

May 13, 2004

Honorable Elihu M. Berle  
Chair of the Civil and Small Claims Advisory Committee  
Los Angeles Superior Court  
111 North Hill Street, Department 42  
Los Angeles, CA 90012

Attn. Romunda Price  
Judicial Council  
455 Golden Gate Avenue  
San Francisco, CA 94102

Dear Judge Berle:

I am writing to you on behalf of HALT—*An Organization of Americans for Legal Reform*. HALT is a national advocacy organization dedicated to increasing accessibility and accountability in the civil justice system. On behalf of our 50,000 members nationwide and over 11,000 members in California, I urge you to ask that the Judicial Council report favorably on SPR04-15, Small Claims Plain Language Claim Form.

SPR04-15 will help to ensure that all Californians can access small claims courts by making the forms easier to understand. These plain language forms are especially important for the users of small claims court, who represent themselves. Lawyers often underestimate how confusing and difficult it is for non-lawyers to navigate the lawyer-designed court system. These forms will make the courts more user-friendly for non-lawyers and help to achieve the Judicial Council's goal of increasing consumers' access to the courts.

The redesigned and renamed small claims form proposed by SPR04-15 is a marked improvement over the Court's current small claims court form as well as similar plain language forms implemented in other western states, such as Arizona and Idaho. By using direct address pronouns (such as *you*) instead of legal jargon, the proposed small claims court form will be easier for non-lawyers to understand. Also, by explaining legal terms, such as plaintiff and defendant, on the form itself, non-lawyer consumers will be less confused by the court process. Moreover, adding the California Courts Web address to the form itself will help consumers find information about small claims court and the process of filing a claim. Combined with a comprehensive effort to make the form accessible to readers at a sixth grade level, the proposed small claims court form is more user-friendly for non-lawyers, the intended users of small claims court.

HALT's *Small Claims Reform Project* is a national campaign to publicize the existence and advantages of small claims courts, to educate legal consumers about their rights, and to advocate for systemic reforms in small claims court systems. HALT recently released its 2004 Small Claims Court Report Card, grading all 50 states and the District of Columbia on their small claims courts. California received a 'B'—the second

highest score in the U.S. HALT would like to congratulate the Judicial Council for helping to make California's small claims courts a vanguard for all the other states to follow. HALT also encourages the Judicial Council to voice its support for legislation that would increase California's small claims jurisdictional limit to \$10,000—a proposal that is currently before the California Law Revision Commission and the Judicial Council. Together, plain language forms and an increase in the small claims court jurisdictional limit will ensure that California courts remain the archetype to which all other states aspire.

In summary, HALT believes that SPR04-15 would help to ensure that everyone has access to small claims court, which is the only forum where most Californians can seek a resolution of their everyday disputes. The proposed plain language small claims form is a marked improvement of the current form and explains the small claims process while gathering information in a way that a non-lawyer can understand. We urge you to report favorably on SPR04-15.

Sincerely,

Thomas M. Gordon  
Senior Counsel  
Director, Small Claims Reform Project