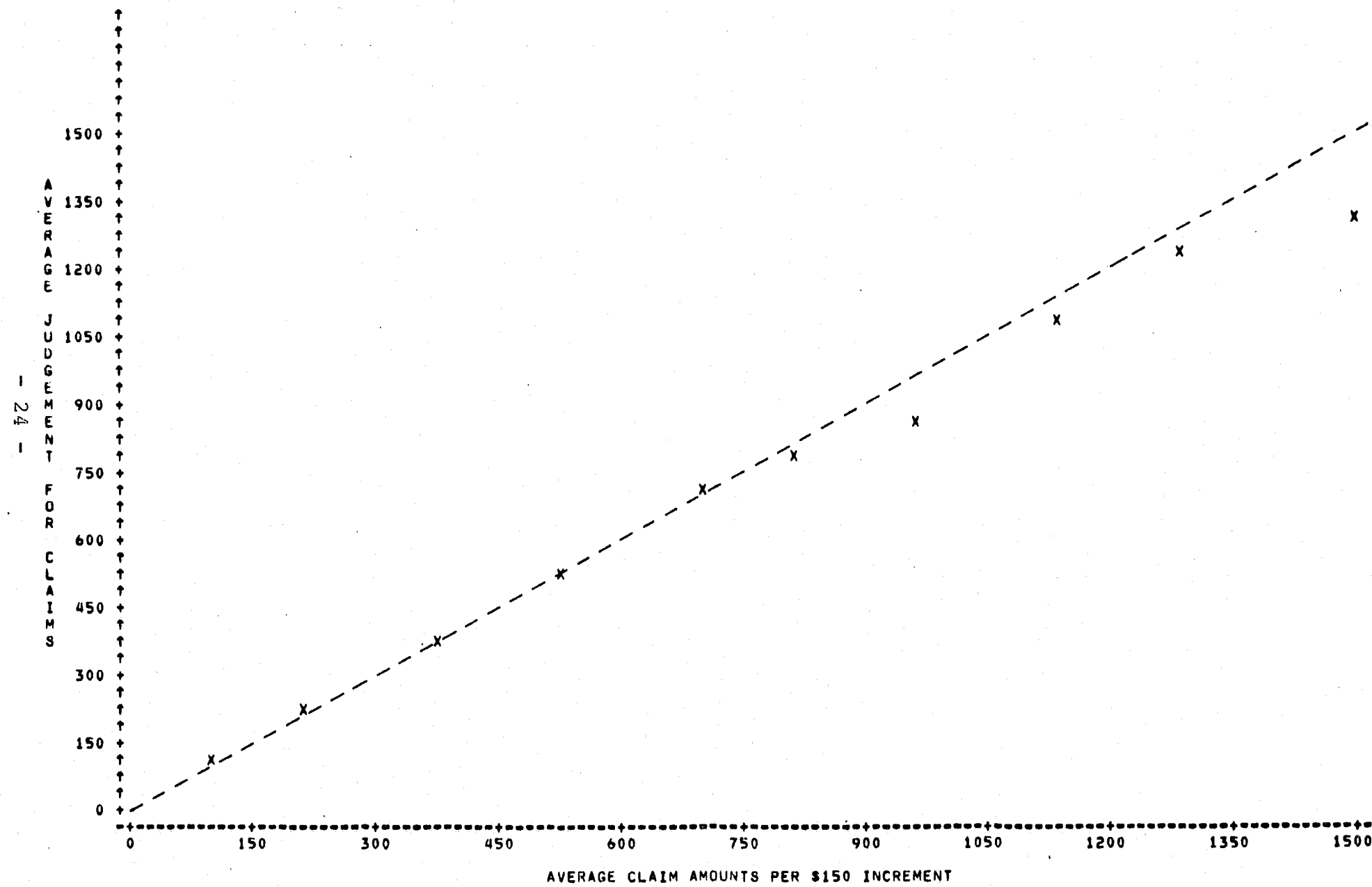
Source: Judicial Council

Figure 2.14
CLAIM AMOUNTS v. JUDGMENT AMOUNTS
Compton



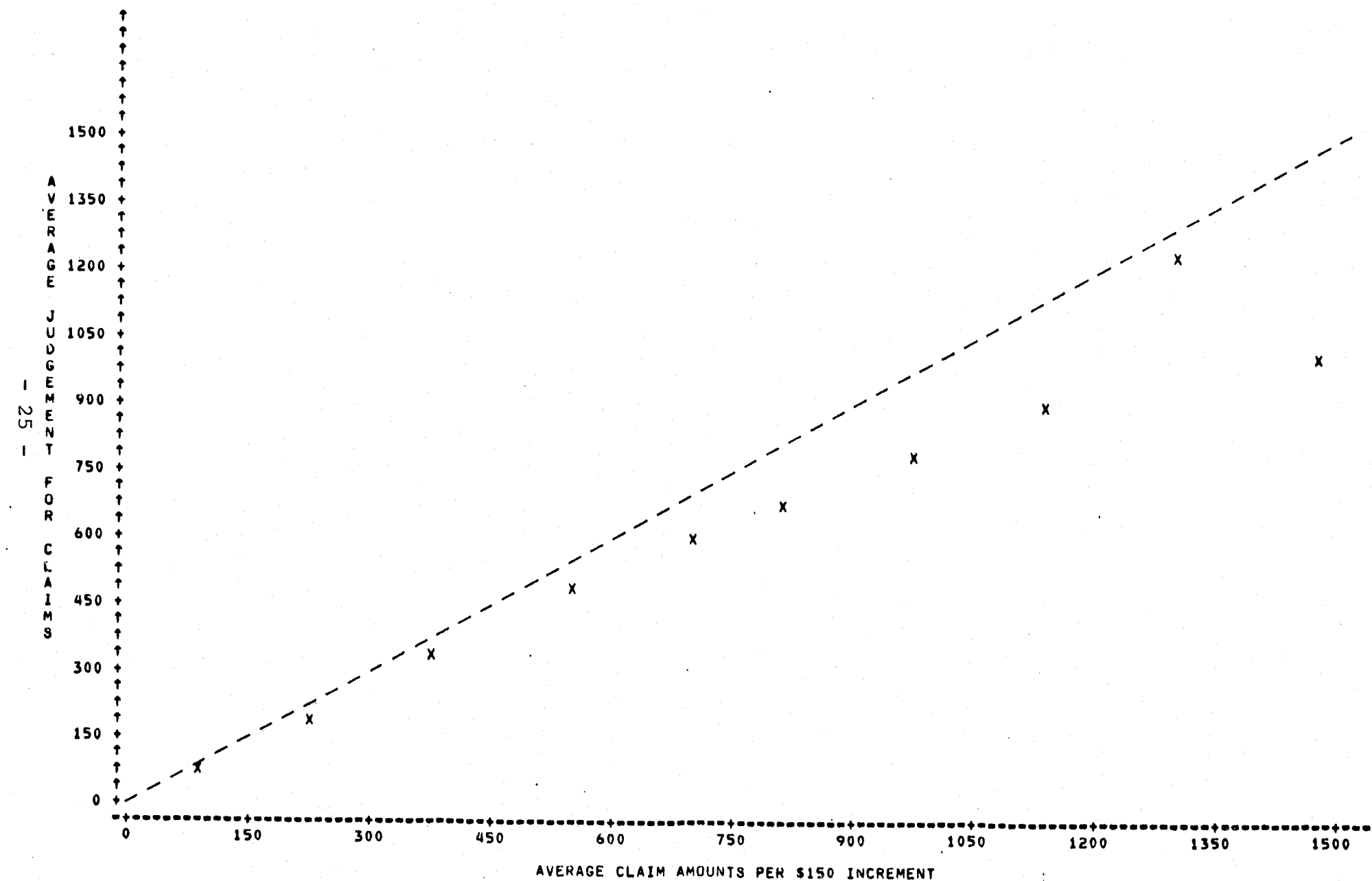
Source: Judicial Council

Figure 2.15
CLAIM AMOUNTS v. JUDGMENT AMOUNTS
East Los Angeles



Source: Judicial Council

Figure 2.16
CLAIM AMOUNTS v. JUDGMENT AMOUNTS
West Orange County



Source: Judicial Council

TABLE 2.17
AVERAGE PERCENT AWARDED (AWARDED/SUIT AMOUNT X 100)
BY PLAINTIFF TYPE & BELOW AND ABOVE \$750

COURTS	NATURALS			NON-NATURALS		
	AVG	N	SIG	AVG	N	SIG
Chino						
0 - 750	73	23		94	16	
751 - 1500	62	20	NS	68	6	NS
East L.A.						
0 - 750	72	49		88	31	
751 - 1500	62	24	NS	75	10	NS
Oakland-Piedmont						
0 - 750	73	57		100	34	
751 - 1500	69	17	NS	88	17	NS
West Orange Co.						
0 - 750	76	67		95	40	
751 - 1500	77	16	NS	88	9	NS
Compton						
0 - 750	72	45		86	35	
751 - 1500	65	23	NS	84	17	NS
Fresno						
0 - 750	90	45		89	48	
751 - 1500	65	21	NS	86	21	NS
El Cajon						
0 - 750	77	80		88	53	
Stockton						
0 - 750	65	70		92	63	

Source: Litigant Survey

TABLE 2.18
IF YOU WON A JUDGMENT, HOW MUCH DID YOU ACTUALLY RECEIVE?
AVERAGE DOLLARS
BY PLAINTIFF TYPE & BELOW AND ABOVE \$750

COURTS	NATURALS		NON-NATURALS	
	AVERAGE	N	AVERAGE	N
Chino				
0 - 750	125	21	167	16
751 - 1500	307	16	683	6
East L.A.				
0 - 750	145	40	339	28
751 - 1500	134	20	704	9
Oakland-Piedmont				
0 - 750	126	43	244	34
751 - 1500	320	15	678	16
West Orange Co.				
0 - 750	173	63	197	37
751 - 1500	205	15	838	8
Compton				
0 - 750	142	37	240	28
751 - 1500	516	15	464	15
Fresno				
0 - 750	131	42	156	47
751 - 1500	481	18	334	20
El Cajon				
0 - 750	121	67	208	48
Stockton				
0 - 750	119	54	237	61

Source: Litigant Survey

TABLE 2.19
AVERAGE PERCENT COLLECTED (COLLECTED/AWARDED X 100)
BY PLAINTIFF TYPE & BELOW AND ABOVE \$750

COURTS	NATURALS			NON-NATURALS		
	AVG %	N	SIG	AVG %	N	SIG
Chino	36	19		34	16	
0 - 750	47	15	NS	60	5	NS
751 - 1500						
East L.A.	63	38		60	27	
0 - 750	21	19	S	60	9	NS
751 - 1500						
Oakland-Piedmont	36	43		51	34	
0 - 750	36	14	NS	62	16	NS
751 - 1500						
West Orange Co.	64	61		56	37	
0 - 750	20	15	S	69	8	NS
751 - 1500						
Compton	45	37		49	28	
0 - 750	47	15	NS	39	15	NS
751 - 1500						
Fresno	53	41		44	46	
0 - 750	54	17	NS	34	20	NS
751 - 1500						
El Cajon	45	67		52	47	
0 - 750						
Stockton	46	51		55	60	
0 - 750						

Source: Litigant Survey

F. Time and Cost

While plaintiffs invested a sizable number of hours and dollars in many instances to pursue their cases, no evidence appears to suggest that their investment was dependent on the size of the claim. For example, Table 2.21 displays the average number of hours spent pursuing their cases as reported by litigants who were surveyed. No pattern emerged to indicate that the size of the claim affected the time spent by plaintiffs on their cases, although, generally, individuals required more time than non-natural plaintiffs.

Similarly, the cost of pursuing a case was not dependent upon claim size. Table 2.22 reveals that while it generally cost more for business and government plaintiffs to prosecute cases over \$750, for individuals, the cost of pursuing a case of more than \$750 or more was reported to be lower in four of the six courts. In no instance, however, did the difference in cost prove to be statistically significant.

Thus, increasing the jurisdiction could prove to be advantageous to litigants who would be able to pursue larger cases without necessarily investing more time or money than currently is expended on small claims cases. Especially in terms of cost, the figures reported by litigants surveyed appear attractively low compared to the cost of prosecuting a case in the civil division.

G. What Plaintiffs Think About Raising the Limit

Although many plaintiffs, particularly individuals, reported that they were not satisfied with their small claims court experience, an overwhelming majority felt that one can obtain a fair trial in small claims court. Table 2.23 shows that nearly half the individual plaintiffs in some courts were dissatisfied with their small claims court experience; yet Table 2.24 reveals a much lower percentage which believe that a person cannot get a fair trial.

Further, despite any misgivings, sizable percentages of plaintiffs would reduce a claim over \$750 and file it in small claims court if necessary. Table 2.25 provides evidence that substantial percentages of plaintiffs would be willing to give up an indeterminate amount of money to have access to small claims court. This result suggests that many plaintiffs feel that the regular civil system does not provide a practical alternative for resolving their disputes.

Because of the belief that a fair trial is possible in small claims court and that a regular civil trial is not practical, plus the belief that legal assistance is not affordable in cases involving relatively small sums of money, plaintiffs endorse the notion that the jurisdiction should be higher despite whatever dissatisfaction they feel. Table 2.26 reveals that, on average, a case would have to involve over \$1500 for individuals and

\$1800 for business and government entities before they would seek legal help. Thus, it is not surprising that plaintiffs find the current small claims jurisdiction too low -- they are limited to seeking \$750 in small claims court, yet legal assistance is not viewed as feasible to obtain unless at least twice the small claims jurisdictional amount is in controversy. As indicated by Table 2.27, these two figures would come much more closely into alignment if the small claims jurisdiction were set at the level plaintiffs view as appropriate. The average amount reported by individuals as the desirable small claims limit was \$1706 while business and government entities would opt for \$1778. Thus, it appears clear that plaintiffs, both individuals and business and government entities, would prefer a higher jurisdictional limit, and, indeed, believe it necessary to provide a forum to resolve disputes of \$1500 or less.

TABLE 2.20
DID YOU HAVE ANY TROUBLE GETTING THE DEFENDANT TO PAY?
BY PLAINTIFF TYPE & BELOW AND ABOVE \$750

COURTS	NATURALS				NON-NATURALS			
	YES	NO	N	SIG.	YES	NO	N	SIG.
	%	%			%	%		
Chino								
0 - 750	90	10	20		75	25	16	
751 - 1500	40	60	15	S	67	33	6	NS
East L.A.								
0 - 750	58	42	41		72	28	29	
751 - 1500	76	24	21	NS	88	12	8	NS
Oakland-Piedmont								
0 - 750	75	25	44		62	38	32	
751 - 1500	75	25	16	NS	93	7	15	NS
West Orange Co.								
0 - 750	58	42	60		82	18	38	
751 - 1500	69	31	13	NS	75	25	8	NS
Compton								
0 - 750	79	21	38		82	18	28	
751 - 1500	67	33	15	NS	86	14	14	NS
Fresno								
0 - 750	76	24	42		78	22	45	
751 - 1500	53	47	17	NS	81	19	21	NS
El Cajon								
0 - 750	68	32	68		78	22	49	
Stockton								
0 - 750	76	24	55		78	22	59	

Source: Litigant Survey

TABLE 2.21
AVERAGE TOTAL TIME SPENT ON COURT ACTIVITIES IN HOURS*
BY PLAINTIFF TYPE & BELOW AND ABOVE \$750

COURTS	NATURALS			NON-NATURALS		
	AVG	N	SIG	AVG	N	SIG
Chino						
0 - 750	12	23		11	16	
751 - 1500	22	20	NS	23	6	NS
East L.A.						
0 - 750	16	49		11	31	
751 - 1500	11	24	NS	7	10	NS
Oakland-Piedmont						
0 - 750	13	58		9	34	
751 - 1500	17	18	NS	7	17	NS
West Orange Co.						
0 - 750	14	67		10	40	
751 - 1500	13	16	NS	6	9	NS
Compton						
0 - 750	16	46		10	35	
751 - 1500	10	23	NS	34	17	NS
Fresno						
0 - 750	17	45		6	48	
751 - 1500	27	21	NS	7	21	NS
El Cajon						
0 - 750	8	80		9	53	
Stockton						
0 - 750	18	70		6	64	

*ACTIVITIES INCLUDE: FILE CLAIM, DISCUSSING WITH LAWYER, PREPARING FOR TRIAL, GOING TO COURT, COLLECTING JUDGMENT

Source: Litigant Survey

TABLE 2.22

AVERAGE TOTAL COST IN DOLLARS TO PURSUE YOUR CASE*
BY PLAINTIFF TYPE & BELOW AND ABOVE \$750

COURTS	NATURALS			NON-NATURALS		
	AVG	N	SIG	AVG	N	SIG
Chino						
0 - 750	83	22		63	16	
751 - 1500	81	20	NS	64	6	NS
East L.A.						
0 - 750	97	48		40	31	
751 - 1500	92	23	NS	80	9	NS
Oakland-Piedmont						
0 - 750	65	57		54	34	
751 - 1500	50	18	NS	121	16	NS
West Orange						
0 - 750	48	63		45	38	
751 - 1500	78	16	NS	146	9	NS
Compton						
0 - 750	59	44		56	33	
751 - 1500	126	22	NS	76	17	NS
Fresno						
0 - 750	80	45		93	45	
751 - 1500	75	21	NS	115	20	NS
El Cajon						
0 - 750	92	79		54	51	
Stockton						
0 - 750	109	68		70	62	

*INCLUDES: FILING FEE, WITNESS FEE, WAGES OR INCOME LOST, ATTORNEY FEE,

SERVICE FEE FOR NOTIFYING DEFENDANT, FEE TO COLLECT JUDGMENT, OTHER

Source: Litigant Survey

TABLE 2.23

WERE YOU BASICALLY SATISFIED WITH YOUR EXPERIENCE IN SMALL CLAIMS COURT?
BY PLAINTIFF TYPE & BELOW AND ABOVE \$750

COURTS	NATURALS				NON-NATURALS			
	YES %	NO %	N	SIG.	YES %	NO %	N	SIG.
Chino								
0 - 750	56	44	23		88	12	16	
751 - 1500	53	47	19	NS	67	33	6	NS
East L.A.								
0 - 750	60	40	48		84	16	31	
751 - 1500	61	39	23	NS	80	20	10	NS
Oakland-Piedmont								
0 - 750	70	30	56		91	9	34	
751 - 1500	72	28	18	NS	93	7	14	NS
West Orange Co.								
0 - 750	74	26	61		82	18	39	
751 - 1500	79	21	14	NS	100	0	9	NS
Compton								
0 - 750	63	37	43		78	21	33	
751 - 1500	52	48	23	NS	59	41	17	NS
Fresno								
0 - 750	80	20	44		77	23	47	
751 - 1500	67	33	21	NS	95	5	21	NS
El Cajon								
0 - 750	68	32	76		86	14	49	
Stockton								
0 - 750	52	48	68		82	18	63	

Source: Litigant Survey

TABLE 2.24

DO YOU THINK A PERSON CAN GET A FAIR TRIAL IN SMALL CLAIMS COURT?
BY PLAINTIFF TYPE & BELOW AND ABOVE \$750

COURTS	NATURALS				NON-NATURALS			
	YES %	NO %	N	SIG.	YES %	NO %	N	SIG.
Chino								
0 - 750	80	20	20		100	0	15	
751 - 1500	84	16	19	NS	83	17	6	NS
East L.A.								
0 - 750	74	26	46		84	16	31	
751 - 1500	57	43	21	NS	75	25	8	NS
Oakland-Piedmont								
0 - 750	85	15	52		88	12	33	
751 - 1500	88	11	17	NS	75	25	16	NS
West Orange Co.								
0 - 750	93	7	60		95	5	39	
751 - 1500	100	0	14	NS	100	0	9	NS
Compton								
0 - 750	90	10	41		91	9	33	
751 - 1500	77	23	22	NS	82	18	17	NS
Fresno								
0 - 750	95	5	42		87	13	45	
751 - 1500	85	15	20	NS	100	0	21	NS
El Cajon								
0 - 750	90	10	78		94	6	51	
Stockton								
0 - 750	80	20	56		95	5	61	

Source: Litigant Survey

TABLE 2.25

IF YOU HAD A CLAIM WHICH WAS FOR MORE THAN \$750, BUT THE CLAIM LIMIT
IN SMALL CLAIMS COURT WAS \$750, WHAT WOULD YOU DO?
BY PLAINTIFF TYPE & BELOW AND ABOVE \$750

COURTS	NATURALS					NON-NATURALS				
	FILE CLAIM SC \$750	FILE CLAIM MNCPL ACTL COST	NOT FILE CLAIM	N	SIG.	FILE CLAIM SC \$750	FILE CLAIM MNCPL ACTL COST	NOT FILE CLAIM	N	SIG.
Chino										
0 - 750	46	54	0	22		50	50	0	16	
751 - 1500	59	35	6	17	NS	40	60	0	5	NS
East L.A.										
0 - 750	38	62	0	47		42	54	4	26	
751 - 1500	36	64	0	22	NS	40	60	0	10	NS
Oakland-Piedmont										
0 - 750	41	59	0	54		70	30	0	30	
751 - 1500	53	47	0	17	NS	53	47	0	15	NS
West Orange Co.										
0 - 750	40	60	0	57		38	62	0	34	
751 - 1500	54	38	8	13	S	83	17	0	6	NS
Compton										
0 - 750	37	63	0	43		41	53	6	32	
751 - 1500	29	71	0	21	NS	47	53	0	15	NS
Fresno										
0 - 750	33	67	0	42		57	38	5	42	
751 - 1500	48	43	10	21	S	71	24	6	17	NS

Source: Litigant Survey

TABLE 2.26
IN YOUR OPINION, HOW MUCH WOULD YOU HAVE TO SUE OR BE SUED FOR
BEFORE YOU WOULD GET LEGAL ASSISTANCE?
BY PLAINTIFF TYPE & BELOW AND ABOVE \$750
DOLLARS

COURTS	NATURALS			NON-NATURALS		
	AVG	N	SIG	AVG	N	SIG
Chino						
0 - 750	1676	21		1371	14	
751 - 1500	1844	16	NS	3700	4	NS
East L.A.						
0 - 750	1242	36		1669	26	
751 - 1500	2311	18	NS	2153	10	NS
Oakland-Piedmont						
0 - 750	1349	46		1520	28	
751 - 1500	1404	13	NS	2000	10	NS
West Orange Co.						
0 - 750	1490	54		1565	30	
751 - 1500	2032	14	NS	3937	8	NS
Compton						
0 - 750	2108	38		2378	28	
751 - 1500	1732	17	NS	1265	13	NS
Fresno						
0 - 750	1924	38		2182	33	
751 - 1500	1880	19	NS	2005	19	NS
El Cajon						
0 - 750	1492	66		1557	44	
Stockton						
0 - 750	1291	49		1658	50	

Source: Litigant Survey

TABLE 2.27
IN YOUR OPINION, HOW MUCH SHOULD IT BE POSSIBLE
TO SUE OR BE SUED FOR IN SMALL CLAIMS COURT?
BY PLAINTIFF TYPE & BELOW AND ABOVE \$750
DOLLARS

COURTS	NATURALS			NON-NATURALS		
	AVG	N	SIG	AVG	N	SIG
Chino						
0 - 750	1788	21		1433	15	
751 - 1500	2158	19	NS	2750	6	NS
East L.A.						
0 - 750	1205	42		1647	30	
751 - 1500	1976	21	S	1848	9	NS
Oakland-Piedmont						
0 - 750	1489	51		1670	33	
751 - 1500	2630	18	S	2078	16	NS
West Orange Co.						
0 - 750	1618	62		1652	39	
751 - 1500	2000	13	NS	2556	9	NS
Compton						
0 - 750	2023	42		1881	34	
751 - 1500	1925	20	NS	3156	16	NS
Fresno						
0 - 750	2123	39		1756	43	
751 - 1500	1852	20	NS	2571	21	NS
El Cajon						
0 - 750	1222	74		1339	48	
Stockton						
0 - 750	1711	60		1418	58	

Source: Litigant Survey

FINDINGS

1. Individual plaintiffs comprised 17% to 36% of all plaintiffs in cases of \$750 or less and 39% to 64% of all plaintiffs in cases of more than \$750.
2. A greater percentage of individual plaintiffs filed cases for more than \$750 than filed claims for \$750 or less, and the difference in all six experimental courts reached a statistically significant level.
3. The most common small claims action involved a consumer credit transaction. However, consumer credit claims decreased by a statistically significant percentage in the above \$750 category in all six experimental courts while personal injury/property damage actions increased by a statistically significant percentage in the six experimental courts.
4. Complaints of \$1500 or less filed in the civil divisions of the experimental courts were almost exclusively consumer credit claims or unlawful detainer actions.
5. Of all claims filed, about 19% were for \$750 or more. Of all claims for \$750 or less, approximately 58% were for \$300 or less. Most such cases likely involved a business which sued an individual on a consumer credit transaction.
6. A greater percentage of cases above \$750 were contested than cases of \$750 or less. In contested cases, plaintiffs prevailed more often in cases exceeding \$750 than in cases involving \$750 or less.

7. The percentage of the judgment collected by a successful plaintiff did not vary significantly with the size of the claim. Victorious plaintiffs in cases of \$750 or less collected about 51% on average of the amount awarded while such plaintiffs in cases of more than \$750 collected approximately 43% on average of the amount awarded.

8. Collection poses a significant problem without regard to the size of the claim or judgment; an average of 72% of prevailing plaintiffs experienced difficulty attempting to collect.

9. Individual plaintiffs spent between 11 hours and 27 hours on the average on court-related activities such as filing their cases, preparing for trial, and trying to collect their judgments. No relationship existed between the amount of time expended and the size of the claim.

10. The average cost of court fees, wages lost, and attorney's fees to individual plaintiffs per case was between \$50 and \$126, and, in four of the six experimental courts, the average cost per case was lower in cases over \$750 than in cases of \$750 or less.

11. Most individual plaintiffs agreed that one could receive a fair trial in small claims court; between 52% and 80% of individual plaintiffs were satisfied with their experience in small claims court.

12. Individual plaintiffs surveyed believe the jurisdiction of small claims court should be raised to a level of more than \$1700; business and government plaintiffs believe the jurisdiction should be raised to more than \$1775.

13. According to survey responses, more than \$1500 would have to be in controversy before an individual plaintiff would seek the assistance of a lawyer; more than \$1800 would have to be involved before representatives of non-natural plaintiffs would obtain such legal help

14. Fifty-eight percent of plaintiffs surveyed responded that if they had a claim for more than \$750, but the small claims limit was \$750, then they would file the claim for the actual amount in municipal court; 40% of the plaintiffs said they would reduce their claim and file it in small claims court; and only 2% said they would not file their claim at all.

CHAPTER III. THE IMPACT ON DEFENDANTS

According to data developed during the court assistance experiment, over 80% of all defendants in small claims actions are individuals. Concern has been voiced that with an increase in the monetary jurisdiction of small claims court, such defendants will often be subject to adverse judgments for substantial amounts of money following a judicial hearing in which legal representation is not permitted. Low income defendants, who otherwise could be represented in court by legal services attorneys, could be especially affected by judgments of up to \$1500, an amount which may represent a significant percentage of annual income. Therefore, it has been viewed as essential to examine the effect of increasing the jurisdiction on defendants, particularly individual defendants.

A. Defendant Composition

The results of the monetary jurisdiction experiment confirm that the vast majority of defendants are individuals. As shown by Table 3.1, during the experiment 79% to 90% of all defendants in cases up to \$750 were individuals. In addition, individuals comprised 70% to 86% of all defendants in actions for more than \$750. However, Table 3.1 also reveals that all six experimental courts experienced a decrease in the percentage of individual defendants in cases over \$750, with the decrease achieving statistically significant levels in four of the six courts. This result signifies an increase in actions against business and government entities in the above \$750 category. Table 3.2 shows such an increase in five of six experimental courts with regard to actions brought by individual plaintiffs. In addition, it seems likely that some increase in the percentage of non-natural

TABLE 3.1
DEFENDANT: NATURAL PERSON
TYPE OF PLAINTIFF ABOVE AND BELOW \$750 CLAIM AMOUNT, BY COURT.

COURT & AMOUNT	NUMBER	% OF ALL CASES	PERCENT DISTRIBUTION OF PLAINTIFFS				
			TOTAL PERCENT	CORPOR- ATION	OTHER BUSINESS	GOVT. AGENCY	NATURAL PERSON
OAKLAND- PIEDMONT							
0 - 750	752	90	100	24	14	31	31
750 - 1500	160	85	101	21	16	19	45
CHINO							
0 - 750	206	89	100	8	60	0	32
750 - 1500	67	77	100	9	25	0	66
CONS. FRESNO							
0 - 750	869	86	100	52	21	5	22
750 - 1500	166	77	101	44	15	5	37
COMPTON							
0 - 750	1065	89	100	56	7	23	14
750 - 1500	221	82	100	54	7	5	34
EAST L. A.							
0 - 750	993	89	100	74	8	3	15
750 - 1500	160	86	100	43	6	5	46
WEST ORANGE CO.							
0 - 750	778	79	100	53	16	1	30
750 - 1500	194	70	100	47	9	2	42
EL CAJON							
0 - 750	850	82	99	41	22	2	34
STOCKTON							
0 - 750	983	90	100	48	11	17	24

Percentages may not total 100 due to rounding.
*Statistically significant at the .05 level.

Source: Judicial Council

TABLE 3.2
PLAINTIFF: NATURAL PERSON
TYPE OF DEFENDANT ABOVE AND BELOW \$750 CLAIM AMOUNT, BY COURT.

COURT & AMOUNT	NUMBER	% OF ALL CASES	PERCENT DISTRIBUTION OF DEFENDANTS				
			TOTAL PERCENT	CORPOR- ATION	OTHER BUSINESS	GOVT. AGENCY	NATURAL PERSON
OAKLAND- PIEDMONT							
0 - 750	286	34	100	6	14	0	80
750 - 1500	94	50	100	6	16	1	77
CHINO							
0 - 750	80	35	100	2	15	0	83
750 - 1500	56	64	100	5	16	0	79
CONS. FRESNO							
0 - 750	259	26	100	6	17	2	75
750 - 1500	95	39	101	12	17	0	72
COMPTON							
0 - 750	208	17	101	9	18	1	73
750 - 1500	104	39	101	12	15	1	73
EAST L. A.							
0 - 750	203	18	100	13	14	0	73
750 - 1500	92	50	99	5	14	0	80
WEST ORANGE CO.							
0 - 750	356	36	100	12	23	<1	65
750 - 1500	137	49	100	20	21	0	59
EL CAJON							
0 - 750	407	39	100	6	21	<1	72
STOCKTON							
0 - 750	291	27	100	5	13	1	31

Percentages may not total 100 due to rounding.

Source: Judicial Council

plaintiff versus non-natural defendant cases above \$750 also occurred.

Table 3.1 further displays a shift in who sues individual defendants. All six experimental courts recorded a statistically significant increase in the percentage of individual plaintiffs suing individual defendants and a decrease in one of the categories of business and government entities suing individual defendants. As a result, in cases up to \$750 involving individual defendants, businesses and governmental agencies comprised 68% to 85% of all plaintiffs; whereas, in cases exceeding \$750, such entities constituted a lesser 34% to 66% of all plaintiffs. Thus, cases of individual versus individual occurred far more frequently when more than \$750 was involved. This pattern is consistent with the change in the distribution of types of claims above and below \$750 which shows an increase in the percentage of personal injury/property damage cases.

B. Outcomes

Table 3.3 shows individual defendants lost 15% to 18% of all cases after trial when \$750 or less was involved and 22% to 36% of all cases in which more than \$750 was at stake. In all six courts, the increase in plaintiffs' victories after trial attained statistically significant proportions. However, Table 3.3 also reveals that three of the six courts experienced a statistically significant decrease in plaintiff default judgments in cases which exceeded \$750, and all six courts showed some increase in defendants prevailing after trial in claims over \$750. In addition, Table 3.3 reveals a decrease in all six courts in the percentage of dispositions other than after a hearing.

Taken together, these figures suggest that a greater percentage of cases above \$750 reached a hearing, and more of those

TABLE 3.3
DEFENDANT: NATURAL PERSON
TYPE OF DISPOSITION ABOVE AND BELOW \$750 CLAIM AMOUNT, BY COURT.

		PERCENT DISTRIBUTION OF DISPOSITION						
COURT & AMOUNT	NUMBER	TOTAL PERCENT	TRIAL JUDGEMENT FOR PLAINTIFF	TRIAL JUDGEMENT FOR DEFENDANT	DEFAULT JUDGEMENT FOR PLAINTIFF	DEFAULT JUDGEMENT FOR DEFENDANT	ALL OTHER	
OAKLAND-PIEDMONT								
0 - 750	752	100	15	2	35	<1	48	
750 - 1500	160	100	22	4	29	0	45	
CHINO								
0 - 750	206	99	18	1	34	0	46	
750 - 1500	67	99	31	6	21	1	40	
CONS.								
FRESNO								
0 - 750	869	100	15	3	30	1	51	
750 - 1500	186	101	30	4	27	1	39	
COMPTON								
0 - 750	1065	100	11	1	37	<1	51	
750 - 1500	221	100	23	4	29	<1	43	
EAST L. A.								
0 - 750	993	100	17	1	35	<1	47	
750 - 1500	160	100	36	6	23	0	35	
WEST								
ORANGE CO.								
0 - 750	778	101	16	4	26	1	54	
750 - 1500	194	100	27	6	26	1	40	
EL CAJON								
0 - 750	850	100	29	5	22	1	43	
STOCKTON								
0 - 750	983	100	17	3	39	<1	40	

Percentages may not total 100 due to rounding.
*Statistically significant at the .05 level.

Source: Judicial Council

cases were contested. Further, individual defendants apparently enjoyed a higher rate of winning in cases over \$750. As shown by Table 3.4, individual defendants in cases above \$750 who responded to the litigant survey generally prevailed more often than individual defendants in smaller cases. Although some bias may exist in the sample because winners would be more likely to respond, the trend is consistent with the results in Table 3.3.

As noted above, five of the six courts experienced a lower percentage of defaults in cases above \$750 than in cases up to \$750. Table 3.5 reveals that of those who defaulted, the percentage of defaults by individuals decreased in cases above \$750 in three of the six courts and remained constant in a fourth court. Further, of those individual defendants who defaulted, Table 3.6 shows that defaults to businesses and governmental agencies generally decreased in cases over \$750 while defaults to individual plaintiffs increased.

TABLE 3.4
DID YOU LOSE A COURT JUDGMENT?
BY DEFENDANT TYPE & BELOW AND ABOVE \$750

COURTS	NATURALS				NON-NATURALS			
	YES %	NO %	N	SIG.	YES %	NO %	N	SIG.
Chino								
0 - 750	70	30	10		50	50	2	
751 - 1500	80	20	10	NS	50	50	2	NS
East L.A.								
0 - 750	76	24	21		56	44	9	
751 - 1500	53	47	15	NS	100	0	1	NS
Oakland-Piedmont								
0 - 750	62	38	24		43	57	14	
751 - 1500	31	69	13	NS	60	40	5	NS
West Orange Co.								
0 - 750	61	39	31		71	29	14	
751 - 1500	38	62	8	NS	67	33	3	NS
Compton								
0 - 750	76	24	21		75	25	12	
751 - 1500	60	40	10	NS	67	33	3	NS
Fresno								
0 - 750	76	24	21		100	0	6	
751 - 1500	44	56	9	NS	0	100	1	NS
El Cajon								
0 - 750	66	34	35		60	40	20	
Stockton								
0 - 750	67	32	34		50	50	10	

Source: Litigant Survey

TABLE 3.5
DEFAULT RATES BY DEFENDANTS

COURT & AMOUNT	NUMBER	% OF ALL CASES	TOTAL PERCENT	PERCENT DISTRIBUTION OF DEFENDANTS			
				CORPORATION	OTHER BUSINESS	GOVT. AGENCY	NATURAL PERSON
OAKLAND-PIEDMONT							
0 - 750	281	34	101	1	6	0	94
750 - 1500	47	25	100	0	2	0	98
CHINO							
0 - 750	74	32	100	1	4	0	95
750 - 1500	19	22	101	11	17	0	79
CONS. FRESNO							
0 - 750	315	31	100	3	11	0	86
750 - 1500	64	26	100	5	14	0	81
COMPTON							
0 - 750	425	36	100	2	5	0	93
750 - 1500	76	28	101	3	11	0	87
EAST L. A.							
0 - 750	374	34	100	2	4	<1	93
750 - 1500	40	22	100	0	7	0	93
WEST ORANGE CO.							
0 - 750	254	26	100	5	14	<1	81
750 - 1500	63	23	100	6	11	0	89
EL CAJON							
0 - 750	219	21	100	2	9	0	83
STOCKTON							
0 - 750	411	38	100	1	5	<1	94

Percentages may not total 100 due to rounding.

Source: Judicial Council

TABLE 3.6
DEFAULT RATES
NATURAL PERSON DEFENDANTS BY TYPE OF PLAINTIFF

COURT & AMOUNT	NUMBER	% OF ALL DEFAULTS	TOTAL PERCENT	PERCENT DISTRIBUTION OF PLAINTIFFS			
				CORPOR- ATION	OTHER BUSINESS	GOVT. AGENCY	NATURAL PERSON
OAKLAND-							
PIEDMONT							
0 - 750	263	94	101	36	16	32	17
750 - 1500	46	96	100	28	15	33	24
CHINO							
0 - 750	70	95	99	11	61	0	27
750 - 1500	15	79	100	13	27	0	60
CONS.							
FRESNO							
0 - 750	270	86	101	62	21	5	13
750 - 1500	52	81	100	62	15	4	19
COMPTON							
0 - 750	395	93	100	67	7	19	7
750 - 1500	66	87	100	68	6	6	20
EAST L. A.							
0 - 750	348	93	100	87	6	2	5
750 - 1500	40	93	100	73	3	5	19
WEST							
ORANGE CO.							
0 - 750	206	81	100	65	15	1	19
750 - 1500	52	83	100	71	8	2	19
EL CAJON							
0 - 750	195	89	100	48	25	4	23
STOCKTON							
0 - 750	386	94	100	55	11	20	14

Percentages may not total 100 due to rounding.
*Statistically significant at the .05 level.

Source: Judicial Council

At the same time, as displayed in Table 3.7, the percentage of defaults in consumer credit cases decreased in the above \$750 category in all six courts while defaults in consumer loan and personal injury/property damage cases generally increased for cases involving more than \$750. These results suggest that in the larger cases, individual defendants defaulted less frequently to business and government entities, particularly in consumer credit cases. Thus, not only did the overall default rate decrease for cases exceeding \$750, but a substantial decrease also occurred in those cases which evoke the greatest concern, that is, consumer credit cases in which a business or government entity sued an individual.

Of those defendants who responded to the litigant survey, between 44% and 80% of the individuals lost a court judgment. Table 3.8 gives the complete results. No identifiable difference regarding defendants in cases above and below \$750 emerged nor did any particular distinction between individual and business and government entities appear.

TABLE 3.7
DEFAULT RATES
NATURAL PERSON DEFENDANTS BY TYPE OF COMPLAINT

PERCENT DISTRIBUTION OF COMPLAINTS									
COURT & AMOUNT	NUMBER	TOTAL PERCENT	LANDLORD- TENANT	CONSUMER GOODS	CONSUMER SERVICES	CONSUMER CREDIT	CONSUMER LOANS	PERSONAL INJURY, ETC.	OTHER
OAKLAND- PIEDMONT									
0 - 750	263	100	12	<1	1	71	5	2	9
750 - 1500	46	100	7	2	2	52	15	11	11
CHINO									
0 - 750	70	109	3	0	1	53	9	7	27
750 - 1500	15	100	13	0	7	27	13	7	33
CONS.									
FRESNO									
0 - 750	270	100	7	1	6	57	19	6	4
750 - 1500	52	101	6	0	2	37	40	8	8
COMPTON									
0 - 750	395	101	4	1	1	81	11	2	1
750 - 1500	66	101	5	0	2	50	24	17	3
EAST L. A.									
0 - 750	348	99	2	0	1	45	46	2	3
750 - 1500	37	100	3	0	0	24	54	14	5
WEST									
ORANGE CO.									
0 - 750	265	100	9	<1	1	56	23	6	4
750 - 1500	52	101	8	0	0	33	42	8	10
EL CAJON									
0 - 750	195	100	15	5	28	16	22	6	8
STOCKTON									
0 - 750	386	101	9	<1	1	51	15	5	20

Percentages may not total 100 due to rounding.
*Statistically significant at the .05 level.

Source: Judicial Council

TABLE 3.8
DID YOU LOSE A COURT JUDGMENT?
BY DEFENDANT TYPE & BELOW AND ABOVE \$750

COURTS	NATURALS				NON-NATURALS			
	YES %	NO %	N	SIG.	YES %	NO %	N	SIG.
Chino								
0 - 750	70	30	10		50	50	2	
751 - 1500	80	20	10	NS	50	50	2	NS
East L.A.								
0 - 750	76	24	21		56	44	9	
751 - 1500	53	47	15	NS	100	0	1	NS
Oakland-Piedmont								
0 - 750	62	38	24		43	57	14	
751 - 1500	31	69	13	NS	60	40	5	NS
West Orange Co.								
0 - 750	61	39	31		71	29	14	
751 - 1500	38	62	8	NS	67	33	3	NS
Compton								
0 - 750	76	24	21		75	25	12	
751 - 1500	60	40	10	NS	67	33	3	NS
Fresno								
0 - 750	76	24	21		100	0	6	
751 - 1500	44	56	9	NS	0	100	1	NS
El Cajon								
0 - 750	66	34	35		60	40	20	
Stockton								
0 - 750	67	32	34		50	50	10	

Source: Litigant Survey

Table 3.9 reveals that, generally, the full amount sued for was not awarded. There may be several reasons for this result, such as plaintiffs who lost reporting no amount awarded, inflated claim amounts, or judges splitting the difference; still, plaintiffs did receive a high percentage of what they sought. Again, however, there is no identifiable distinction between individual defendants and business and government defendants.

Table 3.10 provides a clue as to why collection ranks as a major problem. As can be seen, even among those who responded to the survey, losing individual defendants paid only between 20% and 84% of the amount of the judgment against them. The generally low percentage of amounts paid is significant because, presumably, those who responded to the survey would be more likely to satisfy the judgment against them. Although the numbers are too small to be statistically meaningful, it is interesting to note that in four of the six experimental courts, the percentage of the judgment paid was substantially lower in cases over \$750 than in cases up to \$750.

C. Time and Cost

The cost, both in terms of money and time, of defending a case has long been thought to be a contributing factor to the seemingly high default rate in small claims court. Table 3.11 displays the costs, including lost wages or income, attorney's fees, witness fees, and other expenses, which defendants who were surveyed reported. For individuals, the average cost for cases up to \$750 ranged between \$30 to \$100; for cases over \$750, the average cost varied between \$82 and \$268. In all six courts, the reported average cost for an individual to defend a case over \$750 was greater than to defend a case involving \$750 or less.

TABLE 3.9

AVERAGE PERCENT AWARDED (AWARDED/SUIT AMOUNT X 100)
BY DEFENDANT TYPE & BELOW AND ABOVE \$750

COURTS	NATURALS			NON-NATURALS		
	AVG	N	SIG	AVG	N	SIG
Chino						
0 - 750	79	7		0	0	
751 - 1500	68	8	NS	100	1	NS
East L.A.						
0 - 750	88	16		94	5	
751 - 1500	79	8	NS	50	1	NS
Oakland-Piedmont						
0 - 750	127	15		98	6	
751 - 1500	93	3	NS	82	3	NS
West Orange						
0 - 750	121	19		54	10	
751 - 1500	83	2	NS	97	2	NS
Compton						
0 - 750	83	15		81	9	
751 - 1500	92	6	NS	58	2	NS
Fresno						
0 - 750	96	16		90	6	
751 - 1500	61	4	NS	0	0	NS
El Cajon						
0 - 750	83	23		88	12	
Stockton						
0 - 750	84	23		71	5	

Source: Litigant Survey

TABLE 3.10

AVERAGE PERCENT PAID (PAID/AWARDED X 100)
BY DEFENDANT TYPE & BELOW AND ABOVE \$750

COURTS	NATURALS			NON-NATURALS		
	AVG	N	SIG	AVG	N	SIG
Chino						
0 - 750	37	7		0	0	
751 - 1500	74	8	NS	0	0	NS
East L.A.						
0 - 750	74	15		80	5	
751 - 1500	20	8	S	100	1	NS
Oakland-Piedmont						
0 - 750	65	15		72	6	
751 - 1500	47	3	NS	36	3	NS
West Orange						
0 - 750	78	18		75	9	
751 - 1500	51	2	NS	63	2	NS
Compton						
0 - 750	82	15		58	9	
751 - 1500	65	6	NS	100	2	NS
Fresno						
0 - 750	52	16		55	6	
751 - 1500	84	3	NS	0	0	NS
El Cajon						
0 - 750	63	21		71	12	
Stockton						
0 - 750	51	22		80	5	

Source: Litigant Survey

TABLE 3.11

AVERAGE TOTAL COST IN DOLLARS TO DEFEND YOUR CASE*
BY DEFENDANT TYPE & BELOW AND ABOVE \$750

COURTS	NATURALS			NON-NATURALS		
	AVG	N	SIG	AVG	N	SIG
Chino						
0 - 750	55	10		0	1	
751 - 1500	159	11	NS	.0	2	NS
East L.A.						
0 - 750	93	22		64	8	
751 - 1500	144	16	NS	256	2	NS
Oakland-Piedmont						
0 - 750	74	26		57	14	
751 - 1500	82	13	NS	320	5	NS
West Orange						
0 - 750	86	31		186	14	
751 - 1500	256	9	NS	78	4	NS
Compton						
0 - 750	100	21		75	10	
751 - 1500	268	10	NS	21	3	NS
Fresno						
0 - 750	30	23		55	5	
751 - 1500	240	11	NS	175	1	NS
El Cajon						
0 - 750	82	32		141	17	
Stockton						
0 - 750	88	33		66	10	

*ACTIVITIES INCLUDE: WITNESS FEE, WAGES OR INCOME LOST, ATTORNEY FEE, OTHER
Source: Litigant Survey

Table 3.12 indicates that the difference may be partially due to additional work time missed. However, this factor would appear to account for only a minor component of the difference since average hours off work varied by more than one hour in only two of the six courts. More likely, it would seem that defendants in larger cases may have consulted attorneys to a greater extent than defendants in cases below \$750. It is also notable that defendnats missed, on the average, a minimum of almost a half day of work and a maximum of more than a day and a half of work. Taking such amounts of time off could impose a significant burden, especially for those whose work schedules do not contain much flexibility.

D. What Defendants Think About Raising The Limit

Despite the potentially greater expense and the potential for greater liability after a hearing in which they may not have

TABLE 3.12

HOW MUCH TIME DID YOU TAKE OFF FROM WORK FOR THIS CASE?
BY DEFENDANT TYPE & BELOW AND ABOVE \$750
AVERAGE IN HOURS

COURTS	NATURALS			NON-NATURALS		
	AVG	N	SIG	AVG	N	SIG
Chino						
0 - 750	3	10		3	2	
751 - 1500	8	11	NS	1	2	NS
East L.A.						
0 - 750	5	22		2	9	
751 - 1500	6	16	NS	4	2	NS
Oakland-Piedmont						
0 - 750	3	25		4	14	
751 - 1500	4	13	NS	4	5	NS
West Orange						
0 - 750	5	31		4	14	
751 - 1500	5	9	NS	2	4	NS
Compton						
0 - 750	6	21		4	11	
751 - 1500	7	10	NS	2	3	NS
Fresno						
0 - 750	4	23		1	5	
751 - 1500	13	11	NS	0	1	NS
El Cajon						
0 - 750	4	33		4	19	
Stockton						
0 - 750	4	35		3	11	

Source: Litigant Survey

legal representation, defendants generally also believe that the monetary jurisdiction of small claims court should be increased. As Table 3.13 indicates, individuals, on the average, would favor a monetary limit between \$830 and \$3031. For individual defendants, the average jurisdictional limit across all eight courts was \$1386. The average figure selected by non-natural defendants fell very close to the same mark at \$1393.

Individuals, however, said they would have to be sued for an average of \$1419 before they would seek legal assistance while non-natural entities would want a lawyer's help when the amount in controversy is \$1322 on the average. The full results are displayed in Table 3.14 which shows that, even for individuals in some cases, the amounts involved in a case would have to be close to or over \$2,000 before they would seek legal assistance. Such responses indicate that defendants perceive legal services to be unavailable or unaffordable for cases involving lesser amounts.

TABLE 3.13

IN YOUR OPINION, HOW MUCH SHOULD IT BE POSSIBLE
TO SUE OR BE SUE FOR IN SMALL CLAIMS COURT?
BY DEFENDANT TYPE & BELOW AND ABOVE \$750
DOLLARS

COURTS	NATURALS			NON-NATURALS		
	AVG	N	SIG	AVG	N	SIG
Chino						
0 - 750	1939	8		1125	2	
751 - 1500	1680	10	NS	2000	2	NS
East L.A.						
0 - 750	1411	18		887	8	
751 - 1500	1600	16	NS	650	2	NS
Oakland-Piedmont						
0 - 750	1533	21		1865	13	
751 - 1500	2021	12	NS	1150	5	NS
West Orange						
0 - 750	896	26		1596	13	
751 - 1500	3031	8	S	1167	3	NS
Compton						
0 - 750	830	18		1760	10	
751 - 1500	1280	10	NS	2667	3	NS
Fresno						
0 - 750	1323	22		1005	5	
751 - 1500	1550	10	NS	1000	1	NS
El Cajon						
0 - 750	1266	29		1325	20	
Stockton						
0 - 750	1114	30		750	9	

Source: Litigant Survey

TABLE 3.14

IN YOUR OPINION, HOW MUCH WOULD YOU HAVE TO SUE OR BE SUE FOR
BEFORE YOU WOULD GET LEGAL ASSISTANCE?
BY DEFENDANT TYPE & BELOW & ABOVE \$750
DOLLARS

COURTS	NATURALS			NON-NATURALS		
	AVG	N	SIG	AVG	N	SIG
Chino						
0 - 750	2190	8		5000	1	
751 - 1500	1870	10	NS	2250	2	NS
East L.A.						
0 - 750	1209	18		700	8	
751 - 1500	750	13	NS	1000	2	NS
Oakland-Piedmont						
0 - 750	1695	22		1362	13	
751 - 1500	1735	10	NS	1700	5	NS
West Orange						
0 - 750	686	21		999	12	
751 - 1500	2828	7	S	2000	2	NS
Compton						
0 - 750	1197	18		1455	9	
751 - 1500	1855	10	NS	6332	3	NS
Fresno						
0 - 750	1679	21		600	5	
751 - 1500	1675	10	NS	1000	1	NS
El Cajon						
0 - 750	1073	30		1043	15	
Stockton						
0 - 750	1423	22		530	10	

Source: Litigant Survey

Perhaps one reason why defendants would like to see the jurisdiction increase is because they may have been plaintiffs before or contemplate being plaintiffs in the future. With regard to past appearances in small claims court, Table 3.15 shows that up to 64% of the individual defendants had been involved in a previous small claims case. Those previously exposed to the system, even as defendants, may well believe it is preferable to the formal court process. Therefore, with a higher jurisdictional limit, they would either as plaintiffs or defendants, find themselves in a forum they perceive as more attractive and less expensive.

Some weight is lent to this hypothesis by the generally high percentages of defendants who believe a fair trial is possible in small claims court. Table 3.16 displays the perceptions of defendants regarding whether a fair trial is possible. If defendants believe the time and expense required in formal litigation is prohibitive, it is reasonable to assume that they would favor an increase in the small claims jurisdiction even if they felt they might again be defendants.

Although satisfaction with their personal experience in small claims court is slightly lower than belief that a fair trial is possible, Table 3.17 shows that a sizable percentage of defendants were satisfied with the way the system operated. Since most defendants lost their cases, this result not only boosts confidence in the basic integrity of the process but also helps explain why defendants as well as plaintiffs favor an increased jurisdictional ceiling.

TABLE 3.15

HAVE YOU EVER SUED OR BEEN SUED BEFORE THIS CASE IN SMALL CLAIMS COURT?
BY DEFENDANT TYPE & BELOW AND ABOVE \$750

COURTS	NATURALS				NON-NATURALS			
	YES %	NO %	N	SIG.	YES %	NO %	N	SIG.
Chino								
0 - 750	64	36	11		100	0	2	
751 - 1500	50	50	10	NS	67	33	3	NS
East L.A.								
0 - 750	30	70	23		44	56	9	
751 - 1500	19	81	16	NS	100	0	2	NS
Oakland-Piedmont								
0 - 750	42	58	26		62	38	13	
751 - 1500	31	69	13	NS	60	40	5	NS
West Orange Co.								
0 - 750	31	69	32		75	25	12	
751 - 1500	56	44	9	NS	100	0	4	NS
Compton								
0 - 750	45	55	20		69	31	13	
751 - 1500	30	70	10	NS	100	0	3	NS
Fresno								
0 - 750	17	83	23		80	20	5	
751 - 1500	36	64	11	NS	100	0	1	NS
El Cajon								
0 - 750	29	71	34		50	50	20	
Stockton								
0 - 750	33	67	36		89	11	9	

Source: Litigant Survey

TABLE 3.16

DO YOU THINK A PERSON CAN GET A FAIR TRIAL IN SMALL CLAIMS COURT?
BY DEFENDANT TYPE & BELOW AND ABOVE \$750

COURTS	NATURALS				NON-NATURALS			
	YES %	NO %	N	SIG.	YES %	NO %	N	SIG.
Chino								
0 - 750	56	44	9		100	0	2	
751 - 1500	56	44	9	NS	67	33	3	NS
East L.A.								
0 - 750	71	29	21		56	44	9	
751 - 1500	64	36	14	NS	0	100	2	NS
Oakland-Piedmont								
0 - 750	83	17	23		69	31	13	
751 - 1500	64	36	11	NS	40	60	5	NS
West Orange Co.								
0 - 750	71	29	28		67	33	12	
751 - 1500	100	0	8	NS	100	0	3	NS
Compton								
0 - 750	60	40	20		58	42	12	
751 - 1500	80	20	10	NS	100	0	3	NS
Fresno								
0 - 750	81	19	21		50	50	6	
751 - 1500	90	10	10	NS	100	0	1	NS
El Cajon								
0 - 750	72	28	32		72	28	18	
Stockton								
0 - 750	76	24	33		82	18	11	

Source: Litigant Survey

TABLE 3.17

WERE YOU BASICALLY SATISFIED WITH YOUR EXPERIENCE IN SMALL CLAIMS COURT?
BY DEFENDANT TYPE & BELOW AND ABOVE \$750

COURTS	NATURALS				NON-NATURALS			
	YES %	NO %	N	SIG.	YES %	NO %	N	SIG.
Chino								
0 - 750	46	54	11		100	0	2	
751 - 1500	46	54	11	NS	67	33	3	NS
East L.A.								
0 - 750	52	48	21		56	44	9	
751 - 1500	56	44	16	NS	0	100	2	NS
Oakland-Piedmont								
0 - 750	62	38	26		64	36	14	
751 - 1500	75	25	12	NS	60	40	5	NS
West Orange Co.								
0 - 750	50	50	30		57	43	14	
751 - 1500	75	25	8	NS	100	0	3	NS
Compton								
0 - 750	35	65	20		42	58	12	
751 - 1500	50	50	10	NS	67	33	3	NS
Fresno								
0 - 750	67	33	21		50	50	6	
751 - 1500	90	10	10	NS	100	0	1	NS
El Cajon								
0 - 750	50	50	34		53	47	19	
Stockton								
0 - 750	62	38	34		64	36	11	

Source: Litigant Survey

FINDINGS

1. Individuals comprised 87% of the defendants in cases involving \$750 or less while 80% of defendants in cases over \$750 were individuals. Four of the experimental courts recorded a statistically significant decrease in the percentage of individual defendants in cases exceeding \$750.
2. Cases involving individual versus individual increased by a statistically significant percentage in the above \$750 category in all six experimental courts.
3. In cases involving an individual defendant, 68% to 85% of the plaintiffs were business and government entities when \$750 or less was in controversy; a lesser 34% to 66% of the plaintiffs were business and government entities in cases over \$750.
4. A greater percentage of cases above \$750 which involved an individual defendant reached trial. Five of the six experimental courts experienced a decrease in judgments by default for plaintiffs in cases over \$750, and all six courts recorded increases in the percentage of defendant victories after a contested trial where the claim involved more than \$750. All six courts also reported a statistically significant increase in plaintiff judgments after a contested trial in the above \$750 category.
5. The percentage of defaults by individual defendants to business and government plaintiffs decreased in cases above \$750, while the percentage of defaults to individual plaintiffs generally increased in cases above \$750.

6. All six courts reported a decrease in the percentage of defaults by individual defendants in consumer credit cases over \$750, while also generally recording increases in defaults by individual defendants in consumer loan and personal injury/property damage cases over \$750.

7. Individual defendants reported paying, on the average, 65% of the amount of the judgment awarded against them.

8. Individual defendants reported that cases up to \$750 cost, on the average, between \$30 and \$100 to defendant, while cases over \$750 cost between \$82 and \$268 on the average. Individual defendants missed, on the average, between half a day and a day and a half of work to defend themselves.

9. Defendants surveyed believe the jurisdiction in small claims court should be about \$1400. Individual defendants reported that more than \$1400 would have to be involved in a case before they would seek legal counsel.

10. Most defendants agreed that one could receive a fair trial in small claims court, and between 35% and 90% of individual defendants were satisfied with their experience in small claims court.

CHAPTER IV. SPECIAL PROGRAMS AND PROCEDURES

In conjunction with the increase in the monetary jurisdiction, the experiment included testing specified programs and procedures proposed to protect the legal rights of all litigants, especially low income individuals.²⁴ The programs and procedures instituted, legal advisors to assist small claims litigants and an option for defendants in cases over \$750 to transfer their cases to the civil division of the court, were established in two courts each.

A. Small Claims Advisors

In order to assess the need for legal assistance for litigants involved in small claims cases, particularly cases involving more than \$750, the East Los Angeles and Chino courts were selected to conduct legal advisor programs. The advisors were available at the court to counsel litigants regarding their cases, from before filing through post-judgment proceedings. According to the terms of the statute governing the experiment, an advisor could assist only one party in a case, and could not appear in court on behalf of any litigant nor prepare documents for trial.²⁵

The East Los Angeles court's program employed a former judge on a part-time basis to oversee the advisor program. One attorney and one student acted as advisors, and they were available each Monday between 5:00 p.m. and 8:00 p.m. The court is normally open for night traffic court during these hours; thus, the arrangement permitted the advisors to be available when litigants with day-time jobs could contact them without missing work. The advisors received direct compensation for their work.

The Chino court's program relied on third year law students to act as advisors under supervision provided by a law professor from LaVerne University. Small claims cases were normally heard one afternoon a week, and the advisors were available at that time. In addition, they were generally available during regular working hours to provide assistance by telephone. The advisors served without pay, but did receive reimbursement for meals and travel.

Initially, all litigants in Chino who appeared for trial were strongly encouraged to discuss their cases with the advisors before their hearings, and cases were scheduled to allow for consultations. This practice resulted, frequently, in mediation with the parties and advisors negotiating a settlement. However, this practice was suspended when a change in judges handling small claim cases occurred. Following the change, the court reported that case consumed substantially more time and the appeal rate increased dramatically. As a consequence, the court resumed its effort of encouraging parties to discuss their cases with an advisor prior to trial.

For purposes of analysis, the data regarding the two programs has been combined. Results from the litigant survey provide an indication of the awareness and use of the advisors. Although the numbers are too small to permit generalization with certainty, they do represent some identifiable trends. For example, as Table 4.1 shows, a relatively high percentage of Chino plaintiffs were aware of the availability of the advisors while a much smaller percentage of East Los Angeles plaintiffs knew of their existence. Only a small percentage of defendants in either court knew about the advisors. Of those plaintiffs and defendants who were aware of their availability, Table 4.2 reveals that generally large percentages of individuals consulted the advisors.

TABLE 4.1
AT THE TIME OF YOUR CASE, DID YOU KNOW THAT A SMALL CLAIMS LEGAL ADVISOR WAS AVAILABLE TO ADVISE YOU ABOUT YOUR CASE?

BY PLAINTIFF TYPE & BELOW AND ABOVE \$750

COURTS	NATURALS				NON-NATURALS			
	YES %	NO %	N	SIG.	YES %	NO %	N	SIG.
Chino								
0 - 750	78	22	23		80	20	15	
751 - 1500	90	10	20	NS	100	0	6	NS
East L.A.								
0 - 750	39	61	46		48	52	31	
751 - 1500	54	46	24	NS	50	50	8	NS

BY DEFENDANT TYPE & BELOW AND ABOVE \$750

COURTS	NATURALS				NON-NATURALS			
	YES %	NO %	N	SIG.	YES %	NO %	N	SIG.
Chino								
0 - 750	30	70	10		100	0	2	
751 - 1500	54	46	11	NS	67	33	3	NS
East L.A.								
0 - 750	24	76	21		44	56	9	
751 - 1500	25	75	16	NS	0	100	2	NS

Source: Litigant Survey

TABLE 4.2
IF YES, DID YOU TALK TO THE ADVISOR?
BY PLAINTIFF TYPE & BELOW AND ABOVE \$750

COURTS	NATURALS				NON-NATURALS			
	YES %	NO %	N	SIG.	YES %	NO %	N	SIG.
Chino								
0 - 750	67	33	18		50	50	12	
751 - 1500	84	16	19	NS	83	17	6	NS
East L.A.								
0 - 750	36	64	22		0	100	15	
750 - 1500	71	29	14	NS	40	60	5	NS

BY DEFENDANT TYPE & BELOW AND ABOVE \$750

COURTS	NATURALS				NON-NATURALS			
	YES %	NO %	N	SIG.	YES %	NO %	N	SIG.
Chino								
0 - 750	100	0	4		0	100	2	
751 - 1500	100	0	8	NS	50	50	2	NS
East L.A.								
0 - 750	60	40	5		25	75	4	
751 - 1500	60	40	5	NS	0	100	1	NS

Source: Litigant Survey

TABLE 4.3

BY DEFENDANT TYPE & BELOW AND ABOVE \$750

DID THE ADVISOR HELP YOU PREPARE CASE?

COURTS	NATURALS				NON-NATURALS			
	YES	NO	N	SIG.	YES	NO	N	SIG.
Chino								
0 - 750	33	67	3		0	0	0	
751 - 1500	50	50	8	NS	0	100	1	NS
East L.A.								
0 - 750	0	100	3		0	100	1	
751 - 1500	67	33	3	NS	0	0	0	NS

DID THE ADVISOR EXPLAIN HOW TO APPEAL?

COURTS	NATURALS				NON-NATURALS			
	YES	NO	N	SIG.	YES	NO	N	SIG.
Chino								
0 - 750	25	75	4		0	0	0	
751 - 1500	0	100	8	NS	0	100	1	NS
East L.A.								
0 - 750	0	100	3		0	100	1	
751 - 1500	0	100	3	NS	0	0	0	NS

DID THE ADVISOR HELP YOU SETTLE CASE OUT-OF-COURT?

COURTS	NATURALS				NON-NATURALS			
	YES	NO	N	SIG.	YES	NO	N	SIG.
Chino								
0 - 750	25	75	4		0	0	0	
751 - 1500	12	88	8	NS	0	100	1	NS
East L.A.								
0 - 750	33	67	3		0	100	1	
751 - 1500	33	67	3	NS	0	0	0	NS

DID THE ADVISOR EXPLAIN LEGAL RIGHTS?

COURTS	NATURALS				NON-NATURALS			
	YES	NO	N	SIG.	YES	NO	N	SIG.
Chino								
0 - 750	50	50	4		0	0	0	
751 - 1500	50	50	8	NS	100	0	1	NS
East L.A.								
0 - 750	33	67	3		100	0	1	
751 - 1500	67	33	3	NS	0	0	0	NS

BY PLAINTIFF TYPE & BELOW AND ABOVE \$750

DID THE ADVISOR HELP YOU PREPARE CASE?

COURTS	NATURALS				NON-NATURALS			
	YES	NO	N	SIG.	YES	NO	N	SIG.
Chino								
0 - 750	8	92	12		50	50	6	
751 - 1500	50	50	16	NS	0	100	5	NS
East L.A.								
0 - 750	38	62	8		0	0	0	
751 - 1500	30	70	10	NS	50	50	2	NS

DID THE ADVISOR HELP YOU SETTLE CASE OUT-OF-COURT?

COURTS	NATURALS				NON-NATURALS			
	YES	NO	N	SIG.	YES	NO	N	SIG.
Chino								
0 - 750	17	83	12		0	100	6	
751 - 1500	6	94	16	NS	0	100	5	NS
East L.A.								
0 - 750	0	100	8		0	0	0	
751 - 1500	0	100	10	NS	0	100	1	NS

DID THE ADVISOR EXPLAIN LEGAL RIGHTS?

COURTS	NATURALS				NON-NATURALS			
	YES	NO	N	SIG.	YES	NO	N	SIG.
Chino								
0 - 750	67	33	12		67	33	6	
751 - 1500	38	62	16	NS	80	20	5	NS
East L.A.								
0 - 750	75	25	8		0	0	0	
751 - 1500	70	30	10	NS	100	0	2	NS

DID THE ADVISOR EXPLAIN COLLECTION PROCEDURE?

COURTS	NATURALS				NON-NATURALS			
	YES	NO	N	SIG.	YES	NO	N	SIG.
Chino								
0 - 750	17	83	12		50	50	6	
751 - 1500	19	81	16	NS	20	80	5	NS
East L.A.								
0 - 750	50	50	8		0	0	0	
751 - 1500	33	67	9	NS	50	50	2	NS

Source: Litigant Survey

Court staff reported that they were pleased with the advisor programs, and particularly in Chino, felt the program improved the quality of justice and saved court time. Litigants, especially individuals, found such a program highly desirable as well, as Table 4.4 indicates. Thus, although the desirability and value of advisor programs appear well established, the ultimate success of such a program will likely rest on the extent to which litigants and the public are apprised of its existence.

As noted previously, an additional two dollars per claim was added to the filing fee in the East Los Angeles and Chino courts in order to fund the advisor programs. As with all revenue generated from small claims filing fees, the money raised through the additional charge went into the general fund of the counties. Despite the fact that the additional fee revenue was specifically earmarked for support of the advisor programs,²⁶ several months elapsed before Los Angeles County administrative personnel released the accumulated funds. As a result, the court was required to expend considerable time and energy in attempts to obtain the funds.

B. The Transfer Option.

Two of the experimental courts, West Orange County and Oakland-Piedmont, in cases involving over \$750, offered the defendant the opportunity to transfer the case to the civil division of the court if the defendant so wished. The defendant received a form with the plaintiff's claim at the time of the service of process which contained pertinent information regarding the availability of the transfer. To obtain a transfer, the defendant completed the form and returned it to the court. The defendant's right to transfer was absolute. The purpose of providing such an option was to determine how many defendants would prefer a suit involving an amount between \$750 and \$1500 to be conducted in a setting where they could be represented by an attorney.

TABLE 4.4

IDEAL SMALL CLAIMS COURT -- PEOPLE AVAILABLE THROUGH THE COURT
TO ADVISE YOU ON HOW TO PURSUE YOUR CASE
BY DEFENDANT TYPE & BELOW AND ABOVE \$750

COURTS	NATURALS					NON-NATURALS				
	DESIR- ABLE %	NOT DESIR- ABLE %	NO OPIN- ION %	N	SIG.	DESIR- ABLE %	NOT DESIR- ABLE %	NO OPIN- ION %	N	SIG.
Chino										
0 - 750	78	22	0	9		0	50	50	2	
751 - 1500	100	0	0	10	NS	100	0	0	3	NS
East L.A.										
0 - 750	96	0	4	22		78	22	0	9	
751 - 1500	88	6	6	16	NS	50	50	0	2	NS
Oakland-Piedmont										
0 - 750	89	4	8	26		85	8	8	13	
751 - 1500	91	9	0	11	NS	60	20	20	5	NS
West Orange Co.										
0 - 750	90	6	3	31		57	29	14	14	
751 - 1500	78	11	1	9	NS	33	33	33	3	NS
Compton										
0 - 750	65	15	20	20		64	27	9	11	
751 - 1500	90	0	10	10	NS	100	0	0	2	NS
Fresno										
0 - 750	75	12	12	24		80	0	20	5	
751 - 1500	70	20	10	10	NS	0	100	0	1	S
El Cajon										
0 - 750	83	6	11	35		74	21	5	19	
Stockton										
0 - 750	74	21	6	34		73	18	9	11	

Source: Litigant Survey

IDEAL SMALL CLAIMS COURT -- PEOPLE AVAILABLE THROUGH THE COURT
TO ADVISE YOU ON HOW TO PURSUE YOUR CASE
BY PLAINTIFF TYPE & BELOW AND ABOVE \$750

COURTS	NATURALS					NON-NATURALS				
	DESIR- ABLE %	NOT DESIR- ABLE %	NO OPIN- ION %	N	SIG.	DESIR- ABLE %	NOT DESIR- ABLE %	NO OPIN- ION %	N	SIG.
Chino										
0 - 750	86	4	9	22		81	12	6	16	
751 - 1500	90	5	5	20	NS	100	0	0	6	NS
East L.A.										
0 - 750	92	6	2	48		84	10	6	31	
751 - 1500	96	4	0	22	NS	80	10	10	10	NS
Oakland-Piedmont										
0 - 750	89	6	6	53		58	18	24	33	
751 - 1500	83	11	6	18	NS	53	33	13	15	NS
West Orange Co.										
0 - 750	91	8	1	66		80	12	8	40	
751 - 1500	94	0	6	16	NS	89	0	11	9	NS
Compton										
0 - 750	80	6	13	46		62	23	15	34	
751 - 1500	91	4	4	22	NS	94	6	0	17	S
Fresno										
0 - 750	71	24	4	45		85	11	4	47	
751 - 1500	100	0	0	21	S	81	14	5	21	NS
El Cajon										
0 - 750	88	6	5	78		77	17	6	53	
Stockton										
0 - 750	87	3	10	69		84	8	8	61	

Little use of the transfer option occurred; of the cases about which the clerks maintained records, only 13 involved a transfer. In Oakland-Piedmont, four cases, which represented about two percent of the sample cases over \$750, were transferred, while in the West Orange County court, nine cases, about three percent of filings over \$750 analyzed, involved use of the transfer option. Of the thirteen total cases, nine were transferred because the defendants desired to have an attorney, two cases were transferred in order to be consolidated with another case already filed within the court, one case was transferred by court order, and the reason for the transfer in one case is unknown.

Cases in which the transfer option was employed contained the following additional characteristics. In five cases, individuals were defendants, while businesses were defendants in eight of the cases. Nine cases involved individuals as plaintiffs and four cases were brought by businesses. The types of claims were divided very evenly with two cases each involving consumer goods, consumer services, consumer credit, consumer loans, and personal injury/property damage. Three cases did not fall into any of the reporting categories. Eight of the claims were for \$1500.

One apparent reason for the lack of use of the transfer option was the fact that most defendants were unaware of its availability. As Table 4.5 illustrates, well over half the defendants sampled during the litigant survey did not know that such an option existed. However, even if defendants had known about the option, relatively few would have taken advantage of it. Table 4.6 indicated that most defendants would have chosen to remain in small claims court.

The results obtained during the experiment cannot be viewed as conclusive with respect to the desirability of a transfer option

TABLE 4.5

DID YOU KNOW THAT AS THE DEFENDANT YOU COULD TRANSFER
THE CASE TO MUNICIPAL COURT IF YOU WERE SUED FOR MORE THAN \$750
BY DEFENDANT TYPE & BELOW AND ABOVE \$750

COURTS	NATURALS				NON-NATURALS			
	YES %	NO %	N	SIG	YES %	NO %	N	SIG
Oakland-Piedmont								
0 - 750	33	67	27		50	50	14	
751 - 1500	31	69	13	NS	60	40	5	NS
West Orange Co.								
0 - 750	31	69	32		43	57	14	
751 - 1500	22	78	9	NS	25	75	4	NS

TABLE 4.6

IF YOU HAD KNOWN, WOULD YOU HAVE TRANSFERRED YOUR CASE
BY DEFENDANT TYPE & BELOW AND ABOVE \$750

COURTS	NATURALS					NON-NATURALS				
	YES	NO	NOT	N	SIG	YES	NO	NOT	N	SIG
	%	%	SURE %			%	%	SURE %		
Oakland-Piedmont										
0 - 750	21	42	37	19		22	67	11	9	
751 - 1500	20	60	20	10	NS	33	33	33	3	NS
West Orange										
0 - 750	17	44	39	23		14	71	14	7	
751 - 1500	29	57	14	7	NS	25	75	0	4	NS

Source: Litigant Survey

simply because so few defendants apparently were aware of its availability. However, the evidence available does make it reasonable to conclude that most defendants are content to have their cases, even for up to \$1500, heard in small claims court, and that a transfer option is not the optimal means to ensure fairness and a high quality of justice in the small claims process. Therefore, there appears to be no persuasive reason for recommending that a transfer option be added to the small claims process at this time.

FINDINGS

1. A relatively high percentage of individual plaintiffs were aware of the availability of the small claims advisors, while a relatively low percentage of individual defendants reported knowing of their existence.
2. A relatively high percentage of litigants who were aware of their availability consulted with an advisor.
3. The advisors predominantly counseled individual plaintiffs regarding personal injury/property damage types of disputes.
4. The primary beneficiaries of the services afforded by small claims advisors were individuals and plaintiffs.
5. The availability of small claims advisors was perceived as highly desirable by small claims litigants.
6. The option which allowed defendants in cases exceeding \$750 to transfer their case to the civil division was little used; requests for a transfer were made in 2% of the cases in the Oakland-Piedmont court, and in 3% of the cases in West Orange County.
7. Most defendants were unaware of the availability of the transfer option.
8. Even assuming they had been aware of the transfer option, defendants surveyed in Oakland-Piedmont and West Orange County generally reported that they would have stayed in small claims court.

CONTINUED

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CHAPTER V. THE IMPACT ON THE COURTS

During the legislative process of considering an increase in the monetary jurisdiction of small claims court, substantial concern developed regarding the consequences of any increase for the courts. Additional filings were naturally anticipated as a result of raising the jurisdiction, but no precise prediction could be made regarding the magnitude of the increase in filings or its effect on clerical workload and judicial time. It was speculated that a significant increase in filings could be expected which would overwhelm clerical staffs already struggling to keep pace. In addition, some believed cases involving larger amounts of money would result in fewer defaults and more court time consumed per case. As a result of these concerns, one component of the monetary jurisdiction experiment was to measure the effect on the courts of increasing the maximum allowable claim in small claims court.

A. Filing Increases

Table 5.1 displays the average level of filings for the six experimental courts and the two control courts for the twelve months preceding the \$1500 jurisdiction as well as the twelve months during which the \$1500 limit was in effect. When the average increase in filings in the experimental courts is adjusted to account for the average increase in filings experienced in the control courts, the result reveals the percentage of increase in filings which can be theoretically attributed to the change in monetary jurisdiction.

TABLE 5.1
ESTIMATED MONTHLY SMALL CLAIM FILING INCREASES

COURT	AVG FILINGS PER MO		INCREASE	ADJUSTED * INCREASE	ADJUSTED PERCENT INCREASE
	APR 78- MAR 79	APR 79- MAR 80			
OAKLAND- PIEDMONT	1018	1145	127	46	5
CHINO **	39	64	25	22	56
CONS. FRESNO	773	1003	230	168	22
COMPTON	581	762	181	135	23
EAST L. A. **	329	397	68	42	13
WEST ORANGE CO.	856	1041	185	117	14
EL CAJON	522	574	52	0	0
STOCKTON	482	511	29	0	0

*Decreased by the average increase in the control courts.
**Courts with Legal Advisors.

Source: Judicial Council

The adjusted increase in filings varied widely from 5% in Oakland-Piedmont, the court with the largest number of monthly filings, to 56% in Chino, the lowest volume court. In fact, except for East Los Angeles, the figures show that the larger the monthly volume of cases handled by the court, the smaller the relative increase in filings the court experienced. Overall, the adjusted increase in filings for all six experimental courts was about 15%.

The individual increases did not appear to be attributable to any particular, identifiable factor or factors. Changes in plaintiff mix, changes in the types of claims filed, the availability of special programs, and other such factors did not have any apparent connection to the increases in filings. Thus, although it is clear that courts can expect an increase in small claims filings if the monetary jurisdiction is increased, the precise level of the increase will likely be more dependent upon local variables such as economic conditions, publicity efforts, and other such items.

B. The Origin of Increased Filings

The effect of increasing the small claims jurisdiction on the courts will depend, to a great extent, on the source of increased filings which will naturally ensue. That is, if a raised monetary limit simply brings about a shift in cases from the civil division to the small claims division, then the courts may be able to handle the result with only some internal realignment. On the other hand, if the court is subject to a 15% increase in cases which otherwise would not have been filed at all, then the effect on the court's workload would be dramatic.

In order to determine whether an increase in the small claims jurisdiction would lead to a shift in filings from the civil

division to the small claims division, a sample of cases from the civil division of each experimental court was examined. Cases for \$1500 or less were selected from two months during the experimental period, October and November, 1979. In four of the courts -- Oakland-Piedmont, Fresno, Compton, and West Orange County -- 100 cases randomly chosen from each of the two months were reviewed. Since they did not have 100 filings per month, all filings of \$1500 or less in the East Los Angeles and Chino courts were examined.

The monetary amounts sought ranged between median figures of \$330 to \$510 and averages of \$484 to \$607. Consumer credit and unlawful detainer cases comprised the vast majority of actions filed, and, as Table 5.2 shows, attorneys filed between 72% and 100% of the actions brought.

Table 5.3 breaks down the cases which were filed by an attorney. The largest category of attorney-filed actions involved a corporation suing an individual, usually on a consumer credit claim. From 30% to 65% of all claims filed by attorneys fell into this category. Between 10% and 23% of all the cases examined were filed by attorneys on behalf of individuals.

Of the cases filed by someone other than the claimant, Table 5.4 shows that 35% to 81% of such cases were brought by assignees. As a percentage of all cases reviewed, assignees filed between 32% and 77% of the cases. Such cases almost invariably involved consumer credit claims. At the same time, most of the cases filed without an attorney were brought by individuals, as shown in Table 5.5.

Whether or not an individual plaintiff was represented by an attorney, the principal type of claim involved was unlawful

CIVIL STUDY, TABLE 5.2 CIVIL CASES IN EXPERIMENTAL COURTS, BY TYPE OF REPRESENTATION

COURT	REPRESENTATION	NO. OF FILINGS	-----PERCENT DISTRIBUTION OF REPRESENTATION BY TYPE OF COMPLAINT-----						
			Total Filings	Unlawful Detainer	Consumer Goods	Consumer Services	Consumer Credit	Consumer Loan	P. Inj./ Prp. D. Other
OAKLAND-PIEDMONT									
	Attorney	157	78	25			44	4	5
	Pro Per	43	22	21			1		
	TOTAL	200	100	46			45	4	5
CHINO									
	Attorney	37	100	35			49	5	11
	Pro Per								
	TOTAL	37	100	35			49	5	11
FRESNO									
	Attorney	154	95	6			80	4	3
	Pro Per	46	5	3				<1	2
	TOTAL	200	100	9			80	4	3
COMPTON									
	Attorney	144	72	23			42	3	2
	Pro Per	56	28	27			1		<1
	TOTAL	200	100	50			43	3	2
EAST LOS ANGELES									
	Attorney	139	80	24			43	9	4
	Pro Per	35	20	18			1		1
	TOTAL	174	100	42			44	9	5
WEST ORANGE									
	Attorney	166	83	30		1	44	2	2
	Pro Per	34	17	14			1		3
	TOTAL	200	100	44		1	45	2	2

Source: Court Research Associates

TABLE 5.3
CIVIL STUDY,
CASES FILED BY ATTORNEYS, WHICH LEGALLY COULD NOT HAVE BEEN FILED IN SMALL CLAIMS

COURT/ -----TYPE OF LITIGANTS-----		NUMBER ATTORNEY TO ALL CASES	% ATTY. FILINGS	PERCENT DISTRIBUTION BY TYPE OF COMPLAINT-----						
Plaintiff	Defendant			Total Attorney	Unlawful Detainer	Consumer Services	Consumer Credit	Consumer Loan	Consumer P.I./ Prop. D.	Other
OAKLAND-PIEDMONT										
Corporation	Corporation	6	3	4			4			
Corporation	Other Business	4	2	2						
Corporation	Natural Person	84	42	54	5		2			
Other Business	Natural Person	8	4	5	4		42	4		3
Govt. Agency	Other Business	1	<1	<1			1			
Govt. Agency	Natural Person	10	5	6	5				<1	
Natural Person	Corporation	4	2	2			1			
Natural Person	Other Business	1	<1	<1			<1		2	
Natural Person	Natural Person	39	20	25	1.8		<1			
TOTAL		157	79	100	32		56	5	4	3
CHINO										
Corporation	Corporation	1	3	3			3			
Corporation	Other Business	3	8	8			8			
Corporation	Natural Person	25	67	67	27		30	5	5	
Govt. Agency	Natural Person	1	3	3			3			
Natural Person	Corporation	1	3	3	3					
Natural Person	Other Business	1	3	3			3			
Natural Person	Natural Person	5	13	13	5		3			
TOTAL		37	100	100	35		50	5	10	
FRESNO										
Corporation	Corporation	8	4	4			4			
Corporation	Other Business	18	9	9			9			
Corporation	Govt. Agency	1	<1	<1					<1	
Corporation	Natural Person	135	68	71	1		65	3	1	<1
Other Business	Corporation	3	1	2			2			1
Other Business	Other Business	1	<1	<1			<1			
Other Business	Natural Person	6	3	3	2		<1			<1
Natural Person	Other Business	4	2	2			2			
Natural Person	Govt. Agency	1	<1	<1					<1	
Natural Person	Natural Person	13	7	7	4		1	1	1	
TOTAL		190	93	100	7		84	4	3	2
COMPTON										
Corporation	Corporation	4	2	3			3			
Corporation	Other Business	6	5	5			3			
Corporation	Natural Person	32	41	51	3		3		<1	
Other Business	Natural Person	20	10	14	6		42	4	<1	2
Govt. Agency	Natural Person	6	3	3	2		8			
Natural Person	Natural Person	26	13	11	17		71			1
TOTAL		144	72	100	33		59	4	1	3
EAST LOS ANGELES										
Corporation	Corporation	6	3	4			4			
Corporation	Other Business	5	3	4			4			
Corporation	Natural Person	73	42	53	5		35	12	<1	
Other Business	Natural Person	14	8	10			9			
Govt. Agency	Corporation	1	<1	<1	<1				1	
Govt. Agency	Natural Person	1	<1	<1						
Natural Person	Natural Person	39	22	28	24		1		<1	
TOTAL		139	80	100	30		53	12	5	
WEST ORANGE										
Corporation	Corporation	9	4	5			5			
Corporation	Other Business	12	6	7			7			
Corporation	Natural Person	78	39	47	5		36	2		4
Other Business	Other Business	1	<1	<1	<1					
Other Business	Natural Person	37	19	22	20		<1			
Natural Person	Other Business	1	<1	<1			2			
Natural Person	Natural Person	28	14	17	11		<1			
TOTAL		166	83	100	36		53	2	2	2

Categories with zero cases have been omitted.

Source: Court Research Associates

TABLE 5.4

CIVIL STUDY, ATTORNEY ASSIGNEE CASES, WHICH LEGALLY CANNOT BE FILED IN SMALL CLAIMS

COURT	TYPE OF LITIGANTS	NUMBER	% ASSGN.	PERCENT DISTRIBUTION BY TYPE OF COMPLAINT-----						
		ASSIGNEE TO TOTAL CASES	ATTORNEY	Total Assignee	Unlawful Detainer	Consumer Services	Consumer Credit	Consumer Loan	Consumer P.I./ Prop. D.	Other
OAKLAND-PIEDMONT										
	Corporation Corporation	4	3	6			6			
	Corporation Other Business	3	2	4			4			
	Corporation Natural Person	54	34	75			74		1	
	Other Business Natural Person	2	1	3			3			
	Natural Person Corporation	1	1	1			1			
	Natural Person Other Business	1	1	1			1			
	Natural Person Natural Person	7	4	10	1		7		1	
	TOTAL	77	46	100	1		96		2	
CHINO										
	Corporation Other Business	1	3	8			8			
	Corporation Natural Person	9	24	69			61		8	
	Natural Person Corporation	1	3	8	8					
	Natural Person Other Business	1	3	8			8			
	Natural Person Natural Person	1	3	8			8			
	TOTAL	13	35	100	8		85		8	
FRESNO										
	Corporation Corporation	7	4	5			5			
	Corporation Other Business	13	7	8			8			
	Corporation Natural Person	126	66	82			79		3	
	Other Business Natural Person	1	1	1						1
	Natural Person Other Business	4	2	3			3			
	Natural Person Natural Person	3	2	2			1		1	
	TOTAL	154	81	100			95		4	1
COMPTON										
	Corporation Corporation	2	1	3			3			
	Corporation Other Business	2	1	3			3			
	Corporation Natural Person	62	43	80			74		5	1
	Other Business Natural Person	10	7	13			13			
	Natural Person Natural Person	1	1	1			1			
	TOTAL	77	53	100			94		5	1
EAST LOS ANGELES										
	Corporation Corporation	5	4	7			7			
	Corporation Other Business	4	3	5			5			
	Corporation Natural Person	53	38	71			64		7	
	Other Business Natural Person	12	9	16			16			
	Natural Person Natural Person	1	1	1			1			
	TOTAL	75	54	100			93		7	
WEST ORANGE										
	Corporation Corporation	4	2	6			6			
	Corporation Other Business	7	4	11			11			
	Corporation Natural Person	47	28	72	1		69		1	1
	Other Business Natural Person	1	1	1			1			
	Govt. Agency Corporation	1	1	1		1				
	Natural Person Other Business	1	1	1			1			
	Natural Person Natural Person	3	2	5			5			
	TOTAL	64	38	100	1	1	93		1	1

Categories with zero cases have been omitted.

Source: Court Research Associates

CIVIL STUDY, TABLE 5.5
PRO PER CASES, WHICH LEGALLY COULD HAVE BEEN FILED IN SMALL CLAIMS

COURT ¹	-----TYPE OF LITIGANTS-----		NO. OF PRO PER FILINGS	% PRO PER TO ALL FILINGS	---PERCENT DISTRIBUTION BY TYPE OF COMPLAINT---					
	Plaintiff	Defendant			Total Pro Per	Unlawful Detainer	Consumer Credit	Consumer Loan	P.I./ Prop.	Other
OAKLAND-PIEDMONT										
	Corporation	Natural Person	1	<1	2		2			
	Other Business	Other Business	1	<1	2	2				
	Other Business	Natural Person	5	3	11	9		2		
	Natural Person	Natural Person	36	18	84	84				
	TOTAL PRO PER		43	22	100	95		4		
FRESNO										
	Corporation	Natural Person	1	<1	10	10				
	Other Business	Natural Person	1	<1	10	10				
	Govt. Agency	Corporation	4	2	40					40
	Govt. Agency	Natural Person	1	<1	10			10		
	Natural Person	Natural Person	3	1	30	30				
	TOTAL PRO PER		10	5	100	50		10		40
COMPTON										
	Govt. Agency	Corporation	1	<1	2					2
	Natural Person	Natural Person	55	28	98	95	3			
	TOTAL PRO PER		56	28	100	95	3			2
EAST LOS ANGELES										
	Corporation	Corporation	1	<1	3		3			
	Other Business	Natural Person	1	<1	3	3				
	Govt. Agency	Corporation	1	<1	3					3
	Natural Person	Natural Person	32	18	91	85	3		3	
	TOTAL PRO PER		35	20	100	88	6		3	3
WEST ORANGE										
	Other Business	Natural Person	2	1	6	6				
	Govt. Agency	Corporation	5	3	15					15
	Natural Person	Natural Person	27	13	79	76	3			
	TOTAL PRO PER		34	17	100	82	3			15

¹CHINO had no pro per civil cases.
Categories with zero cases have been omitted.
Source: Court Research Associates

detainer. Virtually no consumer goods or services cases and few personal injury/property damage actions were brought by individuals. Corporations and other businesses rarely filed their own claims.

With regard to unlawful detainer filings by individuals, researchers found that:

In some jurisdictions at least, it would appear that individual landlords are using the civil courts without the aid of an attorney. Some landlords, obviously with substantial property holdings, were repeated filers. Researchers saw a number of complaints that appeared to be unprofessionally prepared but correct in form, indicating that some non-lawyer plaintiffs had familiarized themselves with the civil procedure for unlawful detainers. It was impossible to tell from the complaint whether the plaintiff had been assisted, perhaps by court personnel or an eviction service. Court clerks suggested that some plaintiffs handled all legal work so long as the defendant defaults, but should the defendant contest the action, an attorney will be hired. No data were collected that could confirm or deny this possibility.

The time advantage of civil rules in unlawful detainer cases provides the most logical explanation of why such cases were not filed in the small claims division

It is understandable why landlords who recognize the differences between the civil and the small claims procedure might prefer to file unlawful detainers in the civil side of the court.²⁷

These results indicate that, absent some change in filing behavior, relatively little shift from filings in the civil division to the small claims division is likely. The majority of cases reviewed were filed by attorneys, and many by assignees. In

either instance, such cases could not be filed in small claims court. Of those cases brought by individuals on their own behalf, the vast majority involved unlawful detainer actions. For practical reasons, few such actions are likely to shift to small claims court because of an increase in monetary jurisdiction.

However, it is possible that because the sampling of civil cases was conducted only in the experimental courts during the experimental period, that a shift in cases to the small claims division had already occurred. Under such circumstances, the review of civil cases would reveal that little additional change in filing behavior would be expected while filings in small claims court had gone up. No direct evidence is available on this point, yet one question put to survey respondents suggests that this explanation may have some validity. Plaintiffs were asked what they would do if they had a claim for more than \$750, but the small claims limit was \$750. Table 2.25 (see p. 32) reveals that from 35% to 71% of the individuals and 17% to 62% of the business and government entities reported they would file a formal civil action for the actual amount. The remainder replied that they would reduce their claim and file it in small claims court; virtually no one said that they would forego legal action.

Given such responses and findings, it seems most reasonable to conclude that increases in filings in small claims court which occur following an increase in monetary jurisdiction will be derived both from some shift in claims formerly brought in the civil division as well as from new claims which might not have been filed previously.

C. The Impact on Judicial Time

Contested cases of \$750 or more generally required more judicial bench time than cases up to \$750. As Table 5.6 shows, median time per case for cases over \$750 was one to five minutes

TABLE 5.7

JUDICIAL TIME PER DEFAULTED SMALL CLAIM CASE

COURT & AMOUNT	NUMBER OF CASES	AVERAGE	MEDIAN (50TH QUANTILE)	MINIMUM	MAXIMUM	90TH QUANTILE
OAKLAND- PIEDMONT						
0 - 750	281	1.4	1	1	15	2
750 - 1500	46	2.2	1	1	15	3
CHINO						
0 - 750	74	7.2	5	3	36	10
750 - 1500	19	14.7	7	5	105	20
CONS. FRESNO						
0 - 750	314	3.2	3	1	65	5
750 - 1500	64	4.9	3	1	35	7
COMPTON						
0 - 750	425	1.3	1	1	15	2
750 - 1500	75	1.5	1	1	10	2
EAST L. A.						
0 - 750	363	3.3	3	1	20	5
750 - 1500	37	5.4	3	1	30	11
WEST ORANGE CO.						
0 - 750	248	2.4	2	1	45	4
750 - 1500	63	3.3	2	1	30	6
EL CAJON						
0 - 750	219	5.5	4	1	100	10
STOCKTON						
0 - 750	410	1.7	1	1	30	2

Source: Judicial Council

TABLE 5.6

JUDICIAL TIME PER CONTESTED SMALL CLAIM CASE

COURT & AMOUNT	NUMBER OF CASES	AVERAGE	MEDIAN (50TH QUANTILE)	MINIMUM	MAXIMUM	90TH QUANTILE
OAKLAND- PIEDMONT						
0 - 750	144	7.9	5	1	45	17
750 - 1500	53	12.8	6	1	165	21
CHINO						
0 - 750	50	12.9	10	3	62	24
750 - 1500	36	18.7	13	5	86	33
CONS. FRESNO						
0 - 750	201	15.0	10	1	83	31
750 - 1500	93	26.0	15	1	210	58
COMPTON						
0 - 750	163	5.4	3	1	30	15
750 - 1500	82	7.3	4	1	30	15
EAST L. A.						
0 - 750	211	9.1	5	1	35	20
750 - 1500	79	13.1	10	1	45	25
WEST ORANGE CO.						
0 - 750	228	11.2	10	1	60	23
750 - 1500	101	13.0	10	1	35	30
EL CAJON						
0 - 750	364	13.7	10	1	135	30
STOCKTON						
0 - 750	248	8.3	6	1	60	15

Source: Judicial Council

longer in five of the six courts while remaining the same in West Orange County. In percentage terms, East Los Angeles experienced the greatest change with a 100% increase. Median judicial bench time for defaults was unchanged except in Chino, where the median time to handle a default increased two minutes for cases over \$750. The data is displayed in Table 5.7.

In terms of overall average bench time per case, Table 5.8 reveals that cases over \$750 required an additional 1.5 minutes to 6.2 minutes. Court personnel reported that the increased amount of time to dispose of larger cases arose more as a function of the type of case rather than the amount involved. That is, as the mix of cases changed with personal injury/property damage actions accounting for a greater percentage of all cases and consumer credit cases a lesser percentage, the overall time needed per case increased because personal injury/property damage cases often involve more issues which are more difficult to prove.

However, while it appears that larger small claims cases require more time, in general, than smaller small claims cases, it is unclear whether more total judicial bench time will be necessary. If the increase in small claims caseload is derived principally from new cases which, for some reason, would not otherwise have been filed, then the absolute amount of judicial time devoted to hearing small claims cases will obviously increase as well. If, on the other hand, cases which would have been filed in the civil division of the court are instead being brought in small claims court, it becomes more difficult to assess the effect on overall judicial time allocation. For example, in the civil division, some defaults can be entered by clerks and no judicial bench time is expended,²⁹ whereas in small claims court, all matters must be presented to a judge.³⁰ Therefore, with respect to default cases, judicial bench time is required to dispose of

TABLE 5.8

JUDICIAL TIME PER SMALL CLAIM CASE

COURT & AMOUNT	NUMBER OF CASES	TOTAL JUDICIAL TIME	AVERAGE MINUTES PER CASE
OAKLAND- PIEDMONT			
0 - 750	836	1598	1.9
750 - 1500	189	807	4.3
CHINO			
0 - 750	231	1378	6.0
750 - 1500	87	1065	12.2
CONS. FRESNO			
0 - 750	1015	4223	4.2
750 - 1500	243	2806	11.5
COMPTON			
0 - 750	1193	1492	1.3
750 - 1500	268	756	2.8
EAST L. A.			
0 - 750	1111	3270	2.9
750 - 1500	185	1244	6.7
WEST ORANGE CO.			
0 - 750	990	3382	3.4
750 - 1500	278	1650	5.9
EL CAJON			
0 - 750	1038	6584	6.3
STOCKTON			
0 - 750	1096	2898	2.6

Source: Judicial Council

TABLE 5.9

Judicial Time Per Civil Case*

	Los Angeles Municipal Court	State Except For Los Angeles Municipal Court
Action	Ave. Time (Min./action)	Ave. Time (Min./ action)
(a) Continuances or off Calendar	2.96	8.65
(b) Uncontested court Trial or Dismissal	6.54	5.33
(c) Contested Trial	123.67	143.12
(d) Jury Trial	1343.4	568.29

*Based on May, 1974, weighted caseload study by Arthur Young & Co.

Source: Judicial Council

such cases when they are filed in small claims court but not required if brought as regular civil actions.

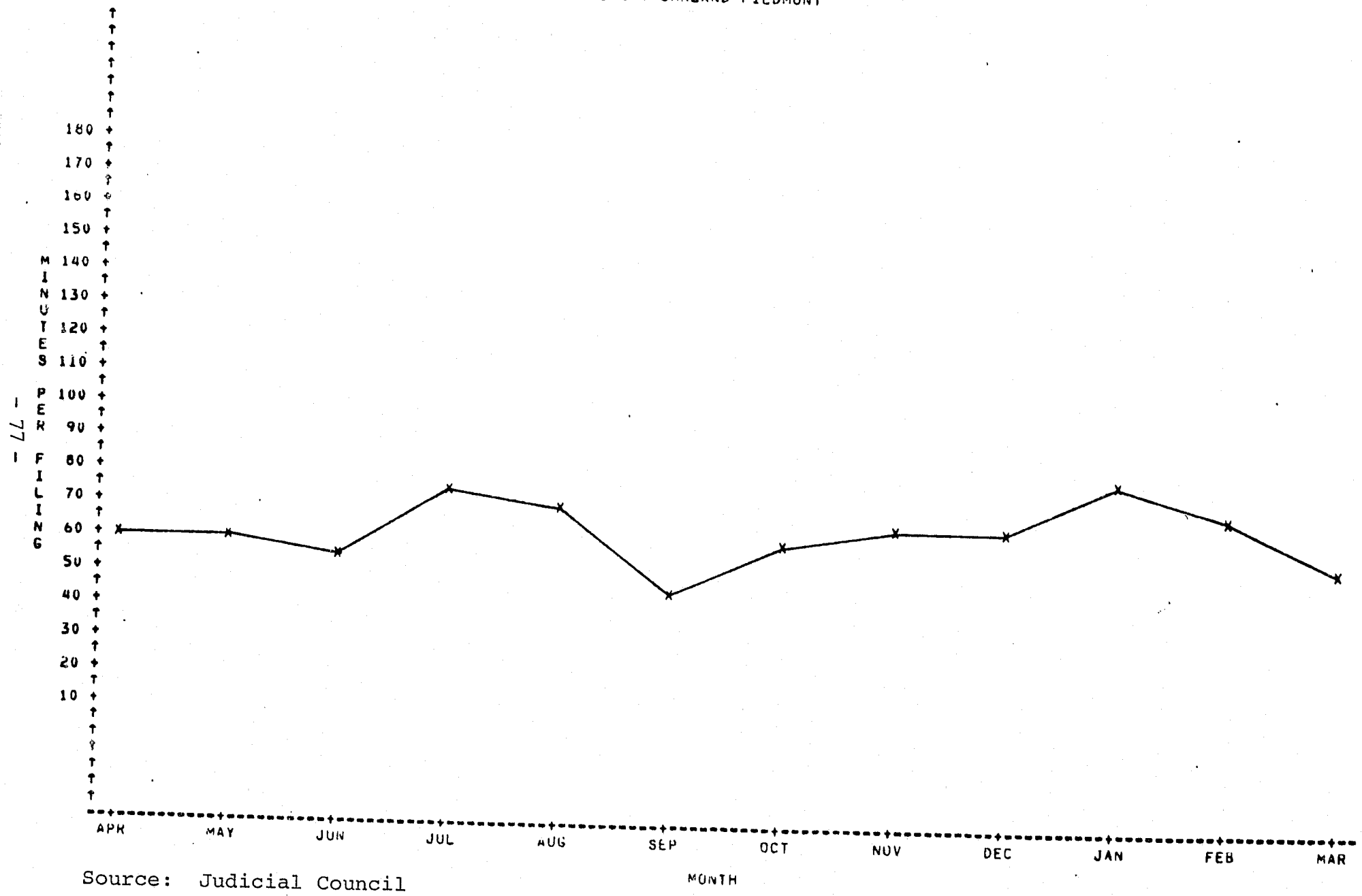
However, the informal nature of the proceedings in small claims court suggests that contested cases heard in such a setting may consume considerably less time than if the cases were heard under more legally formal conditions. Figures derived from weighted caseload studies prepared by the Judicial Council,³¹ as displayed in Table 5.9 show that the average contested court trial consumes up to nearly two and one half hours and jury trials require over eight hours on average to complete. By comparison, average judicial time per contested case in the eight courts involved in the experiment did not exceed 26 minutes. While the comparison may not be precise, it is clear that it requires far less time to handle a contested small claims action than to handle a contested civil case. Thus, to the extent that an increase in the small claims jurisdiction causes a shift in filings from the civil division to small claims court, great potential for saving overall judicial bench time, and, therefore, court costs, exists.

D. The Impact on Clerical Time

A breakdown of clerical time per filing during the experiment is displayed in Figures 5.10 - 5.17. The figures vary from about 30 minutes per filing in Compton to 160 minutes per filing in Chino. The Compton, East Los Angeles, and Fresno courts required slightly less time per case compared to the control courts, El Cajon and Stockton. The West Orange County and Oakland-Piedmont courts appear to be generally slightly higher in time per case while the Chino court exceeded the other courts in time per case by more than twice as long. The Chino court reported, however, that its lengthy time per case figures resulted from a rapid turnover in staff and were not related to the experiment.

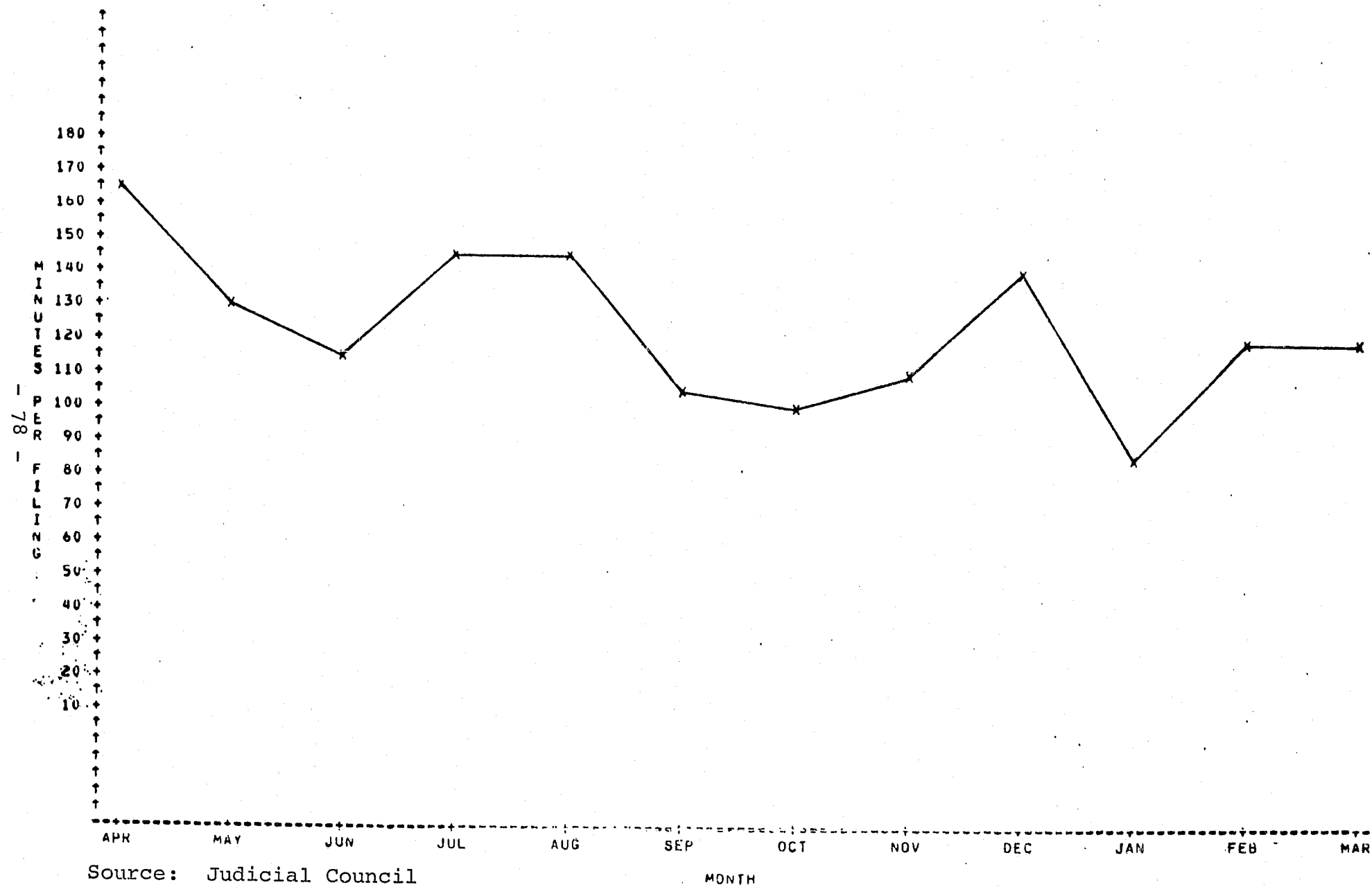
Figure 5.10

CLERICAL MINUTES PER FILING
APRIL 1979 - MARCH 1980
COURT=OAKLAND-PIEDMONT



Source: Judicial Council

CLERICAL MINUTES PER FILING
APRIL 1979 - MARCH 1980
COURT#CHINO



CLERICAL MINUTES PER FILING
APRIL 1979 - MARCH 1980
COURT=CONSOLIDATED FRESNO

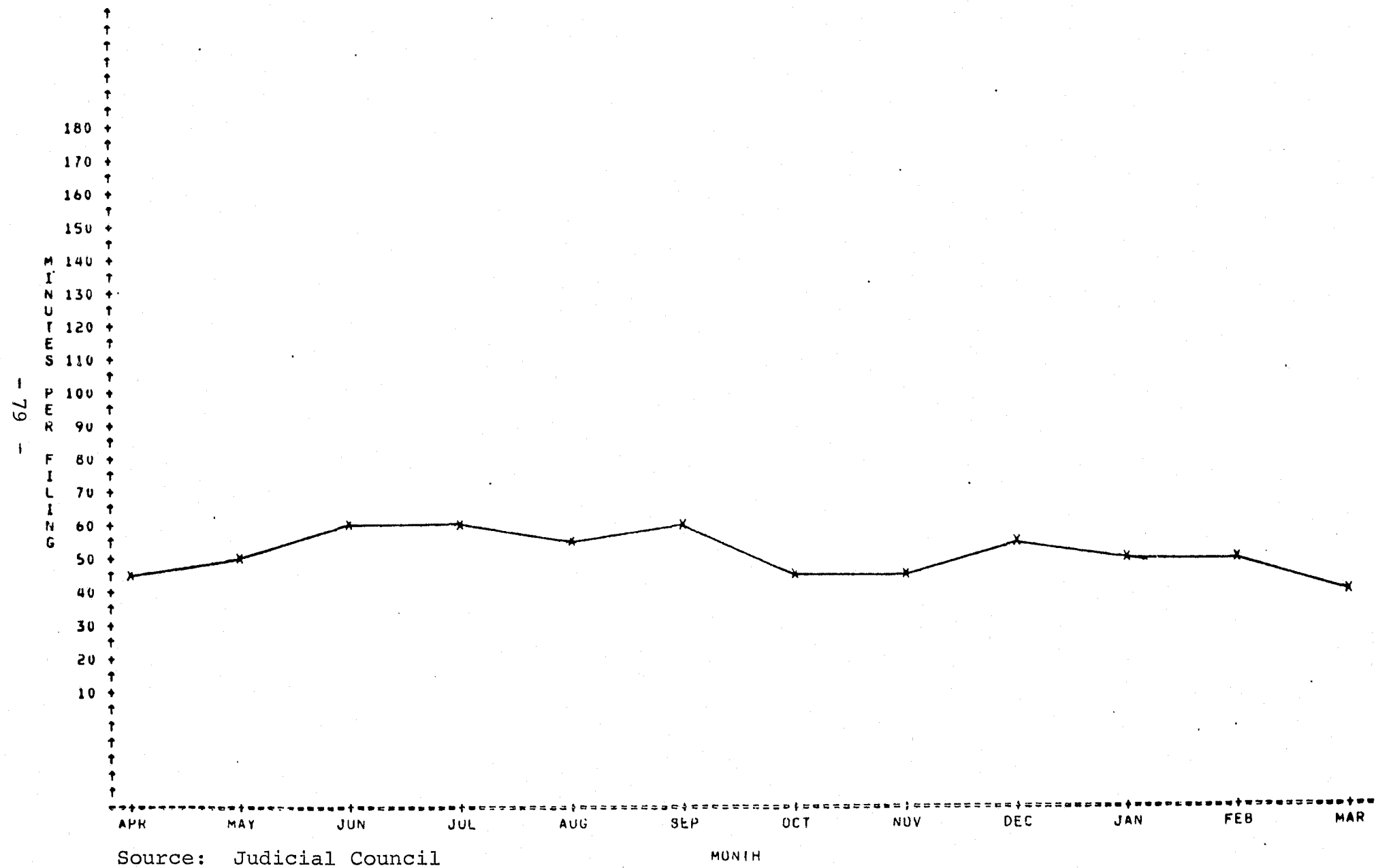


Figure 5.13

CLERICAL MINUTES PER FILING
APRIL 1979 - MARCH 1980
COURT=CUMPTON

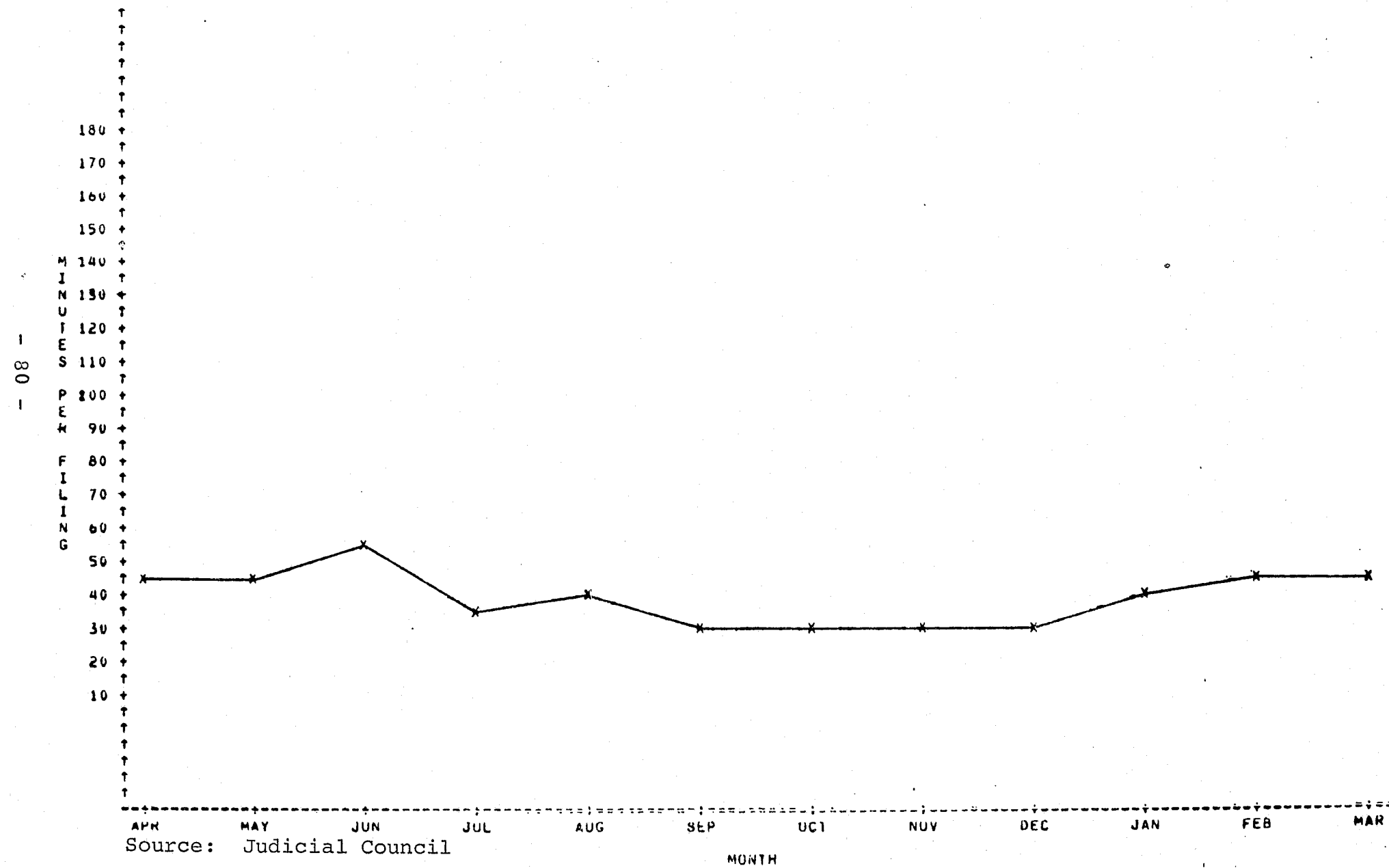


Figure 5.14
CLERICAL MINUTES PER FILING
APRIL 1979 - MARCH 1980
COURT= EAST LOS ANGELES

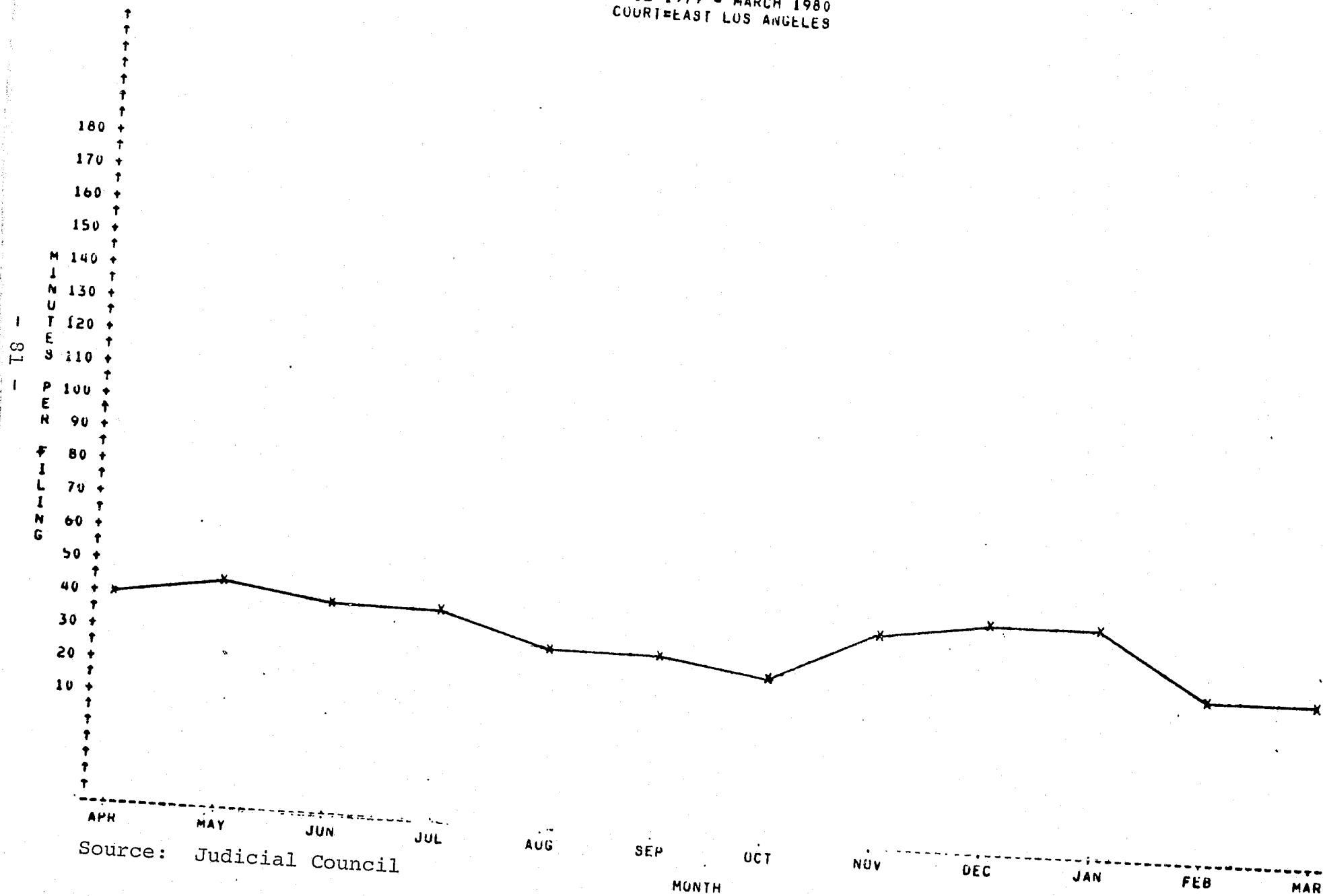


Figure 5.15

CLERICAL MINUTES PER FILING
APRIL 1979 - MARCH 1980
COURT=WEST ORANGE COUNTY

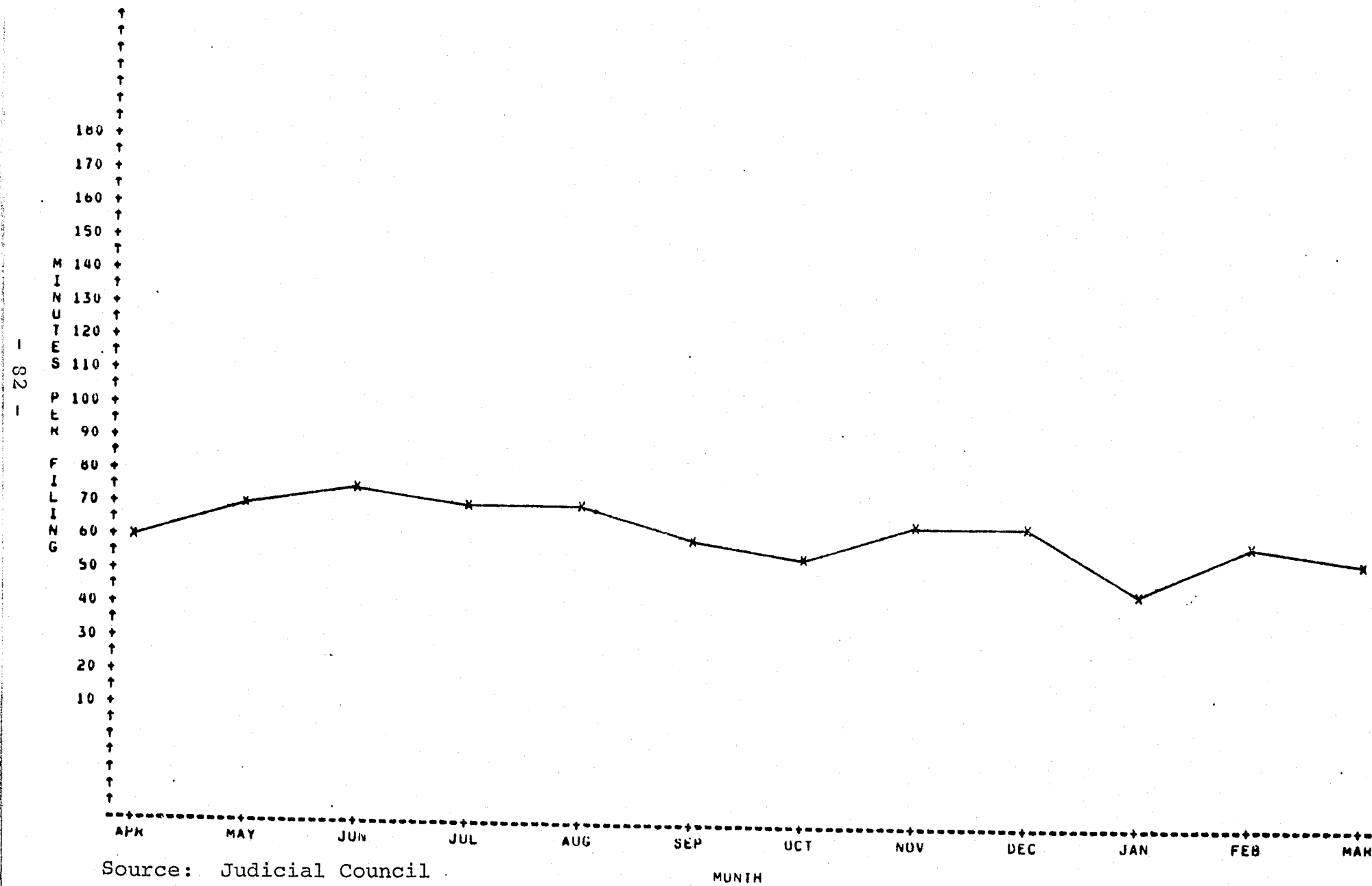


Figure 5.16

CLERICAL MINUTES PER FILING
APRIL 1979 - MARCH 1980
COURT OF EL CAJON

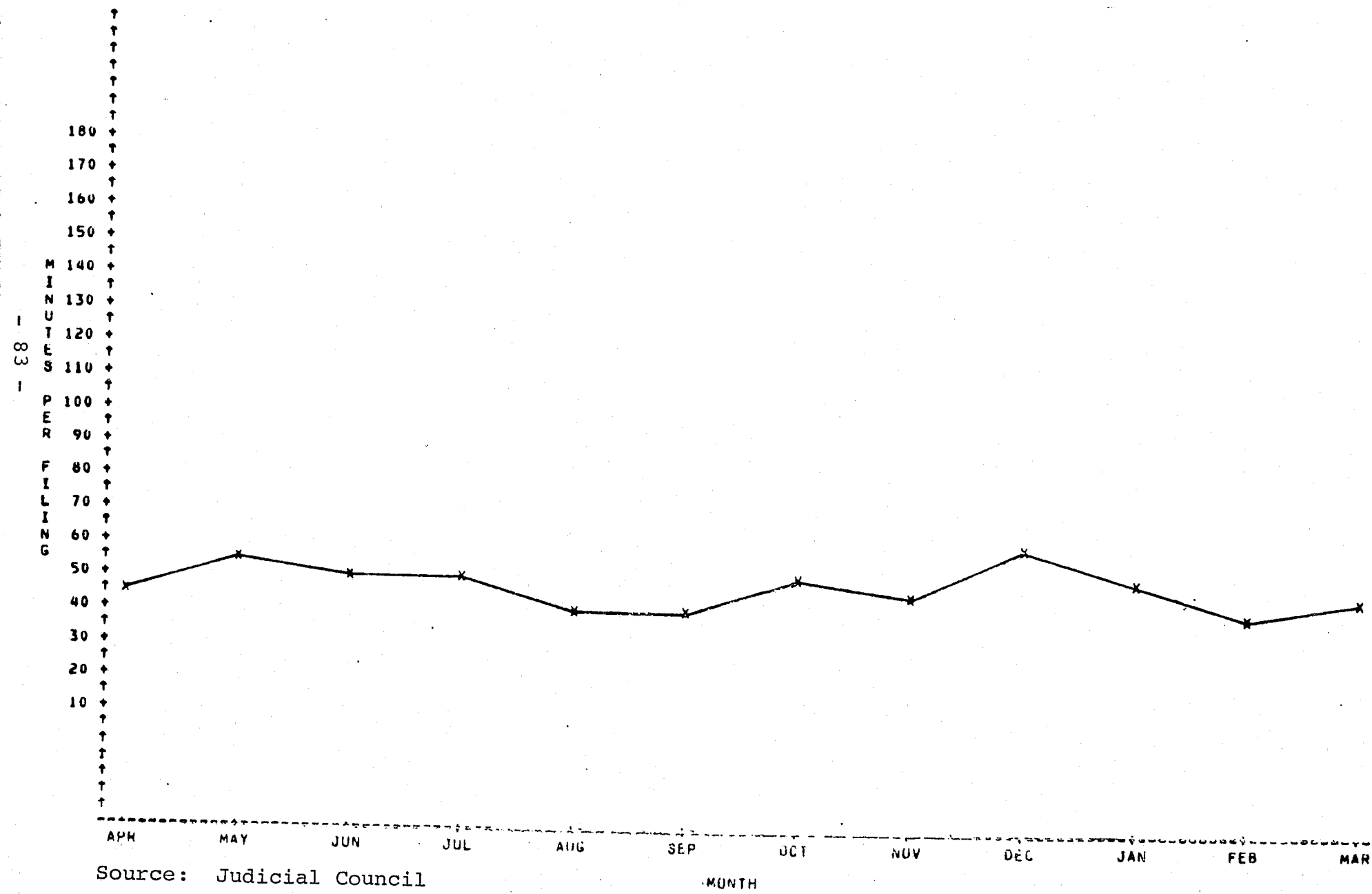


Figure 5.17

CLERICAL MINUTES PER FILING
APRIL 1979 - MARCH 1980
COURT=STOCKTON

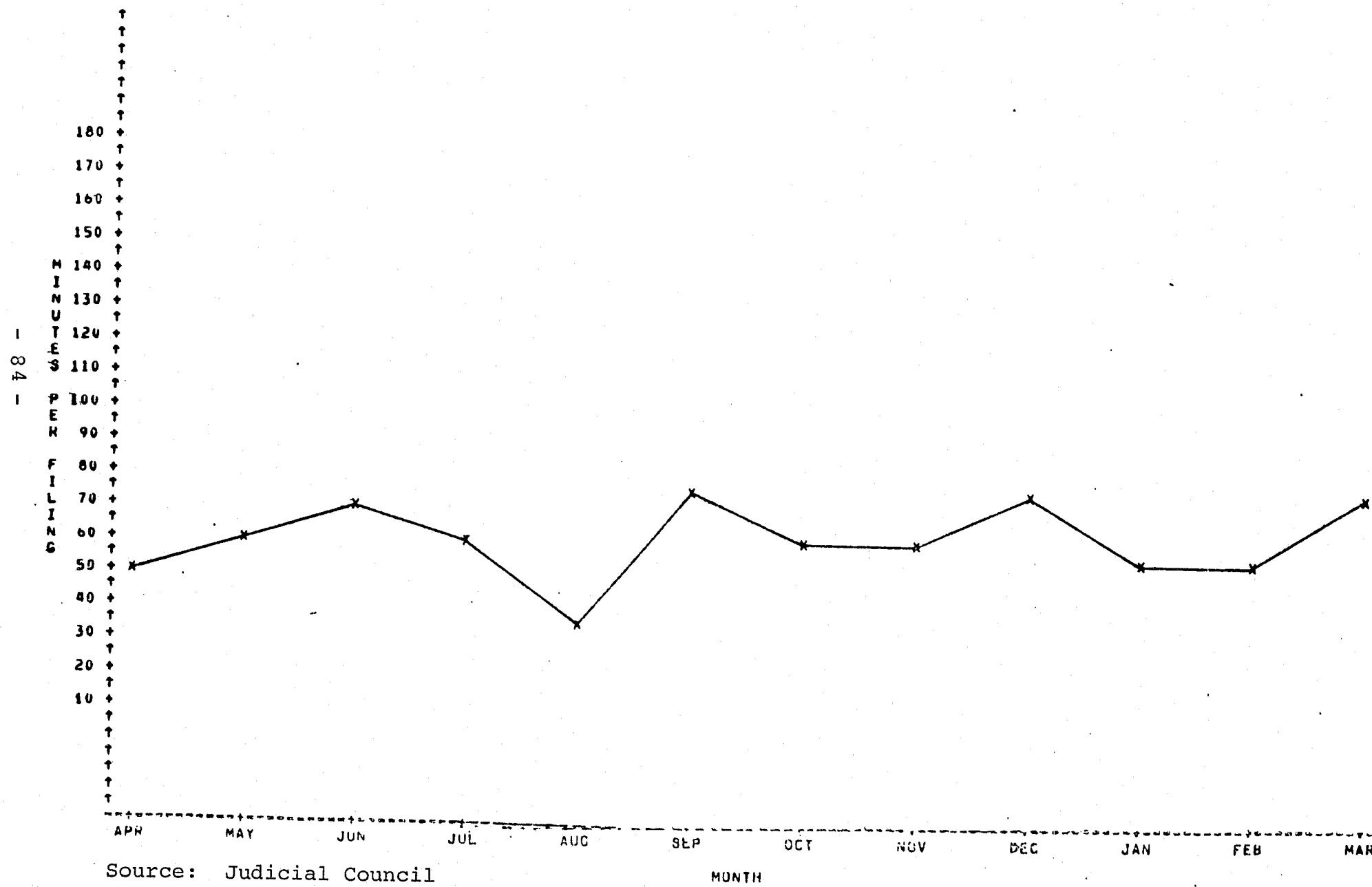
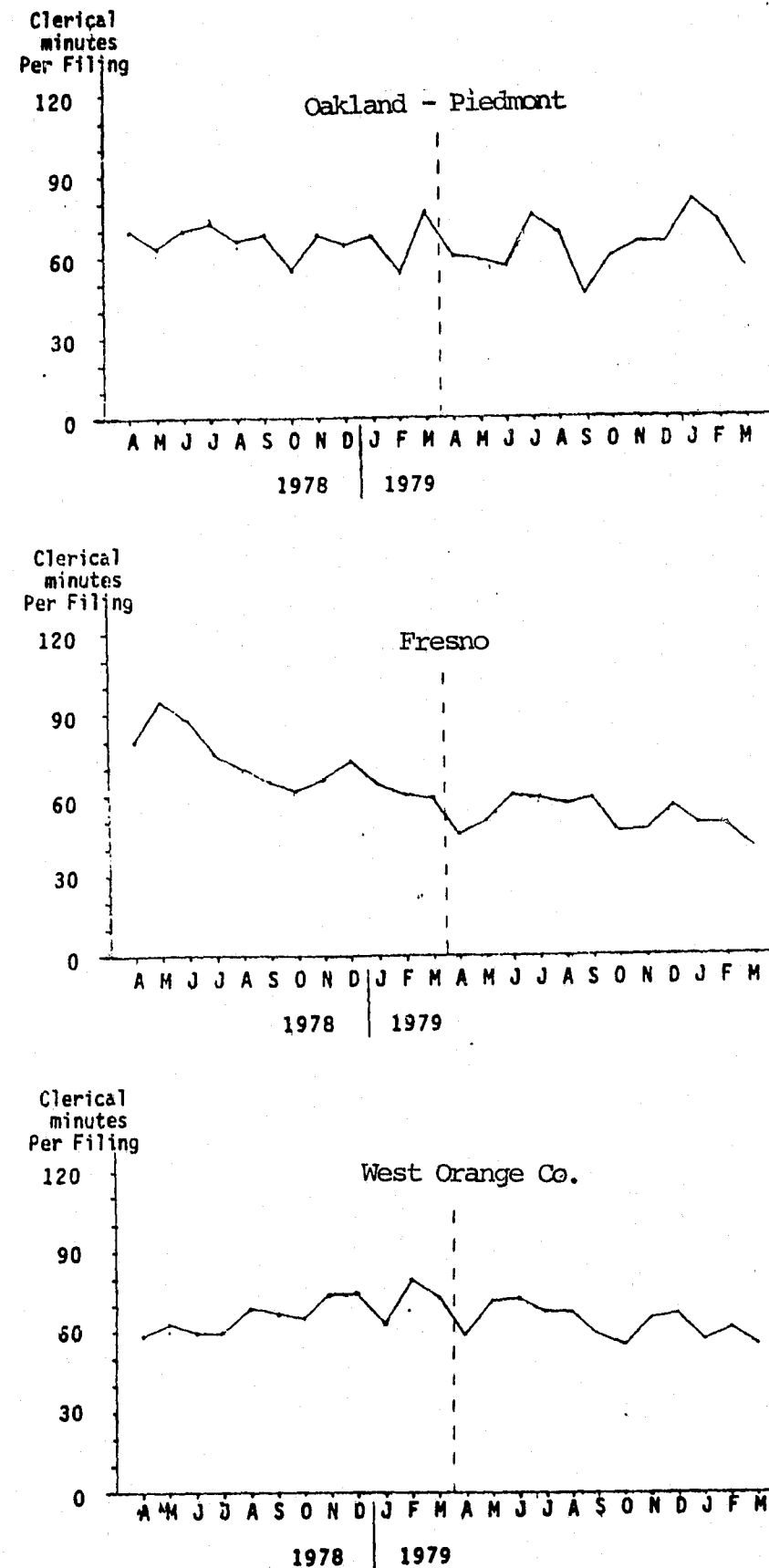


Figure 5.18



Source: Judicial Council

The data do not reveal any particular increase in clerical time attributable to the increase in monetary jurisdiction. Although wide variation in time per case existed among the different courts, no identifiable pattern emerges to suggest that clerical time per case increased. In fact, as Figure 5.18 shows, in three of the courts where time per case data are available for the year prior to the institution of the increased jurisdiction, no apparent increase in clerical time per case appeared.

As with judicial time, it is unclear what, if any, effect the jurisdictional increase had on overall clerical time required to perform all clerical duties. If the increase in filings reported is traceable to cases which otherwise would not have been filed, then it would be reasonable to expect an overall increase in total clerical time. However, if the increase in small claims filings was derived primarily from cases which would have been filed in the civil divisions of the courts absent the increase in small claims monetary jurisdiction, then a net savings in aggregate clerical time may have occurred if small claims filings require less clerical time per case than regular civil filings.

E. Appeals

An additional element of the impact on the courts of an increase in the monetary jurisdiction concerns the rate of appeals from small claims divisions. Appeals, of course, necessitate additional clerical work for municipal court clerks, superior court staffs, and superior court judges. Therefore, an increase in the appeal rate for cases over \$750 has implications for potential work load increases for both the municipal and superior courts.

As Table 5.19 reveals, the appeal rate did, indeed, increase

in all six experimental courts for cases over \$750, with a statistically significant increase occurring in four courts. In addition, while the appeal rate for cases up to \$750 generally ran at about 2.5 appeals per 100 cases in which there was a hearing, for cases above \$750, three of the courts experienced over 10 appeals per 100 cases in which there was a hearing. Based on these results, it appears that an increase in jurisdiction could have a substantial impact in terms of generating a far larger number of appeals.

TABLE 5.19
RATE OF APPEALS BY AMOUNT OF CLAIM

COURT & AMOUNT	NUMBER OF CASES	RATE OF APPEAL	NUMBER OF APPEALS
OAKLAND- PIEDMONT			
0 - 750	405	2.47	10
750 - 1500	90	4.44	4
CHINO			
0 - 750	121	2.48*	3
750 - 1500	48	12.50	6
CONS. FRESNO			
0 - 750	471	2.55	12
750 - 1500	139	5.76	8
COMPTON			
0 - 750	561	2.50*	14
750 - 1500	143	10.49	15
EAST L. A.			
0 - 750	558	2.51*	14
750 - 1500	106	7.55	8
WEST ORANGE CO.			
0 - 750	429	5.59*	24
750 - 1500	144	13.89	20
EL CAJON			
0 - 750	510	3.53	18
STOCKTON			
0 - 750	610	2.62	16

* Statistically significant at the .05 level.

Source: Judicial Council

Once again, however, no certain conclusion can be reached. Figures on the appeal rate for civil cases up to \$1500 are unavailable, so it is unclear whether the small claims appeal rate exceeds that for civil cases. Even assuming the small claims appeal rate initially would exceed the civil appeal rate, it is possible that over time as litigants became more accustomed to the higher jurisdiction the appeal rate would decline.

FINDINGS

1. Increases in cases filed during the experimental period varied from 5% in Oakland-Piedmont to 56% in Chino; the average increase for the six experimental courts was 15%.
2. Cases up to \$1500 in the civil division consisted primarily of actions filed by attorneys or assignees involving a claim by a business against an individual on a consumer credit claim.
3. The most frequent claim for up to \$1500 filed in the civil division by individuals involved an unlawful detainer action.
4. It would be reasonable to expect some actions currently filed in the civil division to be filed in small claims court if the jurisdictional maximum of small claims court is increased, but it would not be reasonable to expect a large scale shift of filings as a result of an increase.
5. More judicial bench time was required per case to dispose of small claims cases over \$750 than to dispose of cases up to \$750; the additional average time per case varied from one to five minutes.
6. Aggregate judicial bench time required for civil and small claims cases may be reduced if an increase in the small claims jurisdiction results in the filing of cases in small claims court rather than the civil division of the court.
7. No identifiable change in clerical time per case was recorded

during the experiment; however, total clerical time required to process small claims cases did increase as a result of increased filings.

8. Any change in clerical time required to process civil and small claims cases will depend upon the origin of new small claims filings. That is, if increased small claims filings are derived from claims which otherwise would not be filed, then total clerical time will increase; however, if increased small claims filings are derived mainly from claims which otherwise would have been filed in the civil division, then no increase in clerical time would be likely.

FOOTNOTES

1. Alabama, Alaska, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, South Dakota, Texas, Utah, Vermont, Washington, Wisconsin, Wyoming, and the District of Columbia.
2. Alaska, \$2,000; Arizona, \$1,000; Florida, \$1,000; Idaho, \$1,000; Illinois, \$1,000; Indiana, \$1,500; Iowa, \$1,000; Maine, \$800; Minnesota, \$1,000; Nebraska, \$1,000; New Mexico, \$2,000; New York, \$1,000; North Carolina, \$800; South Dakota, \$1,000; and Wisconsin, \$1,000.
3. Only California, Colorado, Georgia, Idaho, Illinois, Kansas, Michigan, Minnesota, Montana, Nebraska, Oregon, and Washington bar attorneys in all or parts of the state from appearing on behalf of parties.
4. Warner, Everybody's Guide to Small Claims Court, at 205 (1979).
5. Comment, The California Small Claims Court, 52 Calif. L.Rev.876 (1964); Comment, The Persecution and Intimidation of the Low-Income Litigant as Performed by the Small Claims Court in California, 21 Stan. L. Rev. 1657 (1969).
6. Cal. Code Civ. Pro. Section 118 et seq. (West Supp. 1980).
7. Cal. Code Civ. Pro. Section 119.6 (West Supp. 1980).
8. Cal. Code Civ. Pro. Section 122.2 (West Supp. 1980).
9. Cal. Code Civ. Pro. Section 119.9 (West Supp. 1980).
10. Cal. Code Civ. Pro. Section 123.1(b) (West Supp. 1980).
11. Cal. Code Civ. Pro. Section 123.1(a) (West Supp. 1980).
12. Cal. Code Civ. Pro. Section 116.6, 395 (West Supp. 1980).
13. Cal. Code Civ. Pro. Section 123(b) (West Supp. 1980).
14. Cal. Code Civ. Pro. Section 123.7 (West Supp. 1980).
15. Cal. Code Civ. Pro. Section 123.1(b) (West Supp. 1980).
16. Cal. Code Civ. Pro. Section 123.4 (West Supp. 1980).
17. Cal. Code Civ. Pro. Section 123.5 (West Supp. 1980).

18. Except in Chino, where, because of the small caseload, about 100 plaintiffs and 100 defendants were surveyed.
19. The questionnaires used to sample litigants are included as Appendix D. In order to avoid questioning the same party more than once, when a filer who had been previously selected was subsequently encountered, the next succeeding case with a different party was chosen instead.
20. Although in some instances, the sample is too small to permit specific generalization with certainty; nonetheless, the results in many cases do present clear trends which can contribute to assessing the experimental programs and procedures. The sampling error for various sample sizes at the .05 level of confidence assuming a 50/50 percentage is:

No.	±
10	31%
25	20%
50	14%
100	10%
150	8%
200	7%
300	6%

21. In each of the six participating municipal courts, complaints with prayers for \$1500 or less were selected from cases filed in the civil division during the experimental period. In four of the courts, data were collected on a sample of 200 cases, 100 randomly selected from October, 1979, civil filings and 100 from November, 1979. These months were chosen because they are mid-way through the experimental period; it was expected that plaintiffs would be well aware of the limit increase and would not make the filing choice through ignorance of their options. The months are known to be typically heavy filing times, free from any suspected seasonal or holiday bias. All the filings in the two-month period that met the money amount requirement was included in the East Los Angeles court (174 cases) and in Chino (37 cases).
22. Since assignees may not file their cases in small claims court, Cal. Code Civ. Pro. Section 117.5 (West Supp. 1980), the level of assignee filings in the civil divisions provides a significant indicator of cases that will not shift to small claims court even if the monetary jurisdiction is increased.
23. Statistically significant differences occur when the difference in two percentages exceeds the margin of error (see N. 20 for table of sampling error). Such differences mean that the results obtained are attributable to a real change in behavior and not simply to sampling error.

24. Cal. Code Civ. Pro. Section 123.1 (b), supra n. 15.
25. See Appendix B for the Judicial Council Rules of Court adopted to govern the conduct of the advisors.
26. Cal. Code Civ. Pro. Section 123.1 (b), supra n. 15.
27. Court Research Associates, Report on Study of Cases Filed in the Civil Divisions of the Courts Participating in the Small Claims Monetary Jurisdiction Experiment to Determine Why Cases \$1500 or Less Were Not Filed in Small Claims, at 6-7 (1980).
28. Effective July 1, 1979, the monetary jurisdiction of municipal and justice courts in California was raised from \$5000 to \$15,000. Chapter 146, Statutes 1978. Since the increase in civil monetary jurisdiction came during the experiment, there is no data available to compare overall civil filings before and during the experiment.
29. Cal. Code Civ. Pro. Section 585 (West 1976).
30. Cal. Code Civ. Pro. Section 117 (West Supp. 1980).
31. In 1967 a weighted caseload system was developed for estimating the need for additional judges in municipal courts. The weights represent the number of judicial minutes required to dispose of an average filing. A judge year value, representing the average number of minutes per judge available in a year for case-related work, is used in conjunction with the weights to determine the number of judges needed to dispose of a given caseload.

The weight for each category of case is multiplied by the number of filings in that category. The total weights for all categories of cases are then divided by the judge year value to obtain the required number of judges.

Assembly Bill No. 2578

CHAPTER 723

An act to amend Sections 116, 116.8, 118, 119.4, and 120.1 of, to amend the heading of Article 4 (commencing with Section 121) of Chapter 5-B of Title 1 of Part 1 of, to amend and renumber Sections 118.1, 118.6, 118.7, and 120 of, to add Sections 116.3, 117.18, and 119.9 to, and to add Article 6 (commencing with Section 123) to Chapter 5-B of Title 1 of Part 1 to, the Code of Civil Procedure, and to amend Section 2 of Chapter 1287 of the Statutes of 1976, relating to small claims courts.

[Approved by Governor September 11, 1978. Filed with Secretary of State September 11, 1978.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2578, Torres. Small claims courts.

Under existing law the jurisdiction of a small claims court is limited to claims not in excess of \$750.

This bill would provide for a monetary jurisdiction experiment in 6 specified small claims divisions. It would increase small claims court monetary jurisdiction to \$1,500. It would authorize such small claim courts to charge a designated fee for specified services.

It would require the Judicial Council, in cooperation with the Department of Consumer Affairs, to study the effect of the jurisdictional change if federal or other funding is available, and would require the advisory committee and the Department of Consumer Affairs to make a preliminary report to the Legislature regarding the experiment, on or before January 1, 1980, and a final report on or before July 1, 1980, to include specified data. The jurisdictional experiment would continue until June 30, 1980. The bill makes related changes.

Under existing law, the Judicial Council is required by rule to provide for practice and procedure in the small claims court.

This bill would also require the Judicial Council, in cooperation with the Department of Consumer Affairs, to prepare, if federal or other funding is available, a bench book for judges sitting in small claims court describing state and federal consumer protection laws reasonably likely to be applicable in actions brought before them.

Under existing law, the judge is authorized to give such judgment in a small claims action as he deems to be just and equitable for disposition of the controversy.

This bill would provide that the court may, in appropriate cases, grant specified equitable relief, in lieu of or in addition to, money damages.

Existing law does not specifically authorize small claims courts to provide for legal assistance services for litigants.

This bill would authorize each small claims court, including those in the monetary jurisdiction experiment, to provide by local rule for small claims legal advisers, who may be volunteers, and who shall be attorneys, paralegals, or law students, who shall directly assist litigants, but may not appear in court to act as advocates for any party. The qualifications for such advisers is to be established by rule of court. The Judicial Council would be authorized to provide a specified filing fee increase to pay for such advisers.

The bill would also make technical changes.

Further, it would specify that the bill contains no mandated local program requiring state reimbursement for costs.

Specified provisions of this bill would become operative on April 1, 1979.

The bill also would incorporate specified changes made by two other bills, contingent upon the enactment of one or both of such other bills.

The people of the State of California do enact as follows:

SECTION 1. Section 116 of the Code of Civil Procedure is amended to read:

116. In each justice and municipal court there shall be a small claims division. The Judicial Council shall provide by rule for the practice and procedure and for the forms and use in proceedings in such division consistent with the provisions of this chapter. Each small claims division may formulate and distribute to litigants and the public a manual on small claims court rules and procedures. The manual shall explain how to fill out the necessary forms, how to determine the proper court to hear the matter, how to take defaults and have them set aside, how to pursue or defend against claims, how to appeal, how to collect after judgment, how to protect property that is exempt from execution, and such other matters as the court deems necessary or desirable.

The Judicial Council, in cooperation with the Department of Consumer Affairs, shall, if federal or other funding is available, formulate and distribute to each judge who sits in a small claims court a bench book describing all state and federal consumer protection laws reasonably likely to be applicable in actions brought in such court.

SEC. 1.1. Section 116 of the Code of Civil Procedure is amended to read:

116. (a) In each justice and municipal court there shall be a small claims division. The Judicial Council shall provide by rule for the practice and procedure and for the forms and use in proceedings in such division consistent with the provisions of this chapter.

(b) The Department of Consumer Affairs, in cooperation with the Judicial Council, shall prepare for distribution to the general public a manual on small claims court rules and procedures. The manual

shall be designed to provide information regarding the use of the small claims court and the manner in which defaults can be avoided. The Department of Consumer Affairs shall distribute sufficient copies of the manual to each small claims division.

(c) The manual shall explain how to fill out the necessary forms, how to determine the proper court to hear the matter, how to take defaults and have them set aside, how to pursue or defend against claims, how to appeal, how to collect after judgment, how to protect property that is exempt from execution, how to collect costs, and such other matters as the Judicial Council and the department deem necessary or desirable.

(d) The Judicial Council, in cooperation with the Department of Consumer Affairs, shall, if federal or other funding is available, formulate and distribute to each judge who sits in a small claims court a bench book describing all state and federal consumer protection laws reasonably likely to be applicable in actions brought in such court.

SEC. 1.2. Section 116 of the Code of Civil Procedure is amended to read:

116. In each justice and municipal court there shall be a small claims division known as the small claims court. The Judicial Council may provide by rule for the practice and procedure and for the forms and use in proceedings in such court consistent with the provisions of this chapter. It may formulate and make available for distribution to litigants and the public, through each small claims court, other than those designated pursuant to Chapter 5-B (commencing with Section 118) of this title, a manual on small claims court rules and procedures. The manual shall explain how to fill out the necessary forms, how to determine the proper court to hear the matter, how to take defaults and have them set aside, how to pursue or defend against claims, how to appeal, how to collect after judgment, how to protect property that is exempt from execution, and such other matters as the court deems necessary or desirable.

The Judicial Council, in cooperation with the Department of Consumer Affairs, shall, if federal or other funding is available, formulate and distribute to each judge who sits in a small claims court a bench book describing all state and federal consumer protection laws reasonably likely to be applicable in actions brought in such court.

SEC. 1.3. Section 116 of the Code of Civil Procedure is amended to read:

116. (a) In each justice and municipal court there shall be a small claims division known as the small claims court. The Judicial Council may provide by rule for the practice and procedure and for the forms and use in proceedings in such court consistent with the provisions of this chapter.

(b) The Department of Consumer Affairs, in cooperation with the Judicial Council, shall prepare and make available for distribution to

the general public through each small claims court, other than those designated pursuant to Chapter 5-B (commencing with Section 118) of this title, a manual on small claims court rules and procedures. The manual shall be designed to provide information regarding the use of the small claims court and the manner in which defaults can be avoided. The Department of Consumer Affairs shall distribute sufficient copies of the manual to each small claims division.

(c) The manual shall explain how to fill out the necessary forms, how to determine the proper court to hear the matter, how to take defaults and have them set aside, how to pursue or defend against claims, how to appeal, how to collect after judgment, how to protect property that is exempt from execution, how to collect costs, and such other matters as the Judicial Council and the department deem necessary or desirable.

(d) The Judicial Council, in cooperation with the Department of Consumer Affairs, shall, if federal or other funding is available, formulate and distribute to each judge who sits in a small claims court a bench book describing all state and federal consumer protection laws reasonably likely to be applicable in actions brought in such court.

SEC. 2. Section 116.3 is added to the Code of Civil Procedure, to read:

116.3. In any action brought pursuant to subdivision (a) of Section 116.2, the court may grant equitable relief in the form of rescission, restitution, reformation, and specific performance, in lieu of or in addition to, money damages.

SEC. 3. Section 116.8 of the Code of Civil Procedure is amended to read:

116.8. (a) No formal pleading other than the claim and order are necessary. The defendant may file a claim in the same proceeding in an amount not to exceed the jurisdictional limit of the court. In the event the defendant files such a claim in the court, he shall serve a copy of his claim on the plaintiff at least five days before the hearing date, unless the plaintiff has served him 10 days or less before the hearing date in which case he shall serve a copy of his claim at least one day before the hearing date. Defendant shall file and serve his claim in the manner provided for filing and serving a claim under Section 116.4.

(b) If defendant has a claim against plaintiff in an amount over the jurisdiction of the small claims court as set forth in Section 116.2, but of a nature which would be the subject of a cross-complaint under the rules of pleading and practice governing the superior court, then defendant may commence an action against plaintiff in a court of competent jurisdiction and file with the small claims court wherein plaintiff has commenced his action, at or before the time set for the trial of the small claims action, an affidavit setting forth the facts of the commencement of such action by such defendant. He shall attach to such affidavit a true copy of the complaint so filed by

defendant against plaintiff, and pay to the clerk of the small claims court the sum of one dollar (\$1) for a transmittal fee, and shall deliver to plaintiff in person a copy of the affidavit and complaint at or before the time above stated. Thereupon the small claims court shall order that the small claims court action shall be transferred to the court set forth in the affidavit, and shall transmit all files and papers in the small claims actions to such other court, and the actions shall then be tried together in such other court.

The plaintiff in the small claims action shall not be required to pay to the clerk of the court to which the action is so transferred any transmittal, appearance, or filing fee in the action, but shall be required to pay the filing and any other fee required of a defendant if he appears in the action filed against him.

SEC. 3.5. Section 116.8 of the Code of Civil Procedure is amended to read:

116.8. (a) No formal pleadings other than the claim and order are necessary. The defendant may file a claim against the plaintiff in the same proceeding in an amount not to exceed the jurisdictional limit of the court. In the event the defendant files such a claim the judge or clerk shall cause a copy of the defendant's claim to be delivered to the plaintiff in person, or to be mailed by first-class mail to the plaintiff at least five days before the hearing date, unless the defendant has been served 10 days or less before the hearing date in which case the judge or the clerk shall cause such claim to be delivered to the plaintiff in person at least one day before the hearing date or shall be so mailed to the plaintiff not less than three days before the hearing.

(b) If defendant has a claim against plaintiff in an amount over the jurisdiction of the small claims court as set forth in Section 116.2, but of a nature which would be the subject of a cross-complaint under the rules of pleading and practice governing the superior court, then defendant may commence an action against plaintiff in a court of competent jurisdiction and file with the small claims court wherein plaintiff has commenced his action, at or before the time set for the trial of the small claims action, an affidavit setting forth the facts of the commencement of such action by such defendant. He shall attach to such affidavit a true copy of the complaint so filed by defendant against plaintiff, and pay to the clerk of the small claims court the sum of one dollar (\$1) for a transmittal fee, and shall deliver to plaintiff in person a copy of the affidavit and complaint at or before the time above stated. Thereupon the small claims court shall order that the small claims court action shall be transferred to the court set forth in the affidavit, and shall transmit all files and papers in the small claims actions to such other court, and the actions shall then be tried together in such other court.

The plaintiff in the small claims action shall not be required to pay to the clerk of the court to which the action is so transferred any transmittal, appearance, or filing fee in the action, but shall be

required to pay the filing and any other fee required of a defendant if he appears in the action filed against him.

SEC. 4. Section 117.18 is added to the Code of Civil Procedure, to read:

117.18. Each small claims court may provide by local rule for the establishment of small claims legal advisers. The advisers, who may be volunteers, and who shall be members of the State Bar, paralegals, or law students, shall directly assist litigants, but may not appear in court to act as advocates for any party. The qualification for such legal advisers shall be established by rule of court.

SEC. 5. Section 118.1 of the Code of Civil Procedure is amended and renumbered to read:

117.12. The judgment of the superior court shall be final and not appealable. If the judgment is affirmed in whole or in part or the appeal is dismissed, the defendant shall pay to the plaintiff the amount of the judgment as affirmed, together with interest and costs and the sum of fifteen dollars (\$15) as an attorney's fee.

SEC. 6. Section 118.6 of the Code of Civil Procedure is amended and renumbered to read:

117.14. A fee of two dollars (\$2) shall be charged and collected for the filing of the claim under oath for the commencement of any action; for each defendant to whom a copy of the claim is mailed by the clerk a fee of three dollars (\$3) shall be charged and collected. Fees as provided in Sections 72062 and 72065 of the Government Code shall be charged and collected by the clerk for the issuance of a writ of execution or an abstract of judgment. Except as otherwise provided for in this chapter, no other fee or charge shall be collected by any officer for any service rendered under this chapter, or for the taking of affidavits for use in connection with any action commenced under this chapter. All fees collected hereunder shall be deposited with the treasurer of the city and county or county under whose jurisdiction any such court shall exist.

SEC. 7. Section 118.7 of the Code of Civil Procedure is amended and renumbered to read:

117.16. Each small claims court shall make a reasonable effort to maintain and make available to the parties a list of interpreters, who are willing and able to aid parties in the small claims court for no fee, or for a fee, which is reasonable considering the size of the claims involved in such court. Such list shall include interpreters for all languages that require interpretation before the court, as determined by the court, in its discretion and in view of its experience. Failure to maintain such a list, or failure to have an interpreter for a particular language on such list, shall not invalidate any proceedings before the court.

SEC. 8. Section 118 of the Code of Civil Procedure is amended to read:

118. It is the intent of the Legislature in enacting this chapter to:

(a) Conduct a court assistance experiment in the small claims

courts of specified districts to stimulate use of those courts by, and reduce the number of defaults by, untrained individual litigants unfamiliar with the judicial system who might have previously considered small claims courts an inconvenient or unsatisfactory forum for the resolution of disputes; and

(b) Conduct a monetary jurisdiction experiment to determine the effects of increased jurisdiction on litigants and the courts; and

(c) Establish systems for data collection and evaluation and provide the Legislature with reports on the results of these experiments with recommendations for future action.

SEC. 9. Section 119.4 of the Code of Civil Procedure is amended to read:

119.4. The advisory committee shall assist the Department of Consumer Affairs in compiling and evaluating data, and preparing reports to the Legislature of the effectiveness of the programs and procedures in the project districts together with recommendations for future action.

SEC. 10. Section 119.9 is added to the Code of Civil Procedure, to read:

119.9. A monetary jurisdiction experiment, which shall operate in the manner specified in Article 6, shall be established in the small claims divisions of the following municipal court districts:

- (1) Compton.
- (2) East Los Angeles.
- (3) Fresno.
- (4) Oakland-Piedmont.
- (5) San Bernardino (Chino Division).
- (6) West Orange County.

SEC. 11. Section 120 of the Code of Civil Procedure is amended and renumbered to read:

119.6. The small claims divisions of three municipal court districts in three different counties have been designated as experimental districts for a court assistance experiment by the Judicial Council, with the advice of the Department of Consumer Affairs and the concurrence of the municipal court involved.

SEC. 12. Section 120.1 of the Code of Civil Procedure is amended to read:

120.1. This chapter shall be implemented in six phases. The first phase shall commence July 1, 1977. The last phase shall terminate June 30, 1980.

The six phases shall be:

(a) From July 1, 1977, to September 30, 1977. During this time the advisory committee shall be appointed and shall convene, and the experimental and other recordkeeping districts shall be designated. Although neither the procedures in experimental districts as set forth in Article 4 (commencing with Section 121) of this chapter nor the recordkeeping and evaluation procedures as set forth in Article 5 (commencing with Section 122) of this chapter shall be in effect

during this time, preliminary preparations for the implementation of the procedures in Article 4 (commencing with Section 121) shall be made and preparation for the full implementation of recordkeeping procedures in Article 5 (commencing with Section 122) on October 1, 1977, shall be made during this time.

(b) From October 1, 1977, to March 31, 1978. During this time data shall be accumulated as provided in Sections 122 and 122.1. The procedures in experimental districts as set forth in Article 4 (commencing with Section 121) will not be in effect, but preparation for their full implementation beginning April 1, 1978, shall be made. This preparation shall include the establishing of administrative guidelines, the printing of all forms and manuals, and the training of personnel.

(c) From April 1, 1978, to March 31, 1979. During this time all programs and procedures mandated in Article 4 (commencing with Section 121) shall be in effect. The procedures in experimental districts set forth in Article 4 (commencing with Section 121), and the recordkeeping set forth in Article 5 (commencing with Section 122) shall terminate after March 31, 1979.

(d) From April 1, 1979, to June 30, 1979. During this time the advisory committee and the Department of Consumer Affairs shall complete their report to the Legislature regarding the court assistance experiment.

(e) From April 1, 1979, until March 31, 1980. During this time the jurisdictional limits established pursuant to Article 6 (commencing with Section 123) shall be in effect in the courts designated under Section 119.8. Programs mandated under Article 4 (commencing with Section 121) may continue during this period.

(f) From November 1, 1979, until July 1, 1980. During this time the advisory committee and the Department of Consumer Affairs shall complete their reports to the Legislature concerning the monetary jurisdiction experiment.

SEC. 13. The heading of Article 4 (commencing with Section 121) of Chapter 5-B of Title 1 of Part 1 of the Code of Civil Procedure is amended to read:

Article 4. Procedures in the Court Assistance Experimental Project Districts

SEC. 14. Article 6 (commencing with Section 123) is added to Chapter 5-B of Title 1 of Part 1 of the Code of Civil Procedure, to read:

Article 6. Monetary Jurisdiction Experiment

123. (a) Notwithstanding the provisions of Section 116.2, the small claims divisions of the municipal courts specified in Section 119.9, shall have jurisdiction in actions:

(1) For recovery of money only where the amount of the demand does not exceed one thousand five hundred dollars (\$1,500).

(2) To enforce payment of delinquent unsecured personal property taxes in an amount not to exceed one thousand five hundred dollars (\$1,500), if the legality of the tax is not contested by the defendant.

(3) In unlawful detainer, after default in rent for residential property, where the term of tenancy is not greater than month to month and the amount claimed does not exceed one thousand five hundred dollars (\$1,500).

(b) Notwithstanding any other provision of law, no plaintiff which is a corporation shall be allowed to bring an action exceeding seven hundred fifty dollars (\$750) in the small claims divisions of the municipal courts specified in Section 119.9 unless, at the time of the commencement of the action, the defendant resides in the judicial district where the action is brought.

(c) In any action brought pursuant to paragraph (1) of subdivision (a), the court may grant equitable relief in the form of rescission, restitution, reformation, and specific performance, in lieu of or in addition to money damages.

123.1. (a) In two of the six courts specified in Section 119.9, defendants shall have the option, prior to the small claims hearing, to transfer the action, upon payment of an appropriate fee, to the civil division of the municipal court. The plaintiff in such actions shall not be charged any additional fee when the case is transferred.

(b) Two of the remaining four courts specified in Section 119.9 shall provide for the establishment of small claims legal advisers pursuant to rules of the Judicial Council. The advisers, who may be members of the State Bar, paralegals, or law students, shall directly assist litigants, but may not appear in court to act as advocates for any party. The Judicial Council may provide by rule for an increase in the filing fee in such districts of up to two dollars (\$2) in addition to the fees specified in Section 117.14 to fund the costs of such advisers.

(c) The courts which shall offer the foregoing features shall be selected under the supervision of the Judicial Council and designated by rule.

123.4. The Judicial Council, in cooperation with the Department of Consumer Affairs and the participating courts, shall, if federal or other funding is available, study the effects of the jurisdictional change on plaintiffs and defendants. The Judicial Council shall survey the effects of the jurisdictional change upon the courts. The Judicial Council, with the advice of the Department of Consumer Affairs, shall designate at least two courts operating pursuant to Section 116.2 to be included in the studies for purposes of comparison with the courts specified under Section 119.9.

123.5. The advisory committee and the Department of Consumer Affairs shall provide the Legislature with a preliminary report no later than February 1, 1980, and a final report by July 1, 1980. The

reports shall discuss, to the extent relevant, at least the following: (a) any change in filing practices by plaintiffs, particularly corporate and governmental plaintiffs; (b) the reasons for any changes in filing behavior and patterns; (c) the impact on natural person plaintiffs and defendants which occur as a result of changed filing patterns; (d) any additional judicial and clerical time and expense; and (e) use of the transfer option by defendants and the reasons therefor.

123.7. In addition to the fees specified by Sections 117.14 and 123.1, the courts specified under subdivision (b) of Section 123.1 shall charge an additional fee of one dollar (\$1) for the filing of a claim under oath for the commencement of any small claims action. The additional funds provided by such increased fees shall reimburse local agencies for costs incurred in connection with this article.

SEC. 15. Section 2 of Chapter 1287 of the Statutes of 1976 is amended to read:

Sec. 2. This act shall become operative on July 1, 1977, and shall continue in force until June 30, 1980, at which time it shall be repealed.

There are no state-mandated local costs within the meaning of Section 2231 of the Revenue and Taxation Code imposed on local governmental entities in 1976-1977 by this act. However, there are state-mandated local costs in this act in 1977-1978 and subsequent years that require reimbursement under Section 2231 of the Revenue and Taxation Code which can be handled in the regular budget process.

SEC. 16. It is the intent of the Legislature that if this bill and Assembly Bill No. 2115 or Assembly Bill No. 2574, or both, are chaptered and become effective January 1, 1979, each of the bills amend Section 116 of the Code of Civil Procedure, and this bill is chaptered last, that amendments proposed by each of the bills which are chaptered be given effect as follows:

(1) If this bill and Assembly Bill No. 2115 are both chaptered and become effective January 1, 1979, both bills amend Section 116 of the Code of Civil Procedure, but Assembly Bill No. 2574 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Assembly Bill No. 2115, the amendments proposed by both bills shall be given effect and incorporated in Section 116 in the form set forth in Section 1.1 of this act. Therefore, if this bill and Assembly Bill No. 2115 are both chaptered and become effective January 1, 1979, both bills amend Section 116, this bill is chaptered after Assembly Bill No. 2115, and Assembly Bill No. 2574 is not chaptered or as chaptered does not amend that section, Section 1.1 of this act shall be operative and Sections 1, 1.2, and 1.3 of this act shall not become operative.

(2) If this bill and Assembly Bill No. 2574 are both chaptered and become effective January 1, 1979, both bills amend Section 116 of the Code of Civil Procedure, but Assembly Bill No. 2115 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Assembly Bill No. 2574, the amendments proposed by both bills

shall be given effect and incorporated in Section 116 in the form set forth in Section 1.2 of this act. Therefore, if this bill and Assembly Bill No. 2574 are both chaptered and become effective January 1, 1979, both bills amend Section 116, this bill is chaptered after Assembly Bill No. 2574, and Assembly Bill No. 2115 is not chaptered or as chaptered does not amend that section, Section 1.2 shall be operative and Sections 1, 1.1, and 1.3 of this act shall not become operative.

(3) If this bill and Assembly Bill No. 2115 and Assembly Bill No. 2574 are all chaptered and become effective January 1, 1979, all three bills amend Section 116 of the Code of Civil Procedure, and this bill is chaptered after Assembly Bill No. 2115 and Assembly Bill No. 2574, the amendments proposed by all three bills shall be given effect and incorporated in Section 116 in the form set forth in Section 1.3 of this act. Therefore, if this bill and Assembly Bill No. 2115 and Assembly Bill No. 2574 are all chaptered and become effective January 1, 1979, all three bills amend Section 116 of the Code of Civil Procedure, and this bill is chaptered after Assembly Bill No. 2115 and Assembly Bill No. 2574, Section 1.3 of this act shall be operative and Sections 1, 1.1, and 1.2 of this act shall not become operative.

SEC. 17. It is the intent of the Legislature, if this bill and Assembly Bill No. 2574 are both chaptered and become effective January 1, 1979, both bills amend Section 116.8 of the Code of Civil Procedure, and this bill is chaptered after Assembly Bill No. 2574, that the amendments to Section 116.8 proposed by both bills be given effect and incorporated in Section 116.8 in the form set forth in Section 3.5 of this act. Therefore, Section 3.5 of this act shall become operative only if this bill and Assembly Bill No. 2574 are both chaptered and become effective January 1, 1979, both amend Section 116.8, and this bill is chaptered after Assembly Bill No. 2574, in which case Section 3 of this act shall not become operative.

SEC. 18. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code because there are no new duties, obligations, or responsibilities imposed on local government by this act.

**SMALL CLAIMS RULES FOR DESIGNATED RECORDKEEPING
AND EXPERIMENTAL COURTS**

(as amended effective April 1, 1979,
with advisory committee comments)

**CHAPTER 1. RULES APPLICABLE TO ALL DESIGNATED
RECORDKEEPING AND EXPERIMENTAL COURTS**
(COMPTON, EAST LOS ANGELES, FRESNO, OAKLAND-PIEDMONT
SACRAMENTO, SAN FRANCISCO, SAN BERNARDINO,
(CHINO DIVISION), SAN DIEGO, WEST ORANGE)

Rule 1901. Authority and effect

These rules are adopted pursuant to chapter 5-B of Title 1 of Part 1 (commencing with section 118) of the Code of Civil Procedure and pursuant to the authority granted to the Judicial Council by the Constitution, article VI, section 6, to adopt rules for court administration, practice and procedure. They are applicable only to the courts designated by the Judicial Council as small claims experimental or recordkeeping courts in accordance with chapter 5-B.

Rule 1902. Purpose of small claims experiment

The small claims court experiment and these rules are intended to;

(a) Establish procedures and programs in the small claims courts of specified districts designed to stimulate use of those courts by, and reduce the number of defaults by, untrained individual litigants unfamiliar with the judicial system who might have previously considered small claims courts an inconvenient or unsatisfactory forum for the resolution of disputes;

(b) Establish procedures and programs in the small claims court of specified districts in order to conduct a monetary jurisdiction experiment to determine the effect of increased jurisdiction on litigants, especially natural persons, and the courts;

(c) Establish systems for data collection and evaluation and provide the Legislature with a report of the effectiveness of these programs and procedures with recommendations for future action; and

(d) Provide a means whereby the convenience of natural parties shall to the extent possible prevail over the convenience of other litigants.

Advisory committee comment:

Rule 1902 restates subdivision (a) and (c) of Code of Civil Procedure section 118 verbatim, and Code of Civil Procedure section 120.2 in part. For purposes of the court assistance experiment, in the designated experimental courts, various measures will be undertaken between April 1, 1978, and March 31, 1979, to encourage individual plaintiffs to use the small claims procedure and to encourage individual defendants to present any defenses they may have.

The rule also restates subdivision (b) of Code of Civil Procedure section 118. A monetary jurisdiction experiment will be undertaken between April 1, 1979, and March 31, 1980 which will include special features designed to test the impact of increasing the jurisdictional maximum under different sets of conditions.

Data collection and evaluation systems will be established to measure the effects of such measures in the designated experimental courts as compared with other courts where no special efforts are made to stimulate use of the small claims procedure. The rules should be interpreted accordingly.

Rule 1905. Applicability of general rules

Except as otherwise provided in these rules, all provisions of law applicable to small claims actions generally apply to actions in the designated courts.

Rule 1907. Records

(a) (Not applicable to courts participating in the monetary jurisdiction experiment.)

(b) Each court participating in the monetary jurisdiction experiment shall complete and send to the Judicial Council a case report on a limited number of small claims actions filed between April 1, 1979, and March 31, 1980, selected on a random basis as specified by the Judicial Council. All case reports initiated and not complete as of March 31, 1980, shall be sent to the Judicial Council prior to April 10, 1980. Such reports shall be on forms provided by the Judicial Council.

(c) Each court participating in the monetary jurisdiction experiment shall retain a list of case numbers or other means of identification for civil actions where the amount of the demand does not exceed \$2,000.

Advisory committee comment:

A critical aspect of this project is the quality and accuracy of the statistics and records to be maintained for all small claims cases in the designated courts. Records will be maintained for each filing during the court assistance experiment in accordance with detailed instructions developed by the statistical section of the Administrative Office of the Courts. Records will be maintained for a sampling of small claims actions filed during the monetary jurisdiction experiment. The cases will be selected on a random basis and in sufficient number to assure the representativeness of the sample. At the end of the experiments all case reports on cases in progress will be forwarded to the Judicial Council.

Courts participating in the monetary jurisdiction experiment may wish to retain their list of civil actions of \$2,000 or less by using the docket stamp to record the case number at the time of filing on a separate sheet maintained at the counter for such purpose. The list will be used to provide access to case files so that a mail survey of litigants can be conducted.

Rule 1908. (Not applicable to courts participating in the monetary jurisdiction experiment.)

CHAPTER 2. RULES APPLICABLE TO ALL DESIGNATED
EXPERIMENTAL COURTS (SAN FRANCISCO,
SACRAMENTO, SAN DIEGO)

Rules 1909-1919. (Not applicable to courts participating in the monetary jurisdiction experiment.)

CHAPTER 3. RULES AND FORMS APPLICABLE TO INDIVIDUAL
DESIGNATED EXPERIMENTAL COURTS

Rules 1921, 1923, 1925. (Not applicable to courts participating in the monetary jurisdiction experiment.)

CHAPTER 4. RULES APPLICABLE TO ALL EXPERIMENTAL COURTS PARTICIPATING IN THE MONETARY JURISDICTION EXPERIMENT.

Rule 1930. Applicability of small claims rules to courts with increased jurisdiction

The rules in this chapter apply to every small claims action filed ~~and heard~~ between April 1, 1979 and March 31, 1980 in the Compton, East Los Angeles, Fresno, Oakland-Piedmont, San Bernardino (Chino Division), and West Orange County Municipal Courts.

Advisory committee comment:

Rule 1930 establishes the effective dates for application of the rules contained in this chapter in the courts designated under Code of Civil Procedure section 119.9. A case filed in one of the specified courts and subsequently transferred to a court other than those specified will be subject to the special jurisdiction and procedures only while the case is subject to the control of the specified court.

Rule 1931. Jurisdiction

The courts specified by this chapter shall have jurisdiction in actions:

(a) for recovery of money where the amount of the demand does not exceed \$1,500;

(b) to enforce payment of delinquent unsecured personal property taxes in an amount not to exceed \$1,500, if the legality of the tax is not contested by the defendant; and

(c) in unlawful detainer, after default in rent for residential property, where the term of the tenancy is not greater than month to month, and the amount claimed does not exceed \$1,500.

(d) In any action brought pursuant to subdivision (a), the court may grant equitable relief in the form of rescission, restitution, reformation, and specific performance, in lieu of or in addition to money damages, whether or not such equitable relief has been requested.

Advisory committee comment:

Rule 1931 establishes the basis for monetary jurisdiction in the courts specified by Code of Civil Procedure section 119.9.

Rule 1932. Venue

(a) No corporation, as a plaintiff, may bring a small claims action exceeding \$750 unless, at the time of commencement of the action, the defendant resides in the judicial district where the action is brought.

(b) If the claim does not show the defendant to reside within the jurisdiction, the clerk shall call the matter to the attention of the small claims judge for a venue determination. If at any time in the proceedings it appears that venue is improper, the judge may dismiss or transfer the case to the proper court as the interests of justice may require.

(c) The time and place of trial in small claims cases shall be set so as to minimize any hardship on the parties and witnesses. In scheduling the time and place of trial, the convenience of natural persons shall to the extent possible prevail over the convenience of other litigants.

Advisory committee comment:

Subdivision (a) restates Code of Civil Procedure section 123(b) which prohibits corporations from forum shopping to take unfair advantage of the experimental jurisdictional amount. Subdivisions (b) and (c) repeat subdivisions (a) and (b) of rule 1911 respectively to make it expressly clear that the specified courts should seek to minimize the burden on natural person litigants and witnesses. The section of advisory committee comment to rule 1911 which discusses elements to be considered in setting the time and place of trial are hereby made applicable to the monetary jurisdiction experiment as well.

Cases involving amounts greater than \$750 which are commenced in one of the specified courts, but subsequently transferred to a non-specified court should be treated in the same manner as would a new filing in the civil division of the non-specified court.

Rule 1933. Trial setting

The court may, to the extent required by the experiment, schedule the hearing date not more than 30 days beyond the limits set forth by section 116.4 of the Code of Civil Procedure.

Advisory committee comment:

It is intended that, to the extent possible, cases should be heard within the statutory time limits set by Code of Civil Procedure section 116.4, but that the volume of cases which results from the increase in jurisdictional amount may preclude the court from doing so in some instances.

Rule 1934. Continuance of court assistance experimental procedures and programs

The court may apply the procedures authorized by subdivisions (c) and (d) of rule 1911 and by rules 1913, 1915, 1917, 1919, 1923 and 1925.

Advisory committee comment:

Pursuant to Code of Civil Procedure 120.1(e), this rule authorizes the courts participating in the monetary jurisdiction experiment to implement programs mandated under Article 4 of Chapter 5-B. The courts are encouraged to implement evening and Saturday court sessions, evening hours for the clerk's office, increased non-English language services, law clerk programs, mediation programs, and other features permitted under Article 4.

Participating courts which serve a significant number of non-English speaking persons are especially encouraged to make available translated explanatory materials, interpreters, and related non-English language services.

Rule 1935. Transfer of actions

(a) In the Oakland-Piedmont and West Orange County Municipal Courts, in each action filed between April 1, 1979, and March 1, 1980, where the amount of the demand exceeds \$750, the clerk shall notify the defendant that the action may be transferred at the defendant's request to the civil division of the court.

(b) The claim shall be served at least 15 days prior to the date set for the small claims hearing, except that in unlawful detainer actions the claim shall be served at least 10 days prior to the hearing date. A request to transfer the action shall be mailed (postmarked) or delivered to the clerk within 5 days after service of an ordinary action and within 4 days after service of an unlawful detainer action.

If a claim is served late, but prior to the time of hearing, the defendant may request another hearing date, may proceed with the hearing as initially scheduled, or may exercise any right to a continuance under Code of Civil Procedure section 116.4.

(c) The defendant shall pay a fee of two dollars to have the action transferred. The plaintiff shall not be charged any additional fee when the case is transferred.

(d) Upon the defendant's timely request to transfer the small claims action, the small claims clerk shall transmit all files and other papers to the clerk of the civil division, notify the plaintiff that the action has been transferred, and advise the plaintiff of the following:

- (1) the hearing date has been vacated;
- (2) the rules of procedure applicable to ordinary civil actions will apply to all further proceedings;
- (3) parties may be represented by counsel;
- (4) if counsel cannot be afforded, it may be possible to obtain help from a legal aid or legal assistance office; and
- (5) all further correspondence and communications should be directed to the clerk of the civil division.

(e) Where the plaintiff voluntarily dismisses an action after it has been transferred to the civil division, such dismissal shall be with prejudice when requested by a plaintiff who has once previously voluntarily dismissed a small claims action based on or including the same claim, brought against the same defendant, and which had been transferred.

(f) Requests to transfer small claims actions shall be in writing and may be filed on a form approved by the Judicial Council.

Advisory committee comment:

Special service time requirements have been adopted to ensure that defendants have adequate opportunity to exercise the transfer option and the clerk sufficient time to notify plaintiffs that the action has been transferred.

The two dollar fee for transfer of the case is established pursuant to Code of Civil Procedure section 123.1(a), and it should be paid at the time the transfer is requested. No additional fees may be charged to the plaintiff in order to avoid any adverse effect on the plaintiff's ability to proceed as a result of the transfer.

An accurate test of this option will require special diligence from the clerk in advising defendants of their right to transfer cases and assisting plaintiffs in understanding the procedure which results following the transfer.

The requirement that a second voluntary dismissal by a plaintiff after an action has been transferred be with prejudice is intended to bar plaintiffs from using dismissals as a means of defeating the defendant's exercise of the transfer option.

A simple, nontechnical form for the defendant to use when exercising the transfer option will be drafted by the Judicial Council.

Rule 1936. Legal advisor assistance

(a) In the San Bernardino (Chino Division) and East Los Angeles Municipal Courts, in each action filed between April 1, 1979 and March 1, 1980, each plaintiff shall be informed orally before filing any document, and each defendant shall be informed in writing, that

a small claims advisor is available to assist litigants in pursuing or defending small claims matters.

(b) Small claims advisors may be members of the State Bar, law students, or paralegals. In selecting advisors, the first preference shall be to use members of the State Bar, the second preference to use law students, and the third preference to use paralegals. The advisors shall function independently of the court and not communicate directly with any judge regarding small claims matters nor prepare any document for trial. At least one member of the State Bar who has supervisory authority over the advisors in each court shall be selected by the court and compensated by the county.

(c) In order to qualify as a small claims advisor, a paralegal must have completed a course of paralegal study at an institution authorized or approved by the Superintendent of Public Instruction pursuant to section 94310 or 94311 of the Education Code or under similar provisions by a similar state agency for states other than California or at an institution accredited by a regional accrediting agency recognized by the United States Office of Education or have at least 3 years of appropriate full-time experience in a public or private law office regularly engaged in litigation.

(d) No small claims advisor shall assist more than one party in any proceeding. In case of a conflict, the person shall be referred to another advisor. The advisors may settle cases informally where both parties have agreed to a disposition of the matter to be approved by the court. Records shall be maintained to identify those whom each advisor has assisted.

(e) The filing fee for a small claims action specified in section 117.14 of the Code of Civil Procedure shall be increased by two dollars in the courts with advisors in order to fund their costs.

Advisory committee comment:

The two dollar increase in the filing fee as authorized by Code of Civil Procedure section 123.1(b) shall be used to provide compensation, at least on a part-time basis for a member of the State Bar who occupies a supervisory capacity over the advisors in order to assure continuity, stability, and responsibility in the operation of the program. The State Bar member who acts as supervisor may also be an advisor.

Advisors should be knowledgeable in areas of law which commonly arise in small claims actions such as landlord-tenant, consumer credit, personal injury, property damage, and consumer protection as well as small claims practice and procedure. Using relevant training and experience as a general guide, the first preference should be to have members of the State Bar act as advisors, second preference should be given to law students, and third preference to paralegals.

Care should be exercised by small claims advisors to disclose to those who receive assistance any known direct or indirect relationship the advisor may have with any party or witness involved in the potential or pending small claims action. Advisors should also refrain from using any information obtained during the course of their duties for their own or anyone else's financial advantage.

Depending on the small claims caseload of the court, the advisors need not be available during all working hours, but efforts should be made to have advisors available during the most convenient time for the public. The advisors should attempt to limit their activities to assisting those who are actually or may imminently be involved in a small claims action.

In order to preserve the design and structure of the experiment, among these courts participating, small claims advisors should be used solely in the districts designated by this rule.

Municipal Court, Small Claims Division

California

S.C. No.

Plaintiff (Name and address)

Defendant (Name and address of each)

REQUEST FOR TRANSFER OF ACTION
AND CLERK'S CERTIFICATE

REQUEST FOR TRANSFER

Defendant declares the Plaintiff's Claim was served on (Date): _____ and the amount of Plaintiff's Claim exceeds \$750; and requests transfer of this action to the civil division of this court.

I understand that if I do not file a responsive pleading to the Plaintiff's Claim with the clerk of the civil division within 30 days of the time the claim was served on me the plaintiff may request a default judgment that could result in garnishment of my wages and the sale of my money or property.

Date: _____

Signature of Defendant

CLERK'S CERTIFICATE AND NOTICE

Plaintiff is hereby notified of the following:

1. The hearing set for (Date): _____ has been vacated.
2. The rules of procedure applicable to ordinary civil actions will apply to all further proceedings.
3. Parties may be represented by counsel.
4. If counsel cannot be afforded, it may be possible to obtain legal help from a legal aid or legal services office.
5. All further correspondence and communications should be directed to the clerk of the civil division.

I certify I am not a party to this cause, and that I have transmitted all files and papers in this action to the clerk of the civil division of this court. This certificate and notice executed and a copy was mailed, first class, postage prepaid, in a sealed envelope on (Date): _____ at (Place): _____, California to each of the persons whose names and addresses are set forth above.

Clerk, By _____ Deputy

REQUEST FOR TRANSFER OF ACTION
AND CLERK'S CERTIFICATE

STATE OF CALIFORNIA

Appendix C Judicial Council Experimental Rules & Forms
SMALL CLAIMS EXPERIMENTAL PROJECT CASE REPORT

FRESNO COUNTY

MUNICIPAL COURT

1 CASE NUMBER

Complete a case report if the case number ends in any of these numbers:

02	17	34	56	63	73	86	98
07	23	36	60	65	79	90	99
08	29	41	61	68	80	91	
16	32	55	62	71	84	93	

3 LITIGANT CHARACTERISTICS

TYPE OF LITIGANT	PLAINTIFF (X) CHECK ONE	DEFENDANT (X) CHECK ONE
CORPORATION	01	
OTHER BUSINESS	02	
GOVERNMENT AGENCY	03	
NATURAL PERSON	04	
COUNTY OF RESIDENCE (SEE LIST ON BACK)	WRITE ID NUMBERS	

2 FILING DATE

MONTH	DAY	YR.

9 AMOUNT OF JUDGEMENT (ROUND TO NEAREST \$)

YES	NO

4 AMOUNT OF CLAIM (ROUND TO NEAREST DOLLAR)

5 TYPE OF COMPLAINT

	CHECK ONE (X)
UNLAWFUL DETAINER (LANDLORD-TENANT)	01
CONSUMER GOODS (CONSUMER IS PLAINTIFF)	02
CONSUMER SERVICES (CONSUMER IS PLAINTIFF)	03
CONSUMER CREDITS	04
CONSUMER LOAN	05
PERSONAL INJURY OR PROPERTY DAMAGE	06
OTHER (SPECIFY)	07

8 CLAIM OF DEFENDANT

YES	NO

10 TYPE OF DISPOSITION

	CHECK ONE (X)
JUDGEMENT AFTER TRIAL	
FOR PLAINTIFF	01
FOR DEFENDANT	02
DISMISSAL	
FOR PLAINTIFF	03
FOR DEFENDANT	04
LACK OF JURISDICTION	05
DEFECTIVE SERVICE	06
NONAPPEARANCE OF PLAINTIFF	07
AT PLAINTIFF'S REQUEST	08
OTHER (SPECIFY)	09
SETTLEMENT/MEDIATION	10
TRANSFERRED	11
NONE OF THE ABOVE, OFF CALENDAR	12

6 ORIGINAL TRIAL ORDER

DATE	MONTH	DAY

12 TIME

JUDICIAL TIME CONSUMED BY THIS CASE	MINUTES

11 APPEAL FILED

YES	NO

7 LAST REVISED TRIAL ORDER (IF ANY)

DATE TRIAL SET IN REVISED ORDER

DATE MAILED

MONTH	DAY	YR.

MAIL TO: JUDICIAL COUNCIL
601 MCALLISTER ST.
SAN FRANCISCO, CA 94102

Appendix D

STATE OF CALIFORNIA
Department of Consumer Affairs
Small Claims Court Experimental Project
Experience of Court Users

Plaintiff

If you have sued someone in Small Claims Court more than once, please answer this questionnaire with reference to your most recent case during the April 1979 through August 1979 period.

1. In what capacity did you sue? (Check one)

- a. As an individual ☐
- b. As a corporation ☐
- c. As state or local government ☐
- d. As an unincorporated business ☐
- e. Other (Please specify) ☐ _____

If you checked any of "b" through "e", please have the person who appeared in court complete this questionnaire.

2. Who did you sue? (Check one)

- a. An individual ☐
- b. A corporation ☐
- c. State or local government ☐
- d. An unincorporated business ☐
- e. Other (Please specify) ☐ _____

3. Why did you sue? Describe your claim briefly. _____

4. How much money did you sue for? \$ _____

5. How was your case finally handled? (Check one)

- a. I didn't appear in court ☐
- b. I appeared in court and a judge decided the case ☐

6. If you didn't appear in court, why didn't you? (Check one)

- a. Failed to serve defendant ☐
- b. Settled with defendant before trial ☐
- c. Reconsidered merit of case ☐
- d. Other (Please specify) ☐ _____

7. a. Did you win a court judgment? ☐ Yes ☐ No

b. If you won a judgment, how much did you win? \$ _____

8. If you won a judgment, how much did you actually receive? \$ _____

9. Did you have any trouble getting the defendant to pay?
If yes, what did you do? (Check as many as apply.) ☐ Yes ☐ No
- a. I had the other person's property seized by a sheriff or marshal ☐
- b. I had the other person's wages garnished by a sheriff or marshal ☐
- c. The other person didn't have any money ☐
- d. I couldn't find the other person ☐
10. If you lost your case, why do you think you lost? (If you don't know, write in "don't know".)
11. Did the people who worked in the court seem interested in helping you? ☐ Yes ☐ No
12. Did you have any difficulties with any of the following?
- a. Learning your legal rights ☐ Yes ☐ No
- b. Finding the court's location ☐ Yes ☐ No
- c. Filling out the forms in court ☐ Yes ☐ No
- d. Serving your claim on the person you wanted to sue ☐ Yes ☐ No
- e. Learning what evidence or witnesses were necessary to prove your case ☐ Yes ☐ No
13. When your case was over, do you think you understood enough about how to sue in Small Claims Court to be able to explain it to a person who had never been in Small Claims Court? ☐ Yes ☐ No ☐ Not Sure
14. When your case was over, do you think you understood what your legal rights were? ☐ Yes ☐ No ☐ Not Sure
15. As best as you can remember, how much time did you have to spend on each of the following
- a. Going to court to file your claim _____ Hours
- b. Discussing the case with a lawyer _____ Hours
- c. Preparing for trial other than discussing the case with a lawyer (such as collecting evidence, etc.) _____ Hours
- d. Going to court for the trial _____ Hours
- e. Collecting the judgment _____ Hours
16. How much time did you take off from work for this case? _____ Times
17. How many times did you go to Small Claims Court for this case?
18. How did you find out about Small Claims Court? (Check one)
- | | | | |
|--------------------|--------------------------|-----------------------|--------------------------|
| Friend or Relative | <input type="checkbox"/> | News Program | <input type="checkbox"/> |
| Work | <input type="checkbox"/> | Consumer Organization | <input type="checkbox"/> |
| Magazine | <input type="checkbox"/> | Small Claims Booklet | <input type="checkbox"/> |
| Newspaper | <input type="checkbox"/> | Don't Remember | <input type="checkbox"/> |

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19. List below, as best you can remember, the costs to you to pursue your case.
- | | | | |
|-------------------------|----------|--|----------|
| a. Filing Fee | \$ _____ | e. Service Fee for Notifying Defendant | \$ _____ |
| b. Witness Fee | \$ _____ | f. Fee to Collect Judgment | \$ _____ |
| c. Wages or Income Lost | \$ _____ | g. Other (Specify what and how much) | \$ _____ |
| d. Attorney Fee | \$ _____ | | |
20. Do you think a person can get a fair trial in Small Claims Court? ☐ Yes ☐ No
21. Have you ever sued or been sued before this case?
- a. In Small Claims Court ☐ Yes ☐ No
- b. In any other court? ☐ Yes ☐ No
22. Were you basically satisfied with your experience in Small Claims Court? ☐ Yes ☐ No
23. In your opinion, how much should it be possible to sue or be sued for in Small Claims Court?
\$ _____
24. In your opinion, how much would you have to sue or be sued for before you would get legal assistance?
\$ _____
25. The following are different features of Small Claims Courts across the country. Which of these features would you like to see in an ideal Small Claims Court? Check whether you think each is desirable or not desirable. If you have no opinion on a particular feature, check "No Opinion".
- | | Desirable | Not Desirable | No Opinion |
|--|--------------------------|--------------------------|--------------------------|
| a. Trials available in evening | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Trials available on Saturday | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Clerk's office open evenings | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Trials held in informal surroundings around a table and in private | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. A booklet which explains how to use Small Claims Court | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. People available through the court to advise you on how to pursue your case | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
26. If you had a claim which was for more than \$750.00, but the claim limit in Small Claims Court was \$750., what would you do? (Check one)
- a. File your claim in Small Claims Court for \$750 ☐
- b. File your claim in regular Municipal Court for the actual cost ☐
- c. Not file your claim ☐

EL CAJON
AND STOCKTON
DID NOT RECEIVE
26.

CHINO AND EAST L.A. ONLY RECEIVED FIRST QUESTION 27. OAKLAND-PIEDMONT AND WEST ORANGE ONLY RECEIVED SECOND QUESTION 27.

27. a. At the time of your case, did you know that a Small Claims Legal Advisor was available to advise you about your case?
- ☐ Yes ☐ No (If no, go to Question 1 below)
- b. If yes, did you talk to the Advisor? ☐ Yes ☐ No
- c. At what stage of your case did you talk to the Advisor? (Check as many as apply.)
- Before you filed your claim ☐
- Before trial ☐
- After trial (About collection or appeal) ☐
- d. How did the Advisor help you? (Check as many as apply.)
- Helped prepare case ☐
- Helped settle case out-of-court ☐
- Explained legal rights ☐
- Explained collection procedure ☐
- Other (Please specify) ☐
- e. Would you pay a fee to see an Advisor? ☐ Yes ☐ No

27. Did you know that the defendant could transfer your case to Municipal Court if you sued for more than \$750?
- ☐ Yes ☐ No
- If you had known that the defendant could have transferred the case, would you still have sued in Small Claims Court?
- ☐ Yes ☐ No
- To help us know who Small Claims Court is serving and to make the results of this study helpful to your needs as a user of Small Claims Court, we need to know a few facts about you.

1. What is your age? Under 21 ☐ 21-30 ☐ 31-45 ☐ 46-62 ☐ Over 62 ☐
2. What is your present marital status?
- Married ☐ Single ☐ Divorced ☐ Widower ☐ Widow ☐
3. What is your occupation? Be as specific as possible. _____
4. What level of formal education have you completed? Check one.
- Grade 11 or less ☐ One - Four Years of College ☐
- High School Degree ☐ Five Years/More of College ☐
5. Do you identify yourself as
- White ☐ Puerto Rican ☐
- Black ☐ Asian ☐
- Chicano ☐ Other ☐ _____
- Please Specify
6. Are you Female ☐ Male ☐
7. About what was your total family income for the last year?
- 0 - 3,999. ☐ 16,000 - 19,999. ☐
- 4,000 - 7,999. ☐ 20,000 - 23,999. ☐
- 8,000 - 11,999. ☐ 24,000 - 27,999. ☐
- 12,000 - 15,999. ☐ 28,000 - Above ☐

Please use the space below for anything else you would like to say about your experience in Small Claims Courts, or for suggestions for changing the court.

STATE OF CALIFORNIA
Department of Consumer Affairs
Small Claims Court Experimental Project
Experience of Court Users
Defendant

If you have been sued by someone in Small Claims Court more than once, please answer this questionnaire with reference to your most recent case during the April 1979 through August 1979 period.

1. You were sued as: (Check One)
- a. An individual ☐
- b. A corporation ☐
- c. State or local government ☐
- d. An unincorporated business ☐
- e. Other (Please Specify) ☐

If you checked any of these, please have the person who handled the case complete the questionnaire.

2. Who was suing you? (Check One)
- a. An individual ☐
- b. A corporation ☐
- c. State or local government ☐
- d. An unincorporated business ☐
- e. Other (Please Specify) ☐

3. What was the claim against you? _____

4. How much money were you sued for? \$ _____

5. How was your case finally handled? (Check One)
- a. I didn't appear in court ☐
- b. The other side and I settled the case out of court ☐
- c. I appeared in court and a judge decided the case ☐
- d. Other (Please Specify) ☐

6. Did you lose your court case? ☐ Yes ☐ No → Go to Question 8.
7. If you lost your case,
- a. Why do you think you lost? (If you don't know, write in "don't know".)
- b. How much money did the judge award the person suing you? \$ _____
- c. How much have you paid so far? \$ _____
8. Did the people who worked in the court seem interested in helping you? ☐ Yes ☐ No
9. Did you have any difficulties with any of the following? (Check as many as apply.)
- a. Understanding the claim the other person served on you ☐ Yes ☐ No
- b. Learning your legal rights ☐ Yes ☐ No
- c. Finding the court's location ☐ Yes ☐ No
- d. Learning what evidence or witnesses were necessary to prove your case ☐ Yes ☐ No
10. When your case was over, do you think you understood enough about how to sue in Small Claims Court to be able to explain it to a person who had never been in Small Claims Court? ☐ Yes ☐ No ☐ Not Sure
11. When your case was over, do you think you understood what your legal rights were? ☐ Yes ☐ No ☐ Not Sure
12. As best as you can remember, how much time did you have to spend on each of the following
- a. Discussing the case with a lawyer _____ Hours
- b. Preparing for trial other than discussing the case with a lawyer (such as collecting evidence, etc.) _____ Hours
- c. Going to court for the trial _____ Hours
13. How much time did you take off from work for this case? _____ Hours

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14. How many times did you go to Small Claims Court for this case? _____ Times
15. List below, as best you can remember, the costs to you to defend your case
- a. Witness Fees _____ Dollars
- b. Wages or Incomes Lost _____ Dollars
- c. Attorney Fees _____ Dollars
- d. Other (Please Specify) _____ Dollars
16. Have you ever sued or been sued before this case?
- a. In Small Claims Court ☐ Yes ☐ No
- b. In any other court ☐ Yes ☐ No
17. The following are different features of Small Claims Courts across the country. Which of these features would you like to see in an ideal Small Claims Court? Check whether you think each is desirable or not desirable. If you have no opinion on a particular feature, check "No Opinion".
- | | Not
Desirable | Desirable | No
Opinion |
|--|--------------------------|--------------------------|--------------------------|
| a. Trial available in evenings | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Trial available on Saturday | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Clerk's office open evenings | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Trial held in informal surroundings around a table and in private | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. A booklet which explains how to use Small Claims Court | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. People available through the court to advise you whether you have a case worth filing | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
18. Were you basically satisfied with your experience in Small Claims Court? ☐ Yes ☐ No
19. Do you think one can get a fair trial in Small Claims Court? ☐ Yes ☐ No
20. In your opinion, how much should it be possible to sue or be sued for in Small Claims Court? _____ Dollars
21. In your opinion, how much would you have to sue or be sued for before you would get legal assistance? _____ Dollars

over
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CHINO AND EAST L.A. ONLY RECEIVED FIRST QUESTION 22.
OAKLAND-PIEDMONT AND WEST ORANGE ONLY RECEIVED SECOND QUESTION 22.

22. a. At the time of your case, did you know that a Small Claims Legal Advisor was available to advise you about your case? ☐ Yes ☐ No → If NO, go to Question 1 below.
- b. If yes, did you talk to the Advisor? ☐ Yes ☐ No
- c. At what stage of your case did you talk to the Advisor. (Check as many as apply.)
- Before you were sued ☐
Before trial ☐
After trial ☐
(About collection or appeal)
- d. How did the Advisor help you? (Check as many as apply.)
- Helped prepare case ☐
Helped settle case out-of-court ☐
Explained legal rights ☐
Explained how to appeal ☐
Other (Please Specify) ☐ _____
- e. Would you pay a fee to see an Advisor? ☐ Yes ☐ No
22. a. Did you know that as the defendant you could transfer the case to Municipal Court if you were sued for more than \$750? ☐ Yes ☐ No
- b. If you had known, would you have transferred your case? ☐ Yes ☐ No ☐ Not Sure

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1. What is your age? Under 21 ☐ 21-30 ☐ 31-45 ☐ 46-62 ☐ Over 62 ☐
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3. What is your occupation? Be as specific as possible. _____
4. What level of formal education have you completed? Check one.
- Grade 11 or less ☐ One - Four Years of College ☐
High School Degree ☐ Five Years/More of College ☐
5. Do you identify yourself as
- White ☐ Puerto Rican ☐
Black ☐ Asian ☐
Chicano ☐ Other ☐ _____
Please Specify
6. Are you Female ☐ Male ☐
7. About what was your total family income for the last year?
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4,000 - 7,999. ☐ 20,000 - 23,999. ☐
8,000 - 11,999. ☐ 24,000 - 27,999. ☐
12,000 - 15,999. ☐ 28,000 - Above ☐

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END