

CALIFORNIA SMALL CLAIMS COURT STUDY

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A. INTRODUCTION

CALIFORNIA SMALL CLAIMS COURT STUDY

This report and accompanying attachments summarize the study of the California Small Claims Court system completed on assignment from Thomas M. Gordon, Senior Counsel of HALT and Supervisor of the Small Claims Court Project. This California Small Claims Court Study attempts to further HALT's goal of increasing the small claims monetary jurisdictional limits throughout the country and specifically in California.

ISSUES INVESTIGATED

On May 28, 2002 the Judicial Council of California received a draft Report on the California Three Track Civil Litigation Study submitted by Policy Studies, Inc., (hereafter referred to as the Policy Studies Report). The Policy Studies Report identifies three main risks presented by a monetary jurisdictional increase and therefore recommends that a pilot study precede a statewide increase. The risks identified include:

- 1) An increase in the number and complexity of cases which will flood the small claims system;
- 2) A lack of a competent statewide advisor program to accommodate an increase of cases; and
- 3) A concern over the quality of pro tem adjudication.

To address these possible risks and to further the goal of increasing the jurisdictional limit the California Small Claims Court Study investigated the following inquiries:

- 1) What is the history of the small claims court monetary jurisdictional limit increases?
- 2) Is an increase in the small claims court monetary jurisdictional limit warranted?
- 3) To what amount should the limit be raised and why?
- 4) Will an increase in the limit bring about a flood of small claims cases and strain the small claims court system's resources?
- 5) What other reforms are needed to improve the small claims court system?

B. METHODOLOGY AND REASONS FOR DATA COLLECTION

Researchers collected data to address these questions through the following means:

- Analyzing court documents
- A survey of the California Small Claims Court Advisor Offices
- Interviewing small claims court plaintiffs
- Interviewing Commissioner Sue Kaplan of the San Francisco Small Claims Court
- Requesting information from the Judicial Council of California
- Performing legislative history research at UC Hastings College of the Law

ANALYSIS OF COURT DOCUMENTS

Claims filed for \$5,000 in small claims court and superior court suits with claims between \$5,000 and \$10,000 were collected from two cities in the Northern California County of Alameda: Oakland and Hayward.

Oakland is a densely populated urban center and Hayward is a suburb of Oakland. These cities were partly chosen because court documents filed in Alameda County can be conveniently viewed online through the County of Alameda's website at:

www.co.alameda.ca.us/index.shtml

Small Claims Court Documents

Two hundred small claims cases with claims of \$5,000 filed in the cities of Oakland and Hayward were analyzed. The claim amount, subject of the suit and final judgment were noted. This analysis of small claims court claims of \$5,000 was conducted to determine: 1) whether plaintiffs are taking advantage of the current jurisdictional limit, and 2) the current level of complexity and subject matter of small claims cases.

Small Claims Court Document Findings

1) Litigants seem to be taking advantage of the current jurisdictional limit. Of the 400 claims examined approximately 27.5% of the claims were filed for \$5,000. Our suspicion that many litigants waive excess damages was largely unsupported. This is indicated by the average final judgment amount of

claims filed for \$5,000 only being \$2,718.97. This may indicate that many claimants overvalue their cases or that they are not adequately prepared to prove their stated damages with supporting evidence at trial.

2) Most of the claims filed in small claims court are breach of contract claims, construction cases and auto torts. This is interesting when compared to the cases filed in superior court between \$5,000 and \$10,000, because they involve essentially the same causes of action, indicating that an increase in the jurisdictional limit would not increase the complexity of cases entering small claims court.

Superior Court Cases Valued Between \$5,000 and \$10,000

Finding a significant number of superior court cases in Oakland and Hayward claiming between \$5,000 and 10,000 proved difficult and time consuming. Since the docket is not searchable by amount of claim, it was impossible to search the entire docket for such cases. After searching an extensive (but not exhaustive) sample of cases from the years 2000 and 2001 seven cases were located; the claim amount, subject of the suit and final judgment were noted. Attorneys represented the claimants in all of these cases. These documents were viewed to determine: 1) whether there are a multitude of claims currently filed between \$5,000 and \$10,000 which potentially could flood the small claims system; 2) the complexity of the cases heard in superior court compared to small claims court cases and 3) whether the amount claimed in cases filed in superior court bore a closer relationship to the final judgment in superior court than in small claims court.

Superior Court Case Analysis Findings

1) Due to the extensive search of documents and relatively small return, it appears that there are not a multitude of claims now being filed which will burden the court system if the limit is raised. At least, there do not appear to be many cases in this range in which lawyers are willing to become involved. Whether there are additional claims in this range that might be pursued pro se, under the simplified small claims procedures, is a different question.

2) The cases were not significantly more complex in cause of action or evidentiary issues.

3) Pro se plaintiffs in small claims court receive final judgments more closely related to their stated claim amount than do plaintiffs filing in superior court.

SMALL CLAIMS COURT ADVISOR QUESTIONNAIRE

Advisor offices were contacted by phone, email and standard mail to complete a questionnaire. (see Attachment A). The questionnaire was designed to determine: 1) the current status of the small claims advisor programs in California; 2) whether the advisor programs currently meet the demand for services; and 3) whether advisors believe the limit should be increased and to what amount.

Advisor Survey Findings

1) Small claims court legal advisor offices currently provide a variety of services to address small claims court consumers' needs.

- 2) Small claims court legal advisor offices currently meet the demand for services. The current system can likely support a larger caseload due to an increase in the monetary jurisdictional limit with few additional resources.
- 3) The majority of advisors surveyed believe that the monetary jurisdictional limit should be raised.

Attachment B provides objective data about the small claims court advisor offices that responded to our survey.

INTERVIEWS OF SMALL CLAIMS COURT PLAINTIFFS

Plaintiffs who filed for \$5,000 in small claims court were contacted and interviewed by phone. (See Attachment C). Plaintiffs were interviewed because they could provide the most insight into what current options they would choose if they had damages exceeding the jurisdictional limit. Also, as recent consumers of the small claims court system they are well equipped to identify areas needing improvement.

INTERVIEW OF COMMISSIONER SUE KAPLAN OF SAN FRANCISCO

In HALT’s Membership Newsletter, Winter 2002 the San Francisco’s Superior Court was identified as the Western Gem. Fulltime commissioner, Sue Kaplan presides over San Francisco small claims court trials. Her extensive exposure over a nine-year period to the small claims court system in San Francisco makes her a valuable source of information. The interview was conducted to determine her opinions regarding our main areas of inquiry.

INFORMATION PROVIDED BY THE JUDICIAL COUNCIL OF CALIFORNIA

The Judicial Council of California provided tables regarding the comparative value of \$5,000 for the decade 1991-2001 based on the Consumer Price Index in California and in the state’s largest metropolitan areas. The Council also shared useful information about the history of California’s small claims court monetary jurisdictional limit increases and the number of civil suits filed in California from 1989-90 to 1998-99.

C. HISTORY OF MONETARY JURISDICTIONAL LIMIT INCREASES

Legislation enacted in 1990 taking effect in 1991 set the current \$5,000 monetary jurisdictional limit of California's small claims court. Under this legislation no entity may file more than two actions exceeding \$2,500 in any calendar year (unlimited if kept under \$2,500). Public entities are exempt from this restriction.

The California Legislature first established small claims court in California in 1921, when a limit of \$50 on claims was imposed. Over the years, the jurisdictional maximum has been increased periodically, as illustrated in the chart below:

Year	Monetary Jurisdiction
1921	\$50
1949	\$100
1957	\$150

1961	\$200
1967	\$300
1971	\$500
1976	\$750
1981	\$1,500
1989	\$2,000
1990	\$5,000

The State Bar of California sponsored the 1990 bill that led to the current small claims court jurisdictional limit of \$5,000. According to the bill's proponents, the increase ensured access to the judicial system for those who wanted to resolve minor disputes when it was generally not economically feasible to obtain an attorney in such cases (Assembly Office of Research Report on AB 3916) ("Assembly"). It was usually more advantageous for a person with a valid claim of as much as several thousand dollars higher than the small claims limit to prosecute it in small claims court even though his or her recovery amount was limited to \$2,000 (Assembly). They pointed out that it was unfair to force a person to give up such a substantial portion of his or her claim as a precondition to seeking judicial review of the matter (Assembly).

The Association of California Insurance Companies ("ACIC") opposed the bill. The following statement was made by the ACIC (Assembly):

An insurance company's own assets are at stake when one of its insureds is sued. However, the procedure in small claims court is that we cannot represent our insured. . . . We cannot provide him with an attorney to represent him, nor can we appear for ourselves as we are not a party, only an indemnitor if our insured is found liable. . . . We must pay the judgment if our insured is found liable, no matter how inadequate a defense he has presented.

According to a 1980 California Department of Consumer Affairs (the "Department") book entitled, Monetary Jurisdiction Experiment 1980, two main reasons appear to account for historical increases in small claims monetary jurisdiction. "First, the typical kinds of claims thought suitable for adjudication -- minor personal injuries, minor property damage, small contract claims, and small unpaid debts -- have increased in amount as a result of inflation as time has passed" (Department 2). "Second, as business

expenses have increased, it has become increasingly impractical for attorneys to handle on a fee basis cases, which involve small sums of money" (Department 2). Another reason may be that "the informal and inexpensive system used in small claims court makes judicial redress affordable and convenient to individuals while keeping costs to taxpayers to a minimum" (Department 2). These reasons present a rationale for expanding the subject matter jurisdiction of small claims court and pushing the monetary limit upwards.

The Monetary Jurisdiction Experiment 1980 was based on a jointly administered experiment by the Department and the California Judicial Council, conducted between mid-1977 and mid-1979 (3). In this report, the evidence showed that the increase in the small claims monetary jurisdiction from \$750 to \$1500 in six courts around the state operated principally to the benefit of individuals, particularly plaintiffs (Department ii). A significant increase in the percentage of individuals who brought cases over \$750 appeared while the percentage of business and government creditors declined (Department ii and iv). The report also showed that defendants fared reasonably well (Department iii). The percentage of individual defendants decreased in cases above \$750, defaults were reduced, and defendants prevailed more frequently in contested cases (Department letter). The report concluded that this shift in plaintiff composition demonstrated the success of the experiment in affording increased access to the courts and that as a result the small claims monetary jurisdiction should be increased (Department letter). Further, the evidence showed that raising the monetary jurisdictional limit to \$1500 in the six courts had no significant adverse impact on the operations of those courts (Department 89-90).

D. IS AN INCREASE IN THE MONETARY JURISDICITONAL LIMIT WARRANTED?

The Monetary Jurisdictional Limit Must Be Raised Because of Inflation

The real value of \$5,000 has decreased substantially since 1991, when the current monetary jurisdictional limit took effect. In California, \$5,000 in 2001 would be worth only approximately \$3,900 in 1991, or put another way, it would take approximately \$6,400 in 2001 dollars to equal what \$5,000 was worth in 1991. In both the San Francisco and San Diego metropolitan areas, inflation rates have been even higher, further eroding the real value of the small claims court's \$5,000 jurisdictional limit. In San Francisco, for example, it would take approximately \$6,800 in 2001 dollars to equal what \$5,000 was worth in 1991. In practice, this means that some proportion of cases that would have been eligible to go to small claims court in 1991 now must be handled in the regular civil system because the amount at issue is over \$5,000. The Judicial Council of California provided the following inflation charts demonstrating these findings:

Comparative Value of \$5,000 (Based upon the California Consumer Price Index)

Table A				
Amount Needed in Target Year to Equal \$5,000 in 1991				
Target Year	California	Los Angeles	San Francisco	San Diego
1991	5,000	5,000	5,000	5,000
1992	5,178	5,180	5,167	5,344
1993	5,313	5,315	5,305	5,460
1994	5,388	5,385	5,392	5,602
1995	5,477	5,467	5,497	5,685
1996	5,587	5,569	5,624	5,834
1997	5,708	5,658	5,816	5,935
1998	5,821	5,739	6,001	6,051
1999	5,992	5,873	6,255	6,265
2000	6,213	6,068	6,534	n.a.
2001	6,405	6,223	6,802	n.a.

Table B				
What \$5,000 of 1991 Money is Worth in Target Year				
Target Year	California	Los Angeles	San Francisco	San Diego
1991	5,000	5,000	5,000	5,000
1992	4,828	4,826	4,839	4,864
1993	4,705	4,704	4,713	4,716
1994	4,640	4,642	4,637	4,641
1995	4,565	4,573	4,548	4,573
1996	4,475	4,489	4,446	4,456
1997	4,380	4,419	4,299	4,380
1998	4,294	4,356	4,166	4,296
1999	4,172	4,256	3,997	4,149
2000	4,024	4,120	3,826	n.a.
2001	3,903	4,017	3,675	n.a.

Source				
CPI Indexes				
All Urban	California	Los Angeles	San Francisco	San Diego

Consumers				
1991	140.6	141.4	137.9	143.4
1992	145.6	146.5	142.5	147.4
1993	149.4	150.3	146.3	150.6
1994	151.5	152.3	148.7	154.5
1995	154.0	154.6	151.6	156.8
1996	157.1	157.5	155.1	160.9
1997	160.5	160.0	160.4	163.7
1998	163.7	162.3	165.5	166.9
1999	168.5	166.1	172.5	172.8
2000	174.7	171.6	180.2	n.a.
2001	180.1	176.0	187.6	n.a.

Raising the Monetary Jurisdictional Limit Will Increase Access to Justice

The majority of small claims litigants interviewed in this study indicate that if a claim is approximately \$1,000 to \$2,000 above the current jurisdictional limit of \$5,000 a majority of litigants surveyed are willing to waive the excess damages in order to file in small claims court and avoid the expense and difficulty of filing in superior court. If it is assumed that justice is served when plaintiffs recover all of their provable damages, then increasing the small claims court jurisdictional limit increases plaintiffs' access to justice. An increase in the monetary jurisdictional limit increases the likelihood that more litigants would recover actual damages because they would not waive damages to avoid superior court.

It appears that not a large number of the claims for \$5,000 filed by plaintiffs in small claims court involve the waiver of damages in excess of the jurisdictional limit. These small claims cases had an average final judgment of \$2,718, indicating that perhaps some of the claims for \$5,000 are inflated. Commissioner Sue Kaplan indicated that in her experience cases where litigants waive a portion of their damages to file in small claims court are, "few and far between." Yet, Commissioner Kaplan supports raising the jurisdictional limit due to inflation.

Small claims plaintiffs may be more proficient at recovering more of their stated damages than are plaintiffs represented by counsel in superior court cases with claims between \$5,000 and \$10,000. The superior court cases filed between \$5,000 and \$10,000 sampled indicates that the average claim amount is \$7,125 and the average final judgment amount is \$2,781.52. The small claims cases filed for \$5,000 received an average final judgment of \$2,718.97. These numbers indicate that small claims plaintiffs recover on average 54% of their stated damages, while plaintiffs who bring their suit in superior court receive 39% of their stated claim (and must still pay attorneys fees). The small claims cases and superior court cases between \$5,000 and \$10,000 can be compared because they involve essentially the same types of claims and only vary in the amount of damages requested.

These data are insufficient to lead to solid conclusions. But, given that many of the claims within these dollar amounts involve concrete, easily proven

damages e.g. breach of contract cases final judgment amounts more closely related to stated claim amounts may represent a more just result. Interestingly, from this sample it appears that pro se plaintiffs in small claims court fair better than plaintiffs represented by counsel in superior court. Perhaps further inquiry into this topic will reveal an explanation for the difference between stated claims and final judgments in the two settings. Since our advisor survey indicates plaintiffs use advisor services more frequently than do defendants, perhaps the disparity can be accounted for by less prepared defendants.

E. TO WHAT AMOUNT SHOULD THE SMALL CLAIMS COURT MONETARY JURISDICTIONAL LIMIT BE RAISED?

The data collected from this study suggests increasing the monetary jurisdictional limit to \$10,000. This increase adjusts the monetary jurisdiction in accordance with inflation and the need to provide increased access to the courts to resolve minor disputes. Data collected from the small claims advisor questionnaires, litigant interviews and the opinion of Commissioner Kaplan suggest increasing the monetary jurisdictional limit to approximately \$10,000.

Small Claims Legal Advisors

Many legal advisors agree that the monetary jurisdictional limit should be increased. Twenty-seven legal advisors, representing twenty-nine California counties responded to our small claims court legal advisor survey.

Fourteen advisors were in favor of raising the monetary jurisdictional limit. Of those fourteen, five wanted the limit to be raised to \$7,500; six wanted it to be raised to \$10,000; and two wanted it to be raised to \$15,000. Six were not in favor of the raising the limit. Seven did not provide a definite answer.

Advisor represents the county or counties named below:	Question Posed: Would you be in favor of raising the small claims court monetary jurisdictional limit? The number of advisors who said: Yes-14 No-6 Other-7
Alameda	Undecided.
Butte	Mixed emotions.
Contra Costa	No opinion.
Fresno	No.
Humboldt	Reluctant.

Imperial	No.
Lassen	Yes.
Marin	Yes.
Mendocino	Yes.
Monterey	Yes.
Napa	No opinion.
Orange	Yes.
Plumas	No.
Sacramento	No.
San Diego (North)	No.
San Diego (Claremont)	Yes.
San Francisco	Yes.
Santa Barbara	Yes.
Santa Clara	No opinion.
Sierra	Yes.
Shasta, Tehama, and Trinity	Yes.
Solano	Can't answer. I don't know if it would help.
Sonoma	Yes.
Stanislaus	Yes.
Sutter and Yuba	No.
Tulare	Yes.
Ventura	Yes.

Advisor represents the county or counties named below:	<p>The number of advisors who wanted the limit to be raised to the following amounts:</p> <p>\$7,500-5 \$10,000-7 \$15,000-2</p> <p>The reasons they provided for raising the monetary jurisdictional limit are below:</p>
Lassen	\$7,500, only if more time is allowed for presentation of each case and the judge spends more time inquiring as to the facts.
Marin	\$10,000. A lot of claims currently fall between \$5,000 and \$10,000.
Mendocino	\$7,500. Seems like there are

	more cases recently where disputes are just over \$5,000, but less than \$8,000 or so.
Monterey	\$7,500.
Orange	\$10,000.
San Diego (Claremont)	\$10,000, with some special rules for cases greater than \$5,000.
San Francisco	\$10,000. Too many people get stuck between \$5K-\$10K without anywhere to turn.
Santa Barbara	\$15,000. Because the civil arena is too difficult for pro pers.
Shasta, Tehama, and Trinity	\$10,000. Few attorneys will take a case below a certain amount. The amount of money doesn't complicate the nature of the small claims case. An increase in the limit won't affect the complexity of the case.
Sierra	\$15,000. The costs of goods and services have increased.
Solano	\$10,000, but only for some cases likes personal injury and auto accidents. It's not necessary for other types of cases because they are usually less than \$5000.
Stanislaus	\$10,000. Small business people call between the \$7,500-\$10,000 range. Landscaping and construction contract claims are in this range. People who run dairies call in this range.
Tulare	\$7,500. Because of inflation.
Ventura	\$7,500. I have a lot over \$5K.

Advisor represents the county or counties named below:	Reasons Given By Advisors For Not Raising the Monetary Jurisdictional Limit Are Given Below:
Fresno	Too much money at stake where layperson is his/her own attorney.

Plumas	Because it is difficult enough to collect claims \$5,000 and under through the small claims jurisdiction without incurring higher costs.
Sacramento	The way it is set up for \$5,000, allows a lot of people who could never go to come here and don't have legal knowledge. If the amount is raised, it is more difficult...higher amount is more complicated. Present amount is good for the layperson.
San Diego	It would compel people to become more litigious. The small claims court system could adequately serve more cases. People would claim that the amount in controversy is much higher than it actually is. Now some people who have a \$500 claim, claim \$5000. People can barely get through the system as is--so upping the ante is not a good thing.
Sutter	Many litigants lack sophistication of businesses that sue regularly in small claims court. Without extensive advice on organizing, presenting case, they are at a severe disadvantage already.

Litigant Interviews

Small claims plaintiffs interviewed showed a willingness to waive damages to have their case heard in small claims court. Of the nine small claim court plaintiffs interviewed five indicated that they would be willing to forfeit damages to have their cases heard in small claims court. One litigant indicated that it depended on the situation and three claimed that they would file in superior court before forfeiting their damages. To eliminate the risk that defendants gain a windfall because of plaintiffs' preference to try their case in small claims court the jurisdictional limit should be raised. Those plaintiffs who displayed a willingness to waive damages said that they would not forfeit more than \$2,000 in damages. This suggests that it would take a claim exceeding \$7,000 before a plaintiff would choose to seek representation and file in superior court.

Commissioner Sue Kaplan's Interview

Commissioner Kaplan favors increasing the monetary jurisdictional limit. When asked to what amount she would raise the limit to she chose \$10,000. Her main reason for raising the limit was the reality of inflation. Commissioner Kaplan compared raising the limit to the rise in housing costs.

F. WILL AN INCREASE IN THE SMALL CLAIMS COURT MONETARY JURISDICTIONAL LIMIT HAVE AN ADVERSE IMPACT ON THE OPERATIONS OF THE COURT SYSTEM?

An Increase in the Monetary Jurisdictional Limit Will Not Bring About a Flood of Small Claims Cases

According to the Judicial Council of California, 352,748 small claims cases were filed in 1998-1999, which represents approximately 34 percent of all of civil cases filed that year -- small claims filings have been going down steadily, both in absolute numbers and in terms of the proportion of total civil filings they represent, since fiscal year 1991-1992, the year after the last jurisdictional increase went into effect. In 1991-1992, there were 548,339 small claims filings that represented over 39 percent of the total civil filings that year.

Fiscal Year	Total Civil (A)	Total General Civil, Civil Unlimited (B)		General Civil Unlimited			Limited Civil (F)		Small Claims (G)	
				Motor Vehicle PI/PD/WD (C)	Other PI/PD/WD (D)	Civil Complaints (E)	No.	%	No.	%
		No.	%				No.	%	No.	%
1998-99	1,043,178	178,716	17.1	44,576	25,090	109,050	511,714	49.1	352,748	33.8
1997-98	1,124,475	177,511	15.8	42,252	26,150	109,109	559,220	49.7	387,744	34.5
1996-97	1,176,211	186,044	15.8	42,252	26,152	115,945	560,140	47.6	430,027	36.6
1995-96	1,174,732	196,771	16.8	47,841	29,639	119,291	546,970	46.6	430,991	36.7
1994-95	1,208,945	203,710	16.9	47,554	32,038	124,118	572,338	47.3	432,897	35.8
1993-94	1,220,628	212,974	17.4	49,513	34,048	129,413	560,724	45.9	446,930	36.6
1992-93	1,292,925	209,958	16.2	55,495	35,239	119,224	584,307	45.2	498,660	38.6
1991-92	1,401,988	220,344	15.7	70,687	38,582	111,075	633,305	45.2	548,339	39.1
1990-91	1,373,801	222,102	16.2	80,208	37,100	104,794	636,335	46.3	515,364	37.5
1989-90	1,361,403	225,468	16.6	82,866	39,167	103,435	631,885	46.4	504,050	37.0

- (A) Sum of (C) through (G)
- (B) (C) + (D) + (E). "General civil unlimited" refers to all general jurisdiction civil complaints, including all requests for damages in excess of \$25,000, except in probate and family law.

- (C) Actions for damages in excess of \$25,000 for physical injury to persons and property and actions for wrongful death related to motor vehicle accidents.
- (D) Actions for damages in excess of \$25,000 for physical injury to persons and property and actions for wrongful death not related to motor vehicle accidents.
- (F) All civil matters with a value of \$25,000 or less, except small claims.

Superior Court Case Filings Between \$5,000 and \$10,000

Difficulty in locating a large number of cases filed in superior court between \$5,000 and \$10,000 may indicate that there are not a significant number of claims which will enter the system when a jurisdictional increase occurs. However, since the complexity of procedures in superior court makes pro se representation difficult if not impossible, this may say more about the difficulty of securing representation than the absolute number of potential claims.

Monetary Jurisdiction Experiment 1980 cited two main concerns about raising the monetary jurisdictional limit (3):

- Some groups feared that raising the limit would operate to subject individuals to adverse judgments for significant sums of money without recourse to legal representation.
- Some judges and clerks worried that an increase would require considerably more time and staff to be devoted to small claims when resources were presently marginally adequate.

Addressing the second concern, the 1980 study found that courts could clearly expect an increase in small claims filings if the monetary jurisdiction was increased, but the precise level of the increase would likely be more dependent upon local variables such as economic conditions, publicity efforts and other such items (Department 65). Court personnel reported that the increased amount of time to dispose of larger cases arose more as a function of the type of case rather than the amount involved (personal injury/property damage takes more time to resolve than consumer credit cases) (Department 74). "If the increase in small claims caseload is derived principally from new cases, which, for some reasons, would not otherwise have been filed, then the absolute amount of judicial time devoted to hearing small claims cases will obviously increase as well" (Department 74). "If cases, which would have been filed in the civil division of the court are instead being brought in small claims court, it becomes more difficult to assess the effect on overall judicial time allocation" (Department 74). However, the informal nature of the proceedings of small claims court suggests that contested cases heard in such a setting may consume considerably less time than if the cases were heard under more legally formal conditions (Department 76). The data did not reveal any particular increase in clerical time attributable to the increase in monetary jurisdiction (Department 86).

As described above, an increase in the number of cases filed may be small. When Commissioner Sue Kaplan was asked about the strain of judicial resources she posited that a reallocation of resources, rather than an increase would likely address any increased use of small claims court. She

also suggested that the calendar could be scheduled three months in advance and, as the calendar filled, then an assessment of the court's needs could be made.

Legal Advisor Offices Would Be Able to Support an Increase in Caseload Should an Increase in the Small Claims Court Monetary Jurisdictional Limit Result in More Filings

Currently the majority of existing small claims advisor programs meet the demand for their services. Offices with difficulty meeting the demand for services have used law student volunteers and incorporated an extensive telephone message center with common questions and their answers recorded and available twenty-four hours a day. So, even if the demand for services increases it appears that creative, cost effective means exist to address the demand. Also, superior court cases filed between \$5,000 and \$10,000 do not involve significantly more complex issues so little if any additional training would be required to handle the new cases.

Twenty-five of the twenty-seven legal advisors who responded indicated that they currently meet the demand for their services. This data points to the likelihood that if more litigants were to use advisor services, advisors could support the increase in cases filed.

Advisor represents the county or counties named below:	Question posed: Are you currently able to meet the demand for your services? Yes -25 Just barely -1 Other -1 Advisors' responses are below:
Alameda	For the most part, yes.
Butte	Yes. People leave messages and I am able to return them.
Contra Costa	Yes. I also refer many people to other forms of gaining information.
Fresno	Yes.
Humboldt	Yes.
Imperial	Yes, most of the time.
Lassen	Yes.
Marin	Yes.
Mendocino	Yes.
Monterey	Yes.
Napa	Yes.

Orange	Yes, very well.
Plumas	Yes.
Sacramento	Yes.
San Diego (Claremont)	Yes.
San Diego (North)	Yes.
San Francisco	Yes.
Santa Barbara	Yes.
Santa Clara	Too soon to tell. (This office recently became the small claims legal advisor.)
Shasta, Tehama, and Trinity	Yes.
Sierra	Yes.
Solano	Yes.
Sonoma	Yes.
Stanislaus	Yes.
Sutter and Yuba	Just barely.
Tulare	Yes.
Ventura	Yes.

G. OTHER REFORMS NEEDED TO IMPROVE SMALL CLAIMS COURTS AND RECOMMENDATIONS DERIVED FROM DATA

1. Simplify the Process for Collecting Judgment

It is imperative that further attention be devoted to simplifying the process for collecting judgments. Numerous legal advisors pointed out that this is one of their clients' most pressing concerns. The integrity of the entire small claims process is compromised by the difficulty litigants experience in seeking to enforce their judgments.

Advisor represents the county or counties named below:	<p>Question posed: What are the biggest concerns that your clients have?</p> <p>Top Concern: Collecting Judgment</p> <p>21/27 Advisors cited collecting judgment</p> <p>The advisors' answers are below:</p>
Alameda	Collecting judgment
Butte	Collecting judgment

Contra Costa	Collecting judgment
Fresno	Following proper procedure, merits of their cases
Humboldt	Collecting judgment
Imperial	Collecting judgment
Lassen	Following proper procedure
Marin	Collecting judgment
Mendocino	Is it worth the effort? Is it fair? Is it too difficult?
Monterey	Winning case or not, collecting judgment
Napa	Collecting judgment
Orange	Collecting judgment
Plumas	Winning case or not
Sacramento	Collecting judgment
San Diego (Claremont)	Serving defendants, collecting judgment
San Diego (North)	How to present case, collecting judgment
San Francisco	Losing and somehow getting into trouble for filing
Santa Barbara	Collecting judgment
Santa Clara	Collecting judgment
Shasta, Tehama, and Trinity	Winning case or not
Sierra	Being properly prepared for the proceeding
Solano	Collecting judgment, how to subpoena
Sonoma	Collecting judgment
Stanislaus	Collecting judgment, is going to court worthwhile, defendants wonder how an adverse judgment will affect their credit, what to expect in court
Sutter and Yuba	Collecting judgment, how to present case
Tulare	Collecting judgment
Ventura	Collecting judgment, winning case or not

2. Increase the Availability and Depth of Public Information About Small Claims Court

The California Courts Self-Help Center web site provides a comprehensive resource for legal information. California’s diverse population suggests that the website be available in other languages such as Spanish and Chinese to increase access to this information. One advisor suggested expanding internet access to litigants could increase the advantage of this resource. This advisor also suggested providing online filing of court documents.

Advisors strongly believe that publications about small claims courts should be more readily available in libraries, community centers, grocery stores and/or other public buildings. They specifically suggested greater availability and the production of "how to" pamphlets to help litigants either resolve disputes themselves or prepare for small claims court.

Other advisors suggested that community groups and courts should become more involved in assisting litigants through participating in self-help centers, providing seminars and courses about small claims courts, offering mediation to resolve disputes, holding mock small claims court sessions, and assisting low-income individuals with literacy issues in completing court forms. The following chart demonstrates advisors’ recommendations.

Advisor represents the county or counties named below:	Question posed: What can the community do to provide parties with adequate information about how to prepare for their small claims court proceedings? Only the responses of those who answered the question are detailed below:
Imperial	Participate in self-help centers
Marin	Provide publications about small claims courts such as the one that the Department of Consumer Affairs used to put out for the public
Mendocino	Provide stamped packets, provide "how to negotiate" information so people can better resolve disputes themselves
Orange	Provide more literature about collecting judgment

Sacramento	Provide more funding for small claims courts, Internet access, filing online
San Diego (Claremont)	The community can provide a course about "how to get through small claims court process." Handbooks should be more widely available--people should know where they can get a copy and they should be able to get information about it at grocery stores, libraries, etc.
San Francisco	Community-based organizations should sponsor legal seminars offsite.
Santa Barbara	Hold a mock small claims proceeding or tell litigants to watch a proceeding.
Shasta, Tehama, and Trinity	All counties should be seminars on small claims courts.
Sierra	Have sufficient quantities of "The Do's and Dont's of Using the Small Claims Court" available at various community/public/non-profit agencies and offices.
Solano	Small claims courts should offer booklets and pamphlets on how to use the small claims court. This county doesn't give these out anymore. It's a valuable service.
Sonoma	Through the legal services foundation here, there is a 2-part series: Part I Do I have a Case and How do I File and Part II How to Collect Judgment. This has been a success.
Stanislaus	Offer more mediation. Get more resources available at the public library. More how to books. Help low-income individuals with literacy issues fill out forms.
Ventura	More publications should be available

3. Improve Pro Tem Adjudication

The data collected for this report indicates no major risks associated with pro tem adjudication. Of the nine small claims court plaintiffs interviewed, seven believed that a person could get a fair trial in small claims court and seven of the nine were basically satisfied with their small claims court experience.

One county's small claims advisor reported that one pro tem repeatedly awarded equitable relief not authorized by statute. A small claims court litigant brought this to the attention of the advisor. The advisor office responded by speaking with the presiding commissioner of the small claims court. The matter was addressed and resolved. This anecdote suggests that advisors may act as an informal quality control in some jurisdictions.

Investigation revealed two examples of means to improve pro tem adjudication. Albert Balingit of the California Department of Consumer Affairs conducts training seminars for pro tems throughout the state. He agreed to send a copy of his training materials. These training materials have not been received at the time of this report. Also, Judge Mary House of Pasadena who manages the small claims program has an extensive monitoring and training program for pro tems. Judge House was on vacation and unavailable for an interview. Both of these sources should be contacted in the future to address concerns over the quality of pro tem adjudication.

4. Reformat and Rewrite the Writ of Execution Form; Plaintiff's Claim Form, and Small Claims

Eight out of the twenty-seven advisors cited that their clients had difficulties with the Plaintiff's Claim and Order to Defendant, Form SC-100. In particular, the question regarding venue seemed to trouble clients. Seven advisors said the Writ of Execution gave their clients problems. A solution to the form problem would be to have individuals who do not work in the legal industry to read the forms and ask them if they understand the forms. From this assessment, the courts could make the forms more comprehensible to litigants. A summary of advisors' responses concerning small claims forms follows.

Advisor represents the county or counties named below:	Question posed: Do your clients have difficulties filling out small claims court forms? Which ones? 8/27 advisors cited that Plaintiff's Claim and Order to Defendant, Form SC-100 was difficult for their clients.
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	<p>7/27 advisors cited the Writ of Execution.</p> <p>Their responses are detailed below:</p>
Alameda	No response.
Butte	Yes, not a great deal, mostly the question of venue of the plaintiff's claim and order to defendant
Contra Costa	Varies, mainly naming defendants
Fresno	Some do, mainly the plaintiff's claim and order to defendant
Humboldt	Some but not really, venue table, multi-part form [plaintiff's claim and order to defendant form]
Imperial	Yes, all of them
Lassen	Yes, plaintiff's claim and order to defendant
Marin	Writ of execution, costs after judgment
Mendocino	Writ of execution most difficult of common forms, then the plaintiff's claim and order to defendant itself, then subpoenas
Monterey	Plaintiff's claim and order to defendant -- question 4 regarding venue
Napa	Writ of execution
Orange	People who only speak Spanish have difficulty filling out the forms because they are in English
Plumas	Occasionally, plaintiff's claim and order to defendant
Sacramento	Motions
San Diego (Claremont)	Yes, all of them
San Diego (North)	Yes. Worksheet, proof of service, subpoena, memo of costs
San Francisco	Yes. Fee waiver, subpoena
Santa Barbara	Yes. Abstract of judgment, writ of execution, memo of costs

Santa Clara	Yes. Writ of execution
Shasta, Tehama, and Trinity	No.
Sierra	No.
Solano	No, but I get some questions. There isn't enough room to write on the forms.
Sonoma	Seems like folks don't have much difficulty.
Stanislaus	All of them. It depends. Plaintiff's claim and order to defendant form is confusing (venue). Plaintiffs also find the question "please describe your case" as difficult. Writ of execution.
Sutter and Yuba	Yes. Usually those needed for collection: writs of execution, wage garnishment, small claims subpoena, and declaration.
Tulare	Yes. Writ of execution.
Ventura	No. Not at all.

5. Provide Additional Resources to Legal Advisors

In our small claims court legal advisor questionnaire, we posed the following question: What types of support or resources would you like to have to help you deliver your services better? Legal advisors mentioned the following resources:

- More volunteers, staff, and advisors
- More small claims court publications in both Spanish and English for distribution
- Access to people who communicate in non-English languages or more interpreters
- Referrals of people who could help
- Resources to provide walk-in services
- Computers
- Internet access
- Forum to discuss issues with other advisors
- Orientation video or interactive computer program
- Current resources books
- County-specific website with the county's forms and procedures
- State pamphlet on buying a used car

- Experts on other areas of the law (labor, bankruptcy, collection, etc.) available to answer questions
- More training on consumer issues such as credit card transactions, Internet transactions, automobile repair services and transactions by telephone
- Westlaw and LEXIS access

- More financial support so that advisors can spend more time with litigants to help them fill out forms and prepare them for how to present their cases, how to organize their evidence, how to get evidence and how to find the defendant

Eight of the twenty-seven advisors either did not answer the question or stated that they were content with current resources.

Works Cited

- California. Assembly Office of Research. Assembly File Analysis of AB 3916.
Sacramento: State of California Assembly Office of Research, 1990.
- California. Department of Consumer Affairs. Monetary Jurisdiction Experiment 1980.
Sacramento: State of California Department of Consumer Affairs, Oct. 1980.
- California. Supreme Court. Crouchman v. Superior Court of Santa Cruz, 45 Cal. 3d.
1167, 1177 (1998).

ATTACHMENT A

Small Claims Court Advisor Questionnaire

Introduction: Please allow me to introduce myself. My name is _____. I am a law student at UC-Hastings College of the Law and am researching California Small Claims Courts this summer. To get an overall picture of the system and to find out if there are additional resources needed, I'd like to have you answer some questions about your experience as a small claims court legal advisor and your office's Advisor Services. Will you participate? Would you prefer to have a phone interview or would an e-mail or letter be a better way to get feedback from you?

Questions About You

1. What is your name (optional)?
2. How did you become a small claims court legal advisor?
3. Do you work as an attorney elsewhere?
4. How many hours per week do you work as a small claims court legal advisor?
5. What languages are your services offered in?

Questions About the Small Claims Court Advisory Services in Your Area

1. These are the phone and walk-in hours we have listed for your office _____. Is this correct?
2. Do plaintiffs or defendants use your services more or is it about even?
3. What training is required to become a small claims court advisor at your office?
4. How many small claims court legal advisors are in your office?

Questions About Your Observations and Experiences as a Small Claims Court Legal Advisor

1. How do your clients view the small claims process?
2. What types of cases do you most commonly see?
3. What languages do your clients speak?
4. What types of questions do you get asked?
5. What are the biggest concerns that your clients have?
6. What do you recommend when a plaintiff has a claim above \$5,000 but below \$10,000?
7. What types of support or resources would you like to have to help you deliver your services better?
8. Does your office have enough small claims court legal advisors?
9. Are you currently able to meet the demand for your services?
10. What is working well and what isn't at the small claims court advisory services office?
11. How often do you observe small claims court proceedings?
12. Do your clients have difficulties filling out small claims court forms? Which ones?

Questions About Small Claims Court in General

1. Would you be in favor of raising the jurisdictional limit for small claims cases?
 - a. If yes, to what amount would you favor increasing the jurisdictional limit for small claims cases? \$7500, \$10,000, \$15,000 or other?
 - i. Why are you in favor of increasing the jurisdictional limit in small claims cases?
 - b. If no, why are you not in favor of increasing the jurisdictional limit in small claims cases?
2. What recommendations do you have for changes in the small claims court process?
3. What can the community do to provide parties with adequate information about how to prepare for their small claims court proceeding(s)?

ATTACHMENT B

CALIFORNIA SMALL CLAIMS COURT LEGAL ADVISOR PROGRAMS

County Name	Contact Person or Organization	Address	Phone Number	E-mail	Walk-In Hours	Phone Hours	Language(s) Service is Offered In
Alameda	Small Claims Advice Program	Oakland Municipal Ct. 600 Washington St. 4th Floor, Dept. #9 Oakland, CA 94607	N/A	acba@acbanet.org	R 1-4 p.m.	M-F 8:30 a.m.- 4:30 p.m.	English and some Spanish
		County Administration Building 224 W. Winton, Room 160 Hayward, CA 94544	N/A	acba@acbanet.org	Sa. 9:30 a.m.- noon	M-F 8:30 a.m.- 4:30 p.m.	English and some Spanish
Alpine	NO SMALL CLAIMS COURT LEGAL ADVISOR PROGRAM						
Arnador	NO SMALL CLAIMS COURT LEGAL ADVISOR PROGRAM						
Butte	Doug Day Director of Small Claims Advisor Program	N/A	(530) 873- 0558	N/A	N/A	M, W, F 9 a.m.-noon	English When there are other language needs, a friend or a relative should serve as an interpreter.
Calaveras	HAS A SMALL CLAIMS COURT LEGAL ADVISOR PROGRAM, BUT DID NOT RESPOND TO OUR SURVEY						
Colusa	HAS A SMALL CLAIMS COURT LEGAL ADVISOR PROGRAM, BUT DID NOT RESPOND TO OUR SURVEY						
Contra Costa	Small Claims Court Legal Advisor	Contra Costa County Coordinated Courts 725 Court Street Martinez, CA 94553	(888) 876- 7277	N/A	N/A	24 hours	English and can accommodate other languages
Del Norte	NO SMALL CLAIMS COURT LEGAL ADVISOR PROGRAM						
El Dorado	HAS A SMALL CLAIMS COURT LEGAL ADVISOR PROGRAM, BUT DID NOT RESPOND TO OUR SURVEY						
Fresno	Small Claims Advisor's Office	DelWebb Downtown Plaza Building 2220 Tulare Street 8th Floor Fresno, CA 93721	(559) 262- 4291	N/A	M-F 8 a.m-5 p.m.	N/A	English and Spanish
Glenn	NO SMALL CLAIMS COURT LEGAL ADVISOR PROGRAM						

County Name	Contact Person or Organization	Address	Phone Number	E-mail	Walk-In Hours	Phone Hours	Language(s) Service is Offered In
Humboldt	Christopher Metzger	930 3rd Street Suite 207 Eureka, CA 95501	(707) 441-1185	eurmetzger@aol.com	M-W, F 2:30-4:30 p.m. R 2:30-4 p.m. By appt. only	N/A	English and client may bring in someone to interpret
Imperial	Nancy Kizziah	Imperial Superior Court 939 West Main Street El Centro, CA 92243	(760) 482-4359	Nancykizziah@imperialcounty.net	N/A	M-F 8 a.m.-5 p.m.	English and Spanish
Inyo	HAS A SMALL CLAIMS COURT LEGAL ADVISOR PROGRAM, BUT DID NOT RESPOND TO OUR SURVEY						
Kern	HAS A SMALL CLAIMS COURT LEGAL ADVISOR PROGRAM, BUT DID NOT RESPOND TO OUR SURVEY						
Kings	HAS A SMALL CLAIMS COURT LEGAL ADVISOR PROGRAM, BUT DID NOT RESPOND TO OUR SURVEY						
Lake	HAS A SMALL CLAIMS COURT LEGAL ADVISOR PROGRAM, BUT DID NOT RESPOND TO OUR SURVEY						
Lassen	Craig Settlemier	221 South Ross Susanville, CA 96130	(530) 251-8334	N/A	M-F 8 a.m.-5 p.m.	M-F 8 a.m.-5 p.m.	English
Los Angeles	HAS A SMALL CLAIMS COURT LEGAL ADVISOR PROGRAM, BUT DID NOT RESPOND TO OUR SURVEY						
Madera	HAS A SMALL CLAIMS COURT LEGAL ADVISOR PROGRAM, BUT DID NOT RESPOND TO OUR SURVEY						
Marin	Stanley Pierce	3501 Civil Center Drive, Room 266 San Rafael, CA 94903	(415) 499-6246	spierce@marin.org	M-F 8:30 a.m.-12:15 p.m.	M-F 8:30 a.m.-12:15 p.m.	English
Mariposa	NO SMALL CLAIMS COURT LEGAL ADVISOR PROGRAM						
Mendocino	Doug O'Brien Redwood Legal Assistance	P.O. Box 747 Ukiah, CA 95482	(707) 462-2245 (800) 956-5575	Ukiah@lsnc.net	N/A	M-R Noon-2 p.m.	English
Merced	HAS A SMALL CLAIMS COURT LEGAL ADVISOR PROGRAM, BUT DID NOT RESPOND TO OUR SURVEY						
Modoc	HAS A SMALL CLAIMS COURT LEGAL ADVISOR PROGRAM, BUT DID NOT RESPOND TO OUR SURVEY						
Mono	HAS A SMALL CLAIMS COURT LEGAL ADVISOR PROGRAM, BUT DID NOT RESPOND TO OUR SURVEY						

County Name	Contact Person or Organization	Address	Phone Number	E-mail	Walk-In Hours	Phone Hours	Language(s) Service is Offered In
Monterey	Candice Chin Consumer Protection Coordinator	District Attorney Consumer Protection Division P.O. Box 1131 Salinas, CA 93902	Monterey: (831) 755-5073 Peninsula: (831) 647-7773 South County: (831) 385-8373	N/A	M-F 8 a.m.-4 p.m.	M-F 8 a.m.-4 p.m.	English with Spanish translation available
Napa	Napa County Small Claims Advisor	N/A	(703) 253-4524	N/A	N/A	T, W 1-3:30 p.m.	English
Nevada	HAS A SMALL CLAIMS COURT LEGAL ADVISOR PROGRAM, BUT DID NOT RESPOND TO OUR SURVEY						
Orange	Suzy Mancia Supervisor Legal Aid Society	902 North Main Street Santa Ana, CA 92701	(714) 571-5277	N/A	M-F 9 a.m.-6 p.m. F 9 a.m.-4 p.m.	M-F 9 a.m.-6 p.m. F 9 a.m.-4 p.m.	English, Spanish and can accommodate other languages The phone system has most languages (e.g. English, Spanish, Vietnamese, Cantonese, Mandarin).
Placer	HAS A SMALL CLAIMS COURT LEGAL ADVISOR PROGRAM, BUT DID NOT RESPOND TO OUR SURVEY						
Plumas	Liz Cortez Small Claims Advisor Program County Counsel	520 Main Street Room 302 Guincy, CA 95971-6010	(530) 283-6240	Liz@ countyofplumas.co m	M-F 8 a.m.-5 p.m.	M-F 8 a.m.-5 p.m.	English and some Spanish
Riverside	HAS A SMALL CLAIMS COURT LEGAL ADVISOR PROGRAM, BUT DID NOT RESPOND TO OUR SURVEY						
Sacramento	Small Claims Advisory Clinic The Human Rights/Fair Housing Commission of the City and County of Sacramento	301 Bicentennial Circle Room 330 Sacramento, CA 95826	(916) 875-7846	N/A	M-F 8 a.m.- 4:30 p.m.	M-F 8 a.m.- 4:30 p.m.	English, Spanish, and Korean
San Benito	HAS A SMALL CLAIMS COURT LEGAL ADVISOR PROGRAM, BUT DID NOT RESPOND TO OUR SURVEY						
San Bernardino	HAS A SMALL CLAIMS COURT LEGAL ADVISOR PROGRAM, BUT DID NOT RESPOND TO OUR SURVEY						

County Name	Contact Person or Organization	Address	Phone Number	E-mail	Walk-In Hours	Phone Hours	Language(s) Service is Offered In
Sierra	Gretchen Serrata Small Claims Court Legal Advisor	N/A	(530) 470- 2567	N/A	By appt only for meeting or video conference	M-F 8 a.m.-5 p.m.	English and can accommodate other languages
SISKIYOU COURT LEGAL ADVISOR PROGRAM							
Solano	Mary Anne Brayton Small Claims Legal Advisor	County Counsel's Office 580 Texas Street Fairfield, CA 94533	(707) 421- 7478	N/A	N/A	T, R 8:30 a.m.- 12 p.m.; 1:30-5 p.m. F 9 a.m.- 12 p.m.; 1:30- 3:30 p.m.	English
Sonoma	Susan Chien	Hall of Justice 600 Administration Dr., Rm. 107J Santa Rosa, CA 95403	(707) 565- 7349	N/A	M, F 9-11 a.m.	T, W, R 2-4 p.m.	English
Stanislaus	Natalie Wormell	City Hall 2260 Floyd Avenue Modesto, CA 95355	(866) 404- 3288	N/A	N/A	M-R 9 a.m.-2 p.m. and voicemail	English Non-English speakers are referred to California Rural Legal Assistance
Sutter	Susan Townsend Yuba-Sutter Center for Seniors	725 D Street Marysville, CA 95901	(530) 742- 8289	N/A	No walk- ins, but holds clinics M, 12-1 p.m. and R, 2:30-4 p.m.	M, W, R, F 8:30 a.m.- 4:30 p.m.	English and Spanish
Tehama	Gerry L. Larrea	915 L Street Suite 241 Sacramento, CA 95814	(916) 961- 3136 (800) 795- 8136	larrea@ tomatoweb.com	N/A	M-F 8:30 a.m.- 12 p.m.; 3-5 p.m.	English
Trinity	Gerry L. Larrea	915 L Street Suite 241 Sacramento, CA 95814	(916) 961- 3136 (800) 795- 8136	larrea@ tomatoweb.com	N/A	M-F 8:30 a.m. - 12 p.m.; 3-5 p.m.	English

County Name	Contact Person or Organization	Address	Phone Number	E-mail	Walk-In Hours	Phone Hours	Language(s) Service is Offered In
Tulare	Walter McArthur (former advisor who completed the survey)	1809 West Main St. Suite F P.O. Box 2563728 Visalia, CA 93279	(559) 625-4300	N/A	N/A M-F	9 a.m.- 5 p.m., but no calls over the noon hour	English and Spanish (through an interpreter)
Tuolumne	Gregory Levins (new advisor) HAS A SMALL CLAIMS COURT LEGAL ADVISOR PROGRAM, BUT DID NOT RESPOND TO OUR SURVEY	N/A	(559) 888-8000	N/A	N/A	N/A	N/A
Ventura	District Attorney's Office Consumer Protection Unit HAS A SMALL CLAIMS COURT LEGAL ADVISOR PROGRAM, BUT DID NOT RESPOND TO OUR SURVEY	800 South Victoria Ave. Ventura, CA 93009	(805) 654-2610	N/A	M-F 8:15- 11:45 a.m.; 1-4:45 p.m.	M-F 8:15- 11:45 a.m.; 1-4:45 p.m.	English and Spanish
Yolo	HAS A SMALL CLAIMS COURT LEGAL ADVISOR PROGRAM, BUT DID NOT RESPOND TO OUR SURVEY				No walk-ins, but holds clinics M, 12-1 p.m. and R, 2:30-4 p.m.		
Yuba	Susan Townsend Yuba-Sutter Center for Seniors	725 D Street Marysville, CA 95901	(530) 742-8289	N/A		M, W, R, F 8:30 a.m.- 4:30 p.m.	English and Spanish

ATTACHMENT C

Small Claims Court Plaintiff Interview

Hello, I'm a law student from UC-Hastings. This summer I am doing research on California Small Claims Courts. I found your name while looking through the public court records. As someone who sued for \$5,000 within the past three years, your input would be helpful in completing my study. Would you be willing to answer a few questions?

1. How did you find out about small claims court?

2. Did you have any difficulties with any of the following:
 - a. Learning your legal rights?

 - b. Filling out court forms? Which ones?

 - c. Learning what evidence or which witnesses were necessary to prove your case?

3. During the time that you prepared your case, did you know that a small claims court legal advisor was available to assist you? If yes, did you talk to an advisor?

4. Did you seek any other assistance?

5. If you won a judgment, how much did you actually receive?

6. If you settled outside of court, how much did you settle for and why?

7. If you did not get the full amount of your claim, why do you think this happened?

8. If you lost your case, why do you think you lost?

9. Do you think a person can get a fair trial in small claims court?

10. Were you basically satisfied with your experience in small claims court?

11. How much do you think one should be able to sue for in small claims court?
Currently, one can only sue for up to \$5,000.

12. How much would you have to sue or be sued for before you would seek legal assistance?

13. If you believed that your damages were worth more than \$5,000 but the claim limit was \$5,000, what would you do?
 - a. File in small claims court and forfeit the remainder?

 - b. File in regular municipal court for the full amount?

 - c. Not file your claim?

 - d. Other?