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AMERICANS FOR LEGAL REFORM

Statement of

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HALT—An Organization of Americans for Legal Reform

In Support of
Illinois Supreme Court Rules Committee Proposal 04-08

Submitted to the
Illinois Supreme Court Rules Committee

Chicago, IL
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I thank the members of the Committee for the opportunity to submit this testimony in support of Proposal 04-08, which will modify Rule 281 to redefine a small claim. I would also like to thank the Illinois State Bar Association for offering this proposal. HALT is a nonpartisan, nonprofit public interest group with more than 50,000 members, including more than 3,000 in Illinois. HALT pursues a comprehensive education and advocacy program that challenges the legal system to improve access and accountability and reduce costs in the civil justice system. HALT supports Proposal 04-08 as an important step toward increased access to the civil justice system for all residents of Illinois.

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, including countless Illinois legal consumers, are shut out of the civil justice system simply because they cannot afford to hire a lawyer to help resolve their legal problem. Open and accessible small claims courts offer one way to

address the enormous gap in access to justice that exists between those in upper income brackets and those with average or lower incomes.¹

HALT supports the increase in the small claims jurisdictional limit in Proposal 04-08, which represents a significant step toward reducing the disparity in access to justice. However, HALT urges Illinois to consider an even less restrictive limit, such as \$10,000 or \$15,000, which would bring Illinois in line with the nation's most accessible small claims court systems.

Small claims courts, because they offer simplified procedures, require plain English, provide consumer aids and sometimes prohibit lawyers, hold tremendous promise as a means of empowering ordinary Americans to handle their routine legal needs. Unfortunately, this promise is not being fulfilled in many states across the country, including Illinois. The current jurisdictional limit on small claims in Illinois is \$5,000, which is one-third of the amount of Tennessee's \$15,000 cap, the highest statewide jurisdictional limit in the nation. In fact, parts of Tennessee have a small claims limit of \$25,000. HALT believes that \$20,000 is a reasonable and appropriate limit, considering the dollar value of typical consumer problems that could easily be resolved in small claims court.

HALT understands that the \$20,000 mark is an ambitious goal that will require incremental steps to achieve. Proposal 04-08 is an excellent stride in the right direction. By bringing Illinois' small claims jurisdictional limit up to \$7,500, the state would surpass the national median jurisdictional limit of \$5,000. However, the caps on small claims in states like Georgia, which has a \$15,000 limit, South Dakota, which has an \$8,000 limit, and Alaska, which has a \$10,000 limit, continue to serve as models that Illinois should strive to replicate. (For a ranking of small claims limits in all of the 50 states and the District of Columbia, see Attachment 1.)

To illustrate the need for higher small claims cutoffs, consider an example of someone denied access to the system. Suppose a homeowner in Schaumburg hires a plumber to replace a pipe in her basement, only to come home the next day to find a foot of water on the floor because the plumber did not properly install the new pipe. The cost to repair all the damage from the botched job is \$10,000. The

¹ Last May, HALT released its 2004 Small Claims Report Card, which graded all 50 states and the District of Columbia on their small claims courts and illustrated the need for reform. The Report Card graded states in six categories: dollar limit, self-help, convenience, mediation, expedited collection and injunctive relief. Illinois received a disappointing "C-minus" grade, which leaves much room for improvement. Illinois's grade would have been much higher were it not for its low small claims dollar limit of \$5,000. A copy of Illinois' Report Card, along with a national comparison of each jurisdiction's grade, is attached to these comments (Attachment 3).

plumber, unfortunately, refuses to pay for the repair costs and is not returning the homeowner's calls.

The homeowner, having been rebuffed in her efforts to settle the dispute amicably, is forced to take the plumber to court to pay for the damage he caused. However, her \$10,000 loss exceeds the current limit of \$5,000 to bring a small claims case in Illinois. To bring a small claims case, she would have to reduce her claim by half so that she could bring her claim below the current limit.

Suing in Circuit Court is not a viable option for her because the complicated procedures used by those courts would require her to hire an attorney. For a case like hers, worth \$10,000, the attorney fees would easily exceed the restitution money she would collect if she won.

This scenario is far too common. Many Americans are stranded in a legal no-man's land because their routine legal problems have a dollar value above the state's ceiling on small claims, yet they cannot afford to hire an attorney for such a simple matter. These people are effectively shut out of the legal system.

Proposal 04-08 would reduce the breadth of this legal no-man's land in which consumers are stuck due to the lack of an appropriate forum to resolve their simple disputes. By raising the limit of small claims jurisdictions to \$7,500, Illinois would make small claims procedures available to a wider range of everyday disputes that ordinary citizens frequently face.

HALT urges Illinois to build on the progress presented in Proposal 04-08 by considering further reforms to address the problem of limited access to small claims courts. In the hypothetical case of our Schaumberg homeowner, the \$7,500 limit on small claims actions would still force her to give up \$2,500—or one quarter—of her claim or go to the prohibitive and unnecessary expense of hiring an attorney to resolve this simple consumer problem.

To achieve real reform, HALT believes that the small claims dollar limit should be raised to \$20,000—approximately the average price of a new car. While purchasing a new vehicle is an important financial decision for most people, it is not one for which they consult an attorney or other outside expert. Similarly, Illinois residents who are seeking resolution of their disputes should not need such expertise when those disputes are of equal value.

A 2003 HALT study (Attachment 2) addresses a chief fear over raising jurisdictional limits. Court administrators in several states have raised the understandable concern that higher dollar limits would produce an onslaught of new cases, straining the system to its breaking point. The HALT analysis used data from small claims courts across the nation over the last 18 years to study the effects on caseloads after a jurisdictional increase. The HALT report found conclusive evidence that a jurisdictional limit increase very rarely leads to a larger caseload.

According to the study, in most cases of dollar limit increases, the caseloads do not change at all and the average increase in caseload was only 5.4 percent. Following the most recent small claims jurisdictional increase in Illinois, the caseload actually decreased. In 1995, Illinois' limit doubled from \$2,500 to \$5,000; one year after this increase, the small claims caseload had decreased by 3.2 percent and five years after this increase, the caseload had fallen by 2.1 percent.

Recognizing that restrictive dollar limits are only one area where small claims reform is needed, HALT suggests a number of reforms that should be implemented to reform small claims courts nationwide. In addition to raising dollar limits, these reforms are:

- (1) **Providing assistance with collecting judgments.** Once people have entered the small claims system, the biggest problem they face is collecting a judgment if they win their case. For instance, if our hypothetical Schaumberg homeowner won a judgment for the faulty plumbing job, she might still face obstacles to recovering the judgment. A recent Washington state reform provides a useful model. In 2004, the state adopted a new law that requires losing parties who do not pay within thirty days of a judgment against them to pay for the plaintiff's collection costs. This law will provide additional incentive for losing parties to pay on time and will also allow plaintiffs to hire collection agents to help them get the money to which they are entitled.
- (2) **Authorizing small claims judges to issue court orders.** In most states, including Illinois, small claims courts can only award money damages. Small claims courts cannot issue court orders that require someone to "cease and desist" from actions that harm others. This limitation means that many small disputes between neighbors or over contract rights cannot be dealt with in small claims court. The lack of

the ability to issue court orders also means that small claims judges often cannot help people collect a judgment they have won. Fully empowering small claims judges to handle cases and problems that require a court order is a major reform that would improve consumer service within the small claims system.

- (3) **Expanding small claims dispute resolution programs.** Because many small claims involve disputes between neighbors, partners and others who know each other, and who often must co-exist in the future, the exclusive reliance on a court-based, adversarial system can actually make matters worse in the long run. Mediation and other alternative dispute resolution methods are one way to avoid some of the lasting antagonisms that are produced by court fights. Of the Illinois courts surveyed by HALT for the 2004 Small Claims Report Card, only Cook County offers mediation services to help people resolve their disputes amicably before facing a judge.

The District of Columbia has implemented an innovative "diversion" program that tries to redirect small disputes out of the court system. Such diversion programs tailored to small claims courts offer a significant reform that will help legal consumers receive better service from the system.

- (4) **Making small claims courts user-friendly.** Americans also avoid courts that operate on "bankers hours," require special forms, and tell consumers they are on their own. None of the Illinois courts surveyed by HALT for the 2004 Small Claims Report Card hold evening or weekend sessions, making it impossible for many people to use the courts without missing work. In addition, with the exception of Adams County, none of the Illinois courts surveyed by HALT employ small claims advisors—court employees whose primary job is to help people navigate the small claims system.

Illinois should implement reforms to increase the user-friendliness and accessibility of small claims courts by establishing longer hours of operation and weekend hours, requiring the use of plain language forms for easy-to-resolve matters, and providing in-person assistance to consumers at the courts.

As the advantages of small claims courts with less restricted access become clear, many states have recently moved to increase the jurisdictional limits and implement user-friendly reforms for their small claims courts. In the last year, New York, Utah, Washington and Indiana have all shown a commitment to reforming their state's small claims courts.

HALT is deeply concerned by the current denial of access to the justice system that many Illinois residents face. While we applaud this proposal's effort to correct this situation, HALT urges Illinois to take further action to resolve this problem in the future. With appropriate reform, Illinois small claims courts can meet their potential to offer a suitable forum for those currently stuck outside of the system to handle their simple legal needs. Thank you again for considering HALT's testimony concerning this important proposal.

ATTACHMENT 1: STATE SMALL CLAIMS DOLLAR LIMITS
As of January 1, 2005

Tennessee	15,000 ¹
Georgia	15,000
Alaska	10,000
New Mexico	10,000
Pennsylvania	8000 ²
South Dakota	8000
Colorado	7500
Minnesota	7500
South Carolina	7500
Utah	7500
Oklahoma	6000
Arkansas	5000
California	5000
Dist. of Columbia	5000
Florida	5000
ILLINOIS	5000
Iowa	5000
Maryland	5000
Nevada	5000
New Hampshire	5000
North Carolina	5000
North Dakota	5000
Oregon	5000
Texas	5000
West Virginia	5000
Wisconsin	5000
New York	5000 ³
Maine	4500
Idaho	4000
Kansas	4000

¹ 25,000 in Anderson County and Shelby County

² 10,000 in Philadelphia

³ Except for Justice Courts (upstate town and village courts), which are 3,000

Washington	4000
Connecticut	3500
Hawaii	3500
Vermont	3500
Indiana	3000 ⁴
Alabama	3000
Louisiana	3000
Michigan	3000
Missouri	3000
Montana	3000
New Jersey	3000
Ohio	3000
Wyoming	3000
Arizona	2500
Rhode Island	2500
Nebraska	2400
Massachusetts	2000
Virginia	2000
Kentucky	1500
Delaware	no small claims
Mississippi	no small claims

⁴ 6,000 in Allen and Marion Counties; becomes 6,000 statewide on 7/1/05

The Sky Will Not Fall:
The Effect of Raising Jurisdictional Limits on Small Claims Court
Caseloads

A Research Study by
HALT - An Organization of Americans for Legal Reform



October 15, 2003

Written by Tom Gordon, Senior Counsel
and Amy Dieterich, Program Assistant

Summary of Findings

This study, completed in October 2003, analyzes the effect of small claims court jurisdictional limit increases on small claims court caseloads. This study looks at 66 separate jurisdictional increases in 37 states (including the District of Columbia) in the US from 1984 to 2002.

This first portion of the study looks at the 66 cases of jurisdictional increase to see if there is a correlation between an increase in the small claims court jurisdictional limit and an increase in the number of cases filed in the first year following the increase. Then, this study looks at caseloads five years later to see if that change is maintained. The data show that an increase in jurisdictional limit is only slightly more likely to raise the caseload than it is to lower it, and that the most likely outcome is no change at all. In half the instances, there was no significant change within the first year after the jurisdictional increase. Five years later, 85% of all jurisdictions had caseloads within 5% of the caseload before the jurisdictional increase.

The second portion of the study looks at the specific amount of the jurisdictional increase to see if there is a correlation between the dollar size of the increase and the accompanying change in caseload. Then, the study looks five years later at those states that had an initial increase in caseload to see if larger dollar increases were more likely to bring about lasting growth in the caseload. The data show that the effects of an increase on the jurisdictional limit are fairly constant, regardless of the amount of that increase. All limit increases, from \$300 to \$10,000, are just as likely to have no effect as they are to have any effect. The average caseload change for every category of increase is only 5.4%. In those instances where there was a significant increase in the caseload for the first year, the change completely dissipated in 85% of instances by the fifth year, and larger dollar increases were not more likely to bring about lasting changes than smaller ones.

Therefore, this study concludes that there is only a slight and erratic correlation between an increase in the jurisdictional limit of a small claims court and an increase in the court's caseload, and that any such increase diminishes quickly.

Introduction

This study analyzes the effect of jurisdictional limit increases on small claims court caseloads in the US from 1984 to 2002. Unless otherwise noted, data is for each state's fiscal year, and jurisdictional increases happened within three months of the start of the fiscal year. Data was collected from the National Center for State Courts (NCSC) when available and state court administrative offices when NCSC data was not available. All data from fiscal year 2002 was collected from court administrators and state Web sites.

Fourteen states have been excluded from the discussion for various reasons.¹ In Indiana and Tennessee, the small claims jurisdictional limit varies by county, and data is not recorded separately for each. Delaware was excluded because HALT does not consider it to have a true small claims court system, as its lowest-level court has no guarantee of simplified procedures and relaxed evidentiary rules. West Virginia reported only partial data and changes could not be calculated from existing data. In the remaining 10 states that have been excluded, small claims caseloads have not been recorded independently of the other state courts or are lacking data for years when there was an increase.²

In the 37 states (including the District of Columbia) incorporated in this study, there have been 66 separate jurisdictional increases during the time period studied.³ Of those 66 increases, 62 occurred within three months of the beginning of a fiscal year, and comparisons are calculated as if the change occurred at the start of that fiscal year. For example, Arizona increased its small claims court limit from \$1500 to \$2500 in July 1, 1996. Arizona's fiscal year also starts on July, 1, so 1996 was chosen as the base year, 1997 as the first year after the increase, and 2001 as the fifth year after the increase. In four other jurisdictions, increases occurred in the middle of the fiscal year. In those cases, the initial effects of the jurisdictional increase are calculated for the first full fiscal year following the increase. For example, the District of Columbia increased its small claims court limit from \$750 to \$2000 on November 1, 1984. D.C.'s fiscal year starts on July 1, which is more than three months from the start of the fiscal year, so this study uses fiscal year 1984 for the base year, 1986 for the first full year after the increase and 1989 for the fifth year after the increase.

Of the 66 separate jurisdictional increases, five were increases less than \$500, 14 of \$500, one of \$700, one of \$800, 16 of \$1000, three of \$1250, six of \$1500, one of \$1600, eight of \$2000, five of \$2500, three of \$3000, one of \$4000, one of \$5000 and one of \$10,000. For the purposes of this study, they have been grouped into five categories: Group A includes raises of up to \$500 (19 instances); B includes raises between \$501 to \$1000 (18 instances); C includes raises between \$1001 and \$2000 (18 instances); D includes raises

¹ States excluded from this study: Delaware, Indiana, Louisiana, Maryland, Mississippi, Montana, Nevada, New Jersey, New Mexico, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia.

² In Pennsylvania there are two small claims court systems, one in Philadelphia (Municipal Court) and one for the rest of the state (District Court). While separate data is available for each system, there were no jurisdictional increases in the District Court system for the period in which data is available. Therefore, all references to Pennsylvania are references to only the Municipal Court system.

³ In the 14 jurisdictions that are not part of the study, there were an additional 22 instances where the limit was raised.

between \$2001 and \$3999 (eight instances); and E includes all raises greater than or equal to \$4000 (three instances).

The first portion of this study is devoted to analyzing how an increase in jurisdictional limit, regardless of its size, affects the small claims court caseload. To do this, the study first examines whether there is a significant increase in the caseload in the year that follows the increase. Then, it looks to see if a significant change is retained five years later. This study recognizes that the jurisdictional dollar limit is not the only factor that may affect the small claims court caseload and that a court experiences a small amount of variation between any two years. Therefore, this study defines the range of -5% to 5% as normal year-to-year variation and values within this range are not considered significant increases or decreases.

It has been suggested that larger dollar increases lead to larger escalations in the court's caseload. Therefore, the second portion of this study refines the analysis of the first section and examines the specific amount of the jurisdictional increase to see if there is a correlation between the dollar size of the increase and any accompanying change in caseload. Data is analyzed after the first year and the fifth year of the increase, as in the section above, with an emphasis on those instances where there was an increase in the caseload after the first year.

Does an Increase in the Small Claims Jurisdictional Limit Lead to a Rise in the Caseload?

This portion of the study looks at 66 cases of jurisdictional increase from 1984 to 2002 to see if there is a correlation between an increase in the small claims court jurisdictional limit and an increase in the number of cases filed in the first year following the increase. Then, this study looks at those states that had showed an increase after the first year to see if those changes are maintained five years later.

One-Year Effects:

Of all the instances analyzed, 42 jurisdictional increases were accompanied by some increase in caseload for the first year, and 24 were accompanied by a decrease. In 33 cases, which comprise half of all instances, a jurisdictional increase brought no change more than 5% in either direction, which means that half of all jurisdiction changes did not affect the caseload significantly in the first year.

Table 1: First Year Percentage Change in Caseload

Change in Caseload	Increase (+)	Decrease (-)
Less than 5%	20 (30%)	13 (20%)
5-10%	9 (14%)	8 (12%)
10-15%	4 (6%)	2 (3%)
Greater than 15%	9 (14%)	1 (2%)
Absolute Totals	42 (64%)	24 (36%)
Statistically Relevant ⁴	22 (33%)	11 (16%)

As Table 1 shows, only a third of all jurisdictional increases were followed by a significantly increased caseload. On the other hand, in 11 instances where there was a jurisdictional increase, there was a decrease in the caseload of more than 5% in the following year. (See Figure 1 at the end of this study for a graphical representation.) As the previous Table shows, there is no predictable way that a jurisdiction will react to an increase. Some states report falling caseload numbers after the first year, and others report large increases in their caseloads.

The data show that it is common for a single state to have different responses from each of multiple increases. Connecticut, for example, enacted jurisdictional increases of \$500 in 1984, 1988 and 1994. In the first year after each increase, the caseload changed by -9.5%, +4.4% and -3.2%, respectively. These changes follow no pattern, even though they occurred in the same state and for the same amount.

Five-Year Effects:

The 22 instances where a jurisdictional limit increase was accompanied by a statistically relevant increase in the caseload were analyzed again five years later to see if those increases were maintained. The five-year percentage change was calculated from the base year of the increase.

In seven instances, the jurisdictional increases occurred too recently or too close to another increase to be able to calculate the five-year effect.⁵ Table 2, below, shows the breakdown of increases by percentage of change in caseload.

Table 2: Five-Year Change in Caseload for States with First Year Caseload Increase

Change in Caseload	Increase (+)	Decrease (-)
Less than 5%	2	1
5-10%	2	0
10-15%	1	1
Greater than 15%	7	1
Statistically Relevant	10	2
Absolute Totals	12	3

⁴ The range of -5% to 5% change is considered normal year-to-year variation and not statistically significant.

⁵ Those instances are: Connecticut 2000, Idaho 1999, Michigan 1999, Ohio 1989, Oregon 1999, South Dakota 1994, Texas 1987.

Of the 15 remaining instances, in only 10 cases did a significant (>5%) increase in caseload remain after five years. In the other five instances, initial increases in caseload dissipated during the following five-year period to previous levels.

The Pennsylvania Municipal small claims court increase in 1995 from \$5000 to \$10,000 is one example of this trend. During the first year after the increase, the Pennsylvania small claims court caseload increased 13%. However, five years later the caseload had diminished back to its previous levels, and the court system decided 0.4% fewer cases than during the year that the limit increased. See Figure 2 in the Appendix for a graphical representation of the small claims caseload for the years discussed.

In many cases, the caseload did not change much over the 18-year period in this study, despite all the jurisdictional changes. In Connecticut, the net effect of four increases in 18 years was -5.4%.⁶ This phenomenon is common for many jurisdictions in the US. Arizona, the District of Columbia, Kansas, Maine, Massachusetts, Michigan, Missouri, Nebraska, New Hampshire, New York, Ohio and Wisconsin all had several increases over the 20-year period but no overall gain in caseload.

For the 66 jurisdictional increases studied, an increase in the jurisdictional limit is only slightly more likely to raise the caseload than it is to lower it, and the most likely outcome is nothing at all. In two-thirds of all instances, an increase in the jurisdictional limit did not increase the caseload significantly in the first year. After the fifth year, only 10 of those jurisdictions that initially had an increase in caseload were still had a higher caseload than before the increase.

Does the Dollar Amount of the Jurisdictional Increase Have an Effect on Caseload?

This portion of the study looks at the effects of specific dollar amount increases on small claims caseloads to see if larger dollar increases have more of an effect on the caseload than smaller ones. Then, the study looks five years later at those states that had an initial increase in caseload to see if larger dollar increases were more likely to bring about lasting growth in the caseload.

One-Year Effects:

The first year effects are calculated in the same way as in the previous portion, but the instances have been broken down into the five dollar categories.

The data show that the effects of an increase on the jurisdictional limit are fairly constant, regardless of the amount of that increase. All limit increases, from \$300 to \$10,000, are just as likely to have no effect as they are to have any effect. In Table 3 below, the section shaded gray represents those cases where an increase in the jurisdictional limit had no significant effect.

⁶ Refer to the Data Chart included at the end of this report.

Table 3: First Year Effects of Jurisdictional Limit Increases

Dollar Increase	<-15% Change	-10-15% Change	-5-10% Change	=-5% Change	=5% Change	5-10% Change	10-15% Change	>15% Change	Totals
=\$500	-	-	3	5	7	2	1	1	19
\$501-1000	1	1	3	1	5	3	1	3	18
\$1001-2000	-	-	1	3	6	4	1	3	18
\$2001-\$3999	-	1	1	3	1	-	-	2	8
=\$4000	-	-	-	1	1	-	1	-	3
Totals	1	2	8	13	20	9	4	9	66

Two examples, Georgia and Alabama, illustrate the finding that the size of a dollar increase cannot predict the amount of impact it will have on the caseload. Georgia increased its small claims court limit in 1999 from \$5000 to \$15,000, the highest in the country. Even with a limit three times as high the previous limit, the court's caseload fell by 0.3%. On the other hand, Alabama increased its small claims limit in 1984 from \$500 to \$1000, only a \$500 increase. The result of this increase was 23.3% growth in the court's caseload for the following year. Over time, both Alabama's and Georgia's caseloads grew, whether or not there were increases in the jurisdictional limit, which suggests that there are other factors affecting the caseload.

A steady upward movement in caseload, regardless of jurisdictional increase, is a trend in several states. Those that follow this pattern include Idaho, Oregon and South Dakota. While these states had caseload increases during the first year after the jurisdictional change, they also increased their caseloads during years when there was no increase. For these states, the caseload increase after a jurisdictional limit change is incidental in a larger trend of caseload growth and should not be mistaken for an effect of the change.

In general, it is likely that a jurisdiction will experience no positive impact on the caseload, regardless of the size of the increase. Table 4, below, shows the average caseload change in the first year, broken down by amount of jurisdictional increase.

Table 4: Average First Year Caseload Change by Amount of Jurisdictional Increase

Average % increase for = \$500	1.9%
Average % increase for \$501-1000	5.2%
Average % increase for \$1001-2000	9.4%
Average % increase for \$2001-3999	5.3%
Average % increase for = \$4000	5.6%
Average increase for all dollar amounts	5.4%

Looking at the table, jurisdictional limit increases between \$1000 and \$2000 raise the caseload limit the most in the first year - on average 9.4%. However, a larger jurisdictional increase does not always lead to a larger increase in caseload. The highest category, which includes the three largest jurisdictional increases, averages only a 5.6% increase in caseload during the first year. For all categories, the average increase is only 5.4%, which is hardly notable given normal year-to-year fluctuations.

Five-Year Effects:

The five-year effects are calculated the same as in the previous portion of this study but are also broken down into the five dollar categories. Of the 22 instances where there was an initial increase in the caseload, four were \$500 or less; seven were between \$501 and \$1000; eight were between \$1001 and \$2000; two were between 2001 and \$3999; and one was greater than \$4000. As in the previous portion, seven instances are omitted from the discussion because they occurred too close to another increase in the same state or too recently. Refer to Footnote 6 to see which individual increases are omitted.

Of the remaining 15 instances, the data show that no matter what the effect during the first year, most of the change in caseload is not permanent. As Table 4 shows below, five years later 33% of all jurisdictions that had an increase in caseload after the first year were back to their pre-increase caseload or below. For all categories of increase, substantial growth in the first year usually dissipates in the following years.

Table 4: Fifth Year Effects of Jurisdictional Limit Increases

Dollar Increase	No Positive or Significant Change	5-10% Change	10-15% Change	> 15% Change	Totals
≤\$500	1	1	-	2	4
\$501-1000	2	-	-	1	3
\$1001-2000	-	1	1	3	5
\$2001-3999	1	-	-	1	2
≥ \$4000	1	-	-	-	1
Totals	5	2	1	7	15

Looking at the 10 remaining instances where an increase in caseload was maintained over the five-year period, larger dollar increases are not more likely to bring about lasting changes than smaller ones. 15.8% of jurisdictional increases up to \$500 still had higher caseloads five year later, but only 12.5% of jurisdictional increases between \$2001 and \$3999 still had higher caseloads five year later. The data show that, no matter the size of the increase, the overwhelming majority of cases return to original levels within five years after an increase.

Conclusion

For the 66 jurisdictional increases studied, an increase in the jurisdictional limit is only slightly more likely to raise the caseload than it is to lower it, and the most likely outcome is nothing at all. The dollar amount of the increase does not have a correlation with the size of the caseload increase. All limit increases, from \$300 to \$10,000, are just

as likely to have no effect as they are to have any effect. Five years later, larger dollar increases are not more likely to result in lasting changes than smaller ones. Overall, increasing a state's jurisdictional limit for small claims cases has, at most, a minimal and fleeting impact on small claims court caseload.

Appendix:

Figure 1: Small Claims Caseload Percentage Changes for the First Year

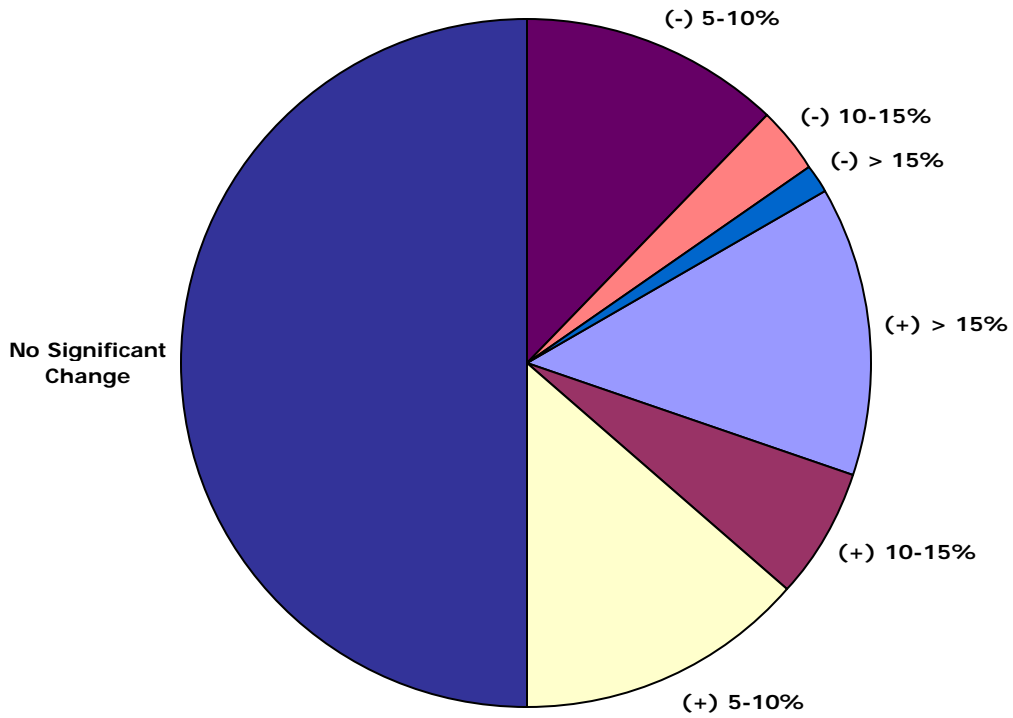


Figure 2: Pennsylvania Small Claims Court Caseload from 1995 to 2001

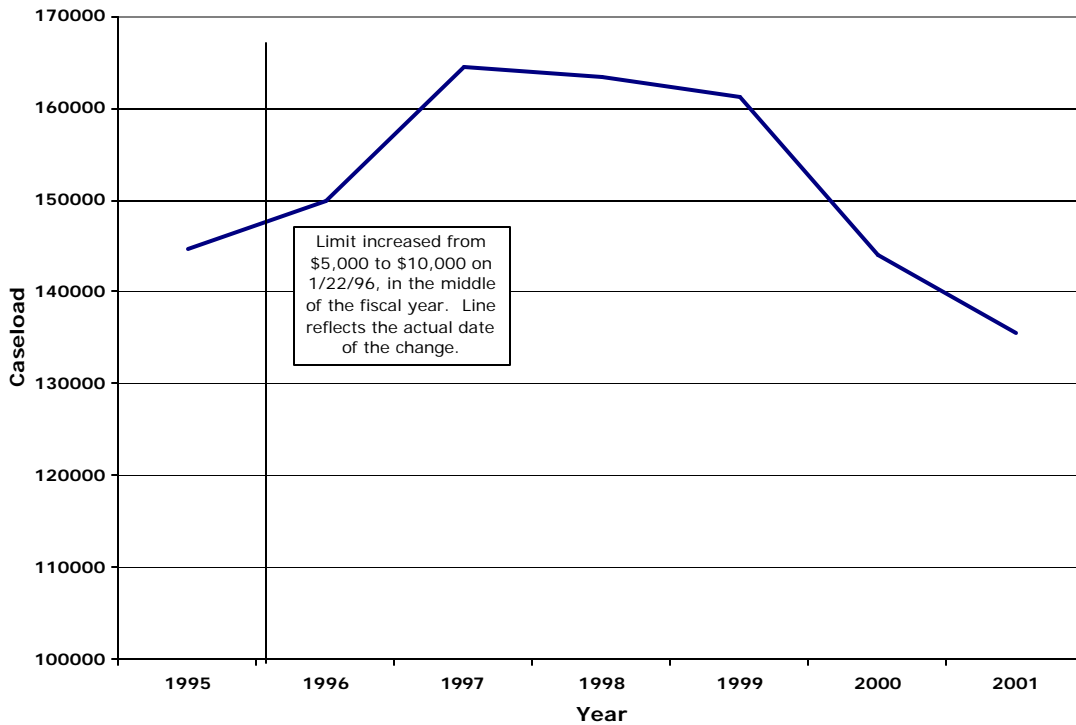


Chart 1: Individual Jurisdictional Increases from 1984 to 2002: Sorted by First Year Effect of Jurisdictional Increase

Effect of the Increase	State (Year)	Amount	Dollar Change
Less Than 5% Caseload Increase	Nebraska 1990	\$1500-\$1800	300
	Nebraska 1995	\$1800-\$2100	300
	Nebraska 2000	\$2100-\$2400	300
	Connecticut 1988	\$1500-\$2000	500
	Kansas 1985	\$500-\$1000	500
	Kentucky 1989	\$1000-\$1500	500
	Michigan 1986	\$1000-\$1500	500
	Kansas 1994	\$1000-\$1800	800
	New York 1994	\$2000-\$3000	1000
	North Carolina 1999	\$3000-\$4000	1000
	Ohio 1995	\$2000-\$3000	1000
	Wyoming 1997	\$2000-\$3000	1000
	Alabama 1996	\$1500-\$3000	1500
	Maine 1996	\$3000-\$4500	1500
	Missouri 1994	\$1500-\$3000	1500
	Washington 2000	\$2500-\$4000	1500
	Iowa 1995	\$2000-\$4000	2000
	North Dakota 1995	\$3000-\$5000	2000
Texas 1991	\$2500-\$5000	2500	
South Dakota 1996	\$4000-\$8000	4000	

Effect of the Increase	State (Year)	Amount	Dollar Change
5% to 10% Caseload Increase	Alabama 1990	\$1000-\$1500	500
	Massachusetts 1993	\$1500-\$2000	500
	Arizona 1996	\$1500-\$2500	1000
	Connecticut 1999	\$2500-\$3500	1000
	Idaho 1991	\$2000-\$3000	1000
	New Hampshire 1987	\$1500-\$2500	1000
	Michigan 1999	\$1750-\$3000	1250
	Oklahoma 1991	\$2500-\$4500	2000
	Oregon 1990	\$2500-\$4500	2000
	South Dakota 1994	\$2000-\$4000	2000

Effect of the Increase	State (Year)	Amount	Dollar Change
10% to 15% Caseload Increase	Massachusetts 1985	\$1200-\$1500	300
	Idaho 1999	\$3000-\$4000	1000
	Wisconsin 1994	\$1000-\$2000	1000
	Pennsylvania (Municipal) 1996	\$5000-\$10,000	5000

Effect of the Increase	State (Year)	Amount	Dollar Change
More than 15% Caseload Increase	Alabama 1984	\$500-\$1000	500
	Texas 1987	\$1800-\$2500	700
	Florida 1984	\$1500-\$2500	1000
	Oklahoma 1989	\$1500-\$2500	1000
	DC 1984	\$750-\$2000	1250
	Arkansas 1996	\$3000-\$5000	2000
	Georgia 1989	\$3000-\$5000	2000
	Florida 1996	\$2500-\$5000	2500
DC 1994	\$2000-\$5000	3000	

Effect of the Increase	State (Year)	Amount	Dollar Change
Caseload Decrease	Michigan 1992	\$1500-\$1750	250
	Arizona 1988	\$500-\$1000	500
	Arizona 1990	\$1000-\$1500	500
	Connecticut 1984	\$1000-\$1500	500
	Connecticut 1994	\$2000-\$2500	500
	Georgia 1987	\$2500-\$3000	500
	Missouri 1987	\$1000-\$1500	500
	New York 1986	\$1500-\$2000	500
	Hawaii 1992	\$2500-\$3500	1000
	North Carolina 1992	\$2000-\$3000	1000
	Ohio 1992	\$1000-\$2000	1000
	Vermont 1992	\$2500-\$3500	1000
	Wyoming 1989	\$750-\$2000	1250
	Colorado 1995	\$3500-\$5000	1500
	Minnesota 1994	\$6000-\$7500	1500
	Maine 1992	\$1400-\$3000	1600
	Wisconsin 1988	\$2000-\$4000	2000
	Alaska 1997	\$5000-\$7500	2500
	Illinois 1995	\$2500-\$5000	2500
	New Hampshire 1997	\$2500-\$5000	2500
California 1991	\$2000-\$5000	3000	
Georgia 1999	\$5000-\$15000	10000	
Utah 1992	\$2000-\$5000	3000	

Chart 2: Small Claims Caseload Study Data

Note: In those instances where an increase occurred in the middle of the fiscal year, the change in caseload is calculated from the previous fiscal year.

ALABAMA

FY: 10/1-9/30

Increase Timeline	Fiscal Year	Limit	Caseload	% Change
Base Year	1984	\$500-\$1000	76,694	
One Year Later	1985	\$1000	94,594	+23.3%
Five Years Later	1990	\$1000-\$1500	109,593	+42.9%
Base Year	1989	\$1000-\$1500	111,244	
One Year Later	1991	\$1500	118,589	+6.6%
Five Years Later	1994	\$1500	112,050	+7%
Base Year	1996	\$1500-\$3000	107,916	
One Year Later	1997	\$3000	112,219	+4.0%
Five Years Later	2001	\$3000	99,948	-7.4%

* Increase in 1990 occurred on 4/1990. Increase in 1996 occurred on 7/1/1996.

ALASKA

FY: 7/1-6/30

Increase Timeline	Fiscal Year	Limit	Caseload	% Change
Base Year	1997	\$5000-\$7500	11,469	
One Year Later	1998	\$7500	10,757	-6.2%
Five Years Later	2002	\$7500	11,049	-3.7%

* Increase in 1997 occurred on 7/1/1997.

ARIZONA

FY: 7/1-6/30

Increase Timeline	Fiscal Year	Limit	Caseload	%Change
Base Year	1988	\$500-\$1000	40,729	
One Year Later	1989	\$1000	38,312	-5.9%
*No five year data for because it occurred too close to change two years later.				
Base Year	1990	\$1000-\$1500	40,121	
One Year Later	1991	\$1500	37,310	-7.0%
Five Years Later	1995	\$1500	28,252	-29.6%
Base Year	1996	\$1500-\$2500	28,593	
One Year Later	1997	\$2500	30,913	+8.1%
Five Years Later	2001	\$2500	28,882	+1.0

* All increases occurred on 7/1 of the base year.

ARKANSAS

FY: 7/1-6/30

Increase Timeline	Fiscal Year	Limit	Caseload	%Change
Base Year	1996	\$3000-\$5000	24,575	
One Year Later	1997	\$5000	39,481	+60.7%
Five Years Later	2001	\$5000	54,176	+120.5%

CALIFORNIA

FY: 7/1-6/30

Increase Timeline	Fiscal Year	Limit	Caseload	% Change
Base Year	1991	\$2000- \$5000	549,231	
One Year Later	1992	\$5000	548,373	-.2%
Five Years Later	1996	\$5000	430,814	-21.6%

COLORADO

FY: 7/1-6/30

Increase Timeline	Fiscal Year	Limit	Caseload	% Change
Base Year	1995	\$3500-\$5000	20,203	
One Year Later	1996	\$5000	20,200	-.0001%
Five Years Later	2000	\$5000	15,568	-22.9%

CONNECTICUT

FY: 7/1-6/30

Increase Timeline	Fiscal Year	Limit	Caseload	% Change
Base Year	1984	\$1000-1500	73,096	
One Year Later	1985	\$1500	66,167	-9.5%
*No five year data for because change occurred too close to change four years later.				
Base Year	1988	\$1500-\$2000	59,633	
One Year Later	1989	\$2000	62,263	+4.4%
Five Years Later	1993	\$2000	70,066	+17.5%
Base Year	1994	\$2000-2500	69,197	
One Year Later	1995	\$2500	66,978	-3.2%
Five Years Later	1999	\$2500	62,164	-10.2%
Base Year	2000	\$2500-\$3500	65,323	
One Year Later	2001	\$3500	71,475	+9.4%

DISTRICT OF COLUMBIA

FY: 7/1-6/30

Increase Timeline	Fiscal Year	Limit	Caseload	%Change
Base Year	1984	\$750-\$2000	25,323	
One Year Later	1986	\$2000	35,197	+38.9%
Five Years Later	1989	\$2000	44,686	+76.5%
Base Year	1994	\$2000-\$5000	29,927	
One Year Later	1995	\$5000	40,094	+34.0%
Five Years Later	1999	\$5000	26,314	-12.1%

* Increase in 1984 occurred on 10/30/1984. Increase in 1994 occurred on 8/23/1994.

FLORIDA

FY: 7/1-6/30

Increase Timeline	Fiscal Year	Limit	Caseload	%Change
Base Year	1984	\$1500-\$2500	163,171	
One Year Later	1985	\$2500	207,492	+27.2%
Five Years Later	1989	\$2500	192,386	+17.9%
Base Year	1996	\$2500-\$5000	133,951	
One Year Later	1997	\$5000	176,146	+31.5%
Five Years Later	2001	\$5000	254,141	+89.5%

GEORGIA

FY: 7/1-6/30

Increase Timeline	Fiscal Year	Limit	Caseload	% Change
Base Year	1987	\$2500-\$3000	116,840	
One Year Later	1988	\$3000	116,320	-.4%
Base Year	1989	\$3000-\$5000	121,710	
One Year Later	1990	\$5000	142,736	+17.3%
Five Years Later	1994	\$5000	136,555	+12.1%
Base Year	1999	\$5000-\$15000	137,860	
One Year Later	2000	\$15,000	137,407	-.3%
*No five year data for increase in '87 because it occurred too close to change in '89				
* All increases occurred on 7/1 of the base year.				

HAWAII

FY: 7/1-6/30

Increase Timeline	Fiscal Year	Limit	Caseload	%Change
Base Year	1992	\$2500-\$3500	5,681	
One Year Later	1993	\$3500	5,104	-10.2%
Five Years Later	1997	\$3500	5,573	-1.9%
* Increase in 1992 occurred on 7/1/1992.				

IDAHO

FY: 7/1-6/30

Increase Timeline	Fiscal Year	Limit	Caseload	%Change
Base Year	1991	\$2000-\$3000	14,371	
One Year Later	1992	\$3000	13,422	-6.6%
Five Years Later	1996	\$3000	15,333	+6.7%
Base Year	1999	\$3000-\$4000	19,247	
One Year Later	2000	\$4000	21,397	+11.2%

ILLINOIS**FY: 7/1-6/30**

Increase Timeline	Fiscal Year	Limit	Caseload	%Change
Base Year	1995	\$2500-\$5000	117,610	
One Year Later	1996	\$5000	113,860	-3.2%
Five Years Later	2000	\$5000	115,127	-2.1%

IOWA**FY: 7/1-6/30**

Increase Timeline	Fiscal Year	Limit	Caseload	%Change
Base Year	1995	\$2000-\$4000	77,506	
One Year Later	1996	\$4000	79,128	+2.1%
Five Years Later	2000	\$4000	83,528	+7.8%
* Increase in 1995 occurred on 4/25/1995.				

KANSAS**FY: 7/1-6/30**

Increase Timeline	Fiscal Year	Limit	Caseload	%Change
Base Year	1985	\$500-\$1000	14,429	
One Year Later	1986	\$1000	15,096	+4.6%
Five Years Later	1990	\$1000	18,718	+29.7%
Base Year	1994	\$1000-\$1800	15,493	
One Year Later	1995	\$1800	16,023	+3.4%
Five Years Later	1999	\$1800	15,476	-.01%
* Increase in 1994 occurred on 4/25/1994.				

KENTUCKY**FY: 7/1-6/30**

Increase Timeline	Fiscal Year	Limit	Caseload	%Change
Base Year	1989	\$1000-\$1500	28,866	
One Year Later	1990	\$1500	29,273	+1.4%
Five Years Later	1994	\$1500	28,422	-1.5%

MAINE**FY: 7/1-6/30**

Increase Timeline	Fiscal Year	Limit	Caseload	%Change
Base Year	1992	\$1400-\$3000	11,033	
One Year Later	1993	\$3000	9,997	-9.4%
Base Year	1996	\$3000-\$4500	9,772	
One Year Later	1997	\$4500	10,113	+3.5%
Five Years Later	2001	\$4500	9,194	-5.9%
*No five year data for '92 increase because change occurred too close to increase in '96				

MASSACHUSETTS**FY: 7/1-6/30**

Increase Timeline	Fiscal Year	Limit	Caseload	%Change
Base Year	1985	\$1200-\$1500	137,826	
One Year Later	1986	\$1500	152,331	+10.5%
Five Years Later	1990	\$1500	168,014	+21.9%
Base Year	1993	\$1500-\$2000	130,097	
One Year Later	1994	\$2000	138,433	+6.4%
Five Years Later	1998	\$2000	141,920	+9.1%
* Increase in 1985 occurred on 10/1/1985. Increase in 1993 occurred on 10/1/1993.				

MICHIGAN**FY: 10/1-9/30**

Increase Timeline	Fiscal Year	Limit	Caseload	%Change
Base Year	1986	\$1000-\$1500	107,380	
One Year Later	1987	\$1500	110,266	+2.7%
Five Years Later	1991	\$1500	119,374	+11.2%
Base Year	1992	\$1500-\$1750	114,446	
One Year Later	1993	\$1750	110,529	-3.5%
Five Years Later	1997	\$1750	99,827	-12.8%
Base Year	1999	\$1750-\$3000	89,842	
One Year Later	2000	\$3000	98,173	+9.3%
* Increase in 1986 occurred on 1/1/1986. Increase in 1992 occurred on 7/1/1992. Increase in 2000 occurred on 1/1/2000.				

MINNESOTA**FY: 7/1-6/30**

Increase Timeline	Year	Limit	Caseload	%Change
Increased 7/1/94	1994	\$6000-\$7500	83,752	
One Year Later	1995	\$7500	83,660	-0.1%
Five Years Later	1999	\$7500	66,897	-20.1%
* Increase in 1994 occurred on 7/1/1994.				

MISSOURI**FY: 7/1-6/30**

Increase Timeline	Fiscal Year	Limit	Caseload	% Change
Base Year	1987	\$1000-\$1500	20,982	
One Year Later	1988	\$1500	20,702	-1.3%
Five Years Later	1992	\$1500	22,334	+6.4%
Base Year	1994	\$1500-\$3000	20,154	
One Year Later	1995	\$3000	21,067	+4.5%
Five Years Later	1999	\$3000	20,489	+1.7%

NEBRASKA**FY: 7/1-6/30**

Increase Timeline	Fiscal Year	Limit	Caseload	%Change
Base Year	1990	\$1500-\$1800	11,974	
One Year Later	1991	\$1800	12,463	+4.1%
Five Years Later	1995	\$1800-2100	10,958	-8.5%
Base Year	1995	\$1800-\$2100	10,958	
One Year Later	1996	\$2100	10,999	+0.4%
Five Years Later	2000	\$2100-2400	9,462	-13.7%
Base Year	2000	\$2100-\$2400	9,462	
One Year Later	2001	\$2400	9,919	+4.8%
* All increases occurred on 7/1 of the base year.				

NEW HAMPSHIRE**FY: 7/1-6/30**

Increase Timeline	Fiscal Year	Limit	Caseload	%Change
Base Year	1987	\$1500-\$2500	29,612	
One Year Later	1988	\$2500	31,556	+6.6%
Five Years Later	1992	\$2500	20,367	-31.2%
Base Year	1997	\$2500-\$5000	18,733	
One Year Later	1998	\$5000	16,458	-12.1%
Five Years Later		\$5000	No Data Available	

NEW YORK**FY: 4/1-3/31**

Increase Timeline	Fiscal Year	Limit	Caseload	%Change
Base Year	1986	\$1500-\$2000	108,745	
One Year Later	1987	\$2000	107,160	-1.5%
Five Years Later	1991	\$2000	123,987	+14.0%
Base Year	1993	\$2000-\$3000	119,879	
One Year Later	1995	\$3000	120,933	+8%
Five Years Later	1998	\$3000	107,674	-10.2%
* Increase in 1994 occurred on 7/31/1994.				

NORTH CAROLINA**FY: 7/1-6/30**

Increase Timeline	Fiscal Year	Limit	Caseload	%Change
Base Year	1992	\$2000-\$3000	260,289	
One Year Later	1993	\$3000	237,729	-8.7%
Five Years Later	1997	\$3000	271,994	+4.5%
Base Year	1999	\$3000-\$4000	278,311	
One Year Later	2000	\$4000	287,505	+3.3%
* All increases occurred on 10/1 of the base year.				

NORTH DAKOTA

FY: 7/1-6/30

Increase Timeline	Fiscal Year	Limit	Caseload	%Change
Base Year	1995	\$3000-\$5000	6,300	
One Year Later	1996	\$5000	6,525	+3.6%
Five Years Later	2000	\$5000	5,882	-6.6%

* Increase in 1995 occurred on 8/1/1995.

OHIO

FY: 7/1-6/30

Increase Timeline	Fiscal Year	Limit	Caseload	%Change
Base Year	1992	\$1000-\$2000	100,706	
One Year Later	1993	\$2000	96,753	-3.9%
Base Year	1995	\$2000-\$3000	87,946	
One Year Later	1996	\$3000	89,707	+2.0%
Five Years Later	2000	\$3000	91,135	+3.6%

*No five year data for '92 inc rease because change occurred too close to increase in '95

* Increase in 1992 occurred on 3/24/1992.

OKLAHOMA

FY: 7/1-6/30

Increase Timeline	Fiscal Year	Limit	Caseload	% Change
Base Year	1989	\$1500-\$2500	68,920	
One Year Later	1990	\$2500	83,207	+23.2%
Limit Increase	1991	\$2500-\$4500	65,723	
One Year Later	1992	\$4500	69,740	+6.1%
Five Years Later	1996	\$4500	85,144	+29.5%

*No five year data for '89 increase because change occurred too close to increase in '91

OREGON

FY: 7/1-6/30

Increase Timeline	Fiscal Year	Limit	Caseload	%Change
Increased 4/20/99	1999	\$3500-\$5000	57,816	
One Year Later	2000	\$5000	64,054	+6.8%

PENNSYLVANIA

Court: Municipal Court

FY: 7/1-6/30

Increase Timeline	Fiscal Year	Limit	Caseload	%Change
Increased 1/22/96	1995	\$5000-\$10,000	144,710	
One Year Later	1997	\$10,000	163,552	+13.0%
Five Years Later	2000	\$10,000	144,088	-.4%

SOUTH DAKOTA**FY: 7/1-6/30**

Increase Timeline	Fiscal Year	Limit	Caseload	%Change
Base Year	1994	\$2000-\$4000	24,605	
One Year Later	1995	\$4000	26,443	+7.5%
Base Year	1996	\$4000-\$8000	31,255	
One Year Later	1997	\$8000	32,556	+4.2%
Five Years Later	2001	\$8000	32,633	+4.4%
*No five year data for '94 increase because it was too close to '96 increase.				

TEXAS**FY: 7/1-6/30**

Increase Timeline	Fiscal Year	Limit	Caseload	% Change
Base Year	1987	\$1800-\$2500	51,983	
One Year Later	1988	\$2500	78,013	+50.1%
Base Year	1991	\$2500-\$5000	66,614	
One Year Later	1992	\$5000	68,133	+2.3%
Five Years Later	1996	\$5000	65,118	-2.2%
* Increase in 1987 occurred on 6/20/1987. Increase in 1991 occurred on 9/1/1991.				

UTAH**FY: 7/1-6/30**

Increase Timeline	Fiscal Year	Limit	Caseload	%Change
Base Year	1992	\$2000-\$5000	39,988	
One Year Later	1993	\$5000	38,433	-3.9%
Five Years Later	1997	\$5000	44,304	+10.8%

VERMONT**FY: 7/1-6/30**

Increase Timeline	Fiscal Year	Limit	Caseload	%Change
Base Year	1992	\$2500-\$3500	11,733	
One Year Later	1993	\$3500	10,811	-7.9%
Five Years Later	1997	\$3500	No Data Available	

WASHINGTON**FY: 7/1-6/30**

Increase Timeline	Fiscal Year	Limit	Caseload	%Change
Before Increase	2000	\$2500-\$4000	23,306	
One Year Later	2001	\$4000	24,296	+4.2%

WISCONSIN**FY: 7/1-6/30**

Increase Timeline	Fiscal Year	Limit	Caseload	%Change
Base Year	1988	\$1000-\$2000	197,487	
One Year Later	1989	\$2000	159,829	-19.1%
Five Years Later	1993	\$2000	211,231	+7.0%
Base Year	1994	\$2000-\$4000	137,940	
One Year Later	1995	\$4000	153,779	+11.5%
Five Years Later	1999	\$4000	145,097	+5.2%
* Increase in 1988 occurred on 7/1/1988. Increase in 1994 occurred on 4/1/1994.				

WYOMING**FY: 7/1-6/30**

Increase Timeline	Fiscal Year	Limit	Caseload	%Change
Base Year	1989	\$750-\$2000	8,392	
One Year Later	1990	\$2000	8,337	-0.7%
Five Years Later	1994	\$2000	5,801	-30.9%
Base Year	1997	\$2000-\$3000	6,049	
One Year Later	1998	\$3000	6,346	+4.9%
Five Years Later	2002	\$3000	No Data	
* Increase in 1997 occurred on 7/1/1997.				

2004 Small Claims Report Card

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STATE	Dollar Limit (40%)	Self-Help (20%)	Convenience (10%)	Mediation (10%)	Expedited Collection (10%)	Injunctive Relief (10%)	Overall Grade
ALABAMA	D	D	F	D	F	F	D
ALASKA	B	C	F	D	F	F	C
ARIZONA	D	C	D	D	F	F	D
ARKANSAS	C	D	D	F	F	F	C-
CALIFORNIA	C	A	A	D	F	C	B
COLORADO	B	C	A	C	F	F	B
CONNECTICUT	D	D	D	F	F	F	D
DELAWARE	NO SMALL CLAIMS COURT						F
DISTRICT OF COLUMBIA	C	D	A	A	F	F	C
FLORIDA	C	D	F	A	F	F	C
GEORGIA	A	D	A	C	F	F	B
HAWAII	D	D	F	B	F	F	C-
IDAHO	D	B	F	D	F	F	C-
ILLINOIS	C	D	F	D	F	F	C-
INDIANA	D	D	D	F	F	F	D
IOWA	C	D	F	C	F	F	C-
KANSAS	F	C	D	C	F	F	D
KENTUCKY	F	D	D	D	F	F	F
LOUISIANA	D	D	F	F	F	F	D
MAINE	C-	D	F	A	F	F	C
MARYLAND	C	D	D	A	F	F	C
MASSACHUSETTS	F	D	D	B	F	F	D
MICHIGAN	D	C	F	F	F	F	D
MINNESOTA	B	C	F	D	F	F	C
MISSISSIPPI	NO SMALL CLAIMS COURT						F
MISSOURI	D	D	F	F	F	F	F
MONTANA	D	C	D	D	F	F	D
NEBRASKA	F	C	D	D	F	F	D
NEVADA	C	D	F	D	F	F	C-
NEW HAMPSHIRE	C	D	D	F	F	F	D
NEW JERSEY	D	D	D	A	F	F	C-
NEW MEXICO	A	D	F	C	F	F	B-
NEW YORK	C-	D	A	B	F	F	C
NORTH CAROLINA	D	D	F	F	F	F	D
NORTH DAKOTA	C	D	D	F	F	F	D
OHIO	D	D	D	C	F	F	D
OKLAHOMA	C-	D	F	F	F	F	D
OREGON	C	D	D	C	F	F	C
PENNSYLVANIA	B+	F	F	F	F	F	C
RHODE ISLAND	F	D	D	A	F	F	D
SOUTH CAROLINA	B	D	F	F	F	F	C
SOUTH DAKOTA	B	D	D	F	F	F	C
TENNESSEE	A	D	F	D	F	F	C+
TEXAS	C	D	D	F	F	F	D
UTAH	B	C	F	D	A	F	B
VERMONT	D	D	D	B	F	F	C-
VIRGINIA	F	C	D	C	F	F	D
WASHINGTON	D	C	D	C	A	F	C
WEST VIRGINIA	C	C	F	F	F	F	C-
WISCONSIN	C	D	C	C	A	F	C+
WYOMING	D	D	D	F	F	F	D

2004 Small Claims Report Card



ILLINOIS

Overall Grade: **C-**

About Illinois' Small Claims Court:

↓ Illinois's grade would have been much higher were it not for its low small claims dollar limit of \$5,000. The people of Illinois need small claims courts to have a higher dollar limit to help them more easily resolve disputes without lawyers.

↓ Of the courts surveyed by HALT, only Cook County offers mediation services to help people resolve their disputes amicably before facing a judge.

↓ None of the Illinois courts surveyed by HALT hold evening or weekend sessions, making it impossible for many people to use the courts without missing work.

↓ Except for a weekly advisor program staffed by volunteer attorneys in Adams County, none of the courts surveyed by HALT employ small claims advisors—court employees whose primary job is to help people navigate the small claims system.

↓ Illinois's small claims filing fees are among the highest in the country, with most cases costing over \$100 to file.

Dollar Limit (40%)	C
Self-Help (20%)	D
Convenience (10%)	F
Mediation (10%)	D
Expedited Collection (10%)	F
Injunctive Relief (10%)	F
Overall Grade	C-

Compiled by

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HALT's Small Claims Report Card compares and evaluates the state of small claims court systems around the country. HALT gathered information on each state's small claims courts between October 2003 and January 2004. Where information varied by county, HALT's evaluation is based upon a sample of five counties in each state—usually the three most populous counties and two randomly selected counties.

HALT used the following information to determine the grade for each category:

Dollar Limit (40% of total grade): What is the maximum amount for which one can sue in small claims court.

Self-Help (20%): Does the court use small claims advisors—court employees whose primary job is to help people navigate the small claims system? Does the court provide printed guides to the small claims process? Does the court provide fill-in-the-blank forms to assist people suing or being sued? Are attorneys prohibited? Can anyone other than an attorney represent people in court?

Convenience (10%): Does the court hold evening or weekend sessions? What is the court's filing fee?

Mediation (10%): Does the court provide mediation? Is mediation mandatory? Do the parties have to pay for mediation?

Expedited Collection (10%): If someone sues and wins, does the court have systems in place to help that person collect a judgment—such as requiring explanation of the collection process, providing penalties for late payment, and requiring losing defendants to give a statement of their assets to winning plaintiffs?

Injunctive Relief (10%): Does the court have the power to decide cases other than by awarding money, such as by ordering a party to do something or refrain from doing something?

More detailed grade calculation information can be found on HALT's web site, www.halt.org.

About HALT

HALT—An Organization of Americans for Legal Reform pursues an education and advocacy program that challenges the legal establishment to improve access and reduce costs in the civil justice system. HALT is known for its extensive collection of self-help law books and its advocacy to hold the legal profession accountable.

HALT's Small Claims Reform Project publicizes the advantages of small claims courts, educates consumers about how to use these user-friendly courts, and advocates for systematic reforms that increase access to them. These reforms include:

- raising dollar limits to \$20,000;
- improving the process of collecting judgments;
- granting small claims judges the power to issue court orders, not just award money damages;
- restricting the use of lawyers in small claims courts;
- expanding small claims dispute resolution programs; and
- creating user-friendly courts by pushing for evening and weekend hours.

The Ten Best Small Claims Court Systems		The Ten Worst Small Claims Court Systems	
1) Georgia	6) Tennessee	1) Kentucky	7) Michigan
2) California	7) Wisconsin	2) Missouri	8) North Carolina
3) Colorado	8) Minnesota	3) Wyoming	9) Alabama
4) Utah	9) (tie) Alaska	4) Louisiana	10) (tie) Connecticut
5) New Mexico	9) (tie) New York	5) (tie) Indiana	10) (tie) Kansas
		5) (tie) Oklahoma	10) (tie) Massachusetts
			10) (tie) Rhode Island



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