

February 25, 2004

Senator Shirley Winsley  
Vice-Chair, Senate Rules Committee  
P.O. Box 40428  
Olympia, WA 98504-0428

Dear Senator Winsley:

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 1400 members in Washington state, I ask that you urge the Senate Rules Committee to report favorably on House Bill 1572.

HB 1572 addresses an important area for users of the small claims courts: collecting a judgment. According to a study by the National Center for State Courts, prevailing plaintiffs are only able to collect a judgment in 25 to 50 percent of uncontested cases. Even in contested cases, over 25 percent of prevailing plaintiffs are unable to collect. Too often, small claims litigants have defeat snatched from the jaws of victory when a court rules in their favor yet leaves them powerless to enforce that judgment.

By adding collection fees to the judgment when the losing party does not pay within thirty days, HB 1572 will ensure more frequent collection of judgments in two ways. First, judgment debtors will be encouraged to pay promptly by the threat of being responsible for collection fees in addition to the amount of the judgment and the knowledge that the more they try to hide from collectors, the greater those fees will become. Second, prevailing plaintiffs will find it easier to hire an attorney or collection agency to take on their collection matter since—even for jobs not large enough to merit a contingency fee—the attorney or collection agency, if successful, will be assured of sufficient payment for their service.

To allow consumers to resolve their disputes in small claims courts without providing them a means to collect judgments if they prevail provides only an illusion of justice. Making the collection process more robust makes the small claims system a better route to justice for the average Washingtonian. HALT urges the committee to report favorably on House Bill 1572.

Sincerely,

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