

July 29, 2005

Nathaniel Sterling
Executive Secretary
California Law Revision Commission
BY E-MAIL: sterling@clrc.ca.gov

Dear Mr. Sterling:

I am writing to you on behalf of HALT—*An Organization of Americans for Legal Reform*. HALT is a national advocacy organization committed to improving accessibility and increasing accountability in the civil justice system. On behalf of our 50,000 members nationwide, including 11,000 members in California, I would like to express HALT's support for the CLRC's Tentative Recommendation on Equitable Relief in a Limited Civil Case.

Each year, tens of millions of low- and moderate-income households nationwide need legal help, but are denied access to the civil justice system. These Americans are shut out of the civil justice system simply because they cannot afford to hire a lawyer to help resolve their legal problem. Limited jurisdiction proceedings such as those in small claims courts and in economic litigation procedures are among the ways to address the enormous gap in access to justice that exists between those in upper income brackets and those with average or lower incomes.

While limited civil cases provide some relief to litigants hoping to avoid the expense of full-blown superior court litigation, users of the legal system are prevented from taking full advantage of limited civil cases by the inability of courts to grant injunctive relief in such cases. There is no reason that limited civil case jurisdiction should not be extended to all cases with under \$25,000 in dispute, whether in law or in equity. The Commission has taken a valuable step toward that goal with its recommendation that the superior court be authorized to award declaratory relief and good faith improver relief and to determine title to real property. When such relief has a value below the jurisdiction of limited civil court, there is no need to let archaic distinctions between law and equity courts stand in the way of access to justice.

HALT has long urged courts nationwide to expand access to limited jurisdiction courts. We hope that in the future the Commission will consider recommending additional equitable relief in limited civil cases, as well as in small claims cases. The expansion of equitable relief in the Commission's recommendation is an important step in the march toward full access to the law for all Californians.

Sincerely,

Thomas M. Gordon
Senior Counsel