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Blue Ribbon Commission

Kansas Judicial Center

301 SW 10<sup>th</sup> Avenue

Topeka, Kansas 66612-1507

To the Commission:

Thank you for the opportunity to provide comments as you work to increase access and efficiency in the state's judiciary. Our organization recently evaluated small claims courts across the country and we are attaching our Report Card for Kansas. Our study praised the state's small claims courts for posting complaint forms and instructions on their Websites and, in some cases, providing post-judgment forms online. However, we also identified four areas in which Kansas' small claims court system could be strengthened:

- (1) Kansas should raise its small claims dollar limit so that more minor disputes can be resolved through simplified, inexpensive procedures. The state's small claims system recently increased its limit from \$1,800 to \$4,000, but the current \$4,000 limit remains one of the lowest in the country. The unusually low limit in Kansas means that consumers who cannot afford lawyers are frozen out of court altogether in most cases. We encourage the Commission to recommend increasing the small claims dollar limit to \$20,000—about the cost of a typical automobile.
- (2) Small claims courts in the state should offer more convenient sessions to increase access to the system. None of the Kansas small claims courts that we surveyed hold evening or weekend sessions, making it impossible for many people to use the courts without missing work. We urge the Commission to draw from examples such as that set in Washington, DC, which holds Wednesday night and Saturday morning sessions.
- (3) Kansas should employ small claims advisors (court employees whose primary job is to help people navigate the small claims system). Without any guidance, people are often not adequately informed of the options available to them to resolve their legal matters. For example, many believe they cannot resolve their legal disputes in court without an attorney, and others who are aware of small claims courts as an alternative for handling simple legal matters, do not know how to propose or present their case. These advisors can also be an immense help to non-English speaking defendants, or those not comfortable with the courts' system. We advise the Commission to follow the model set by California, which requires each court to have a small claims advisor to help people prepare for trial, providing them with informational materials, referring them to other appropriate agencies and acting as their guides and teachers.
- (4) The state should allow litigants to seek injunctive relief in a wide variety of small claims court cases. Currently, Kansas limits injunctive relief to property recovery matters alone. Far more cases would end bitterness between parties if a judge could issue a

court order, such as repainting a kitchen or redoing a contracting job. No longer able to hide behind debtor protection laws, those refusing to pay would be forced to take responsibility for their actions even after a judgment has been entered. We hope that the Commission will support expanding the option of injunctive relief to all matters before small claims courts.

Thank you again for the opportunity to provide feedback about Kansas' court system. If we can be of further assistance, please call our offices at (202) 887-8255.

Sincerely,

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[Kansas Small Claims Report Card](#)  
[Grading Scale](#)  
[National Summary of Grades](#)