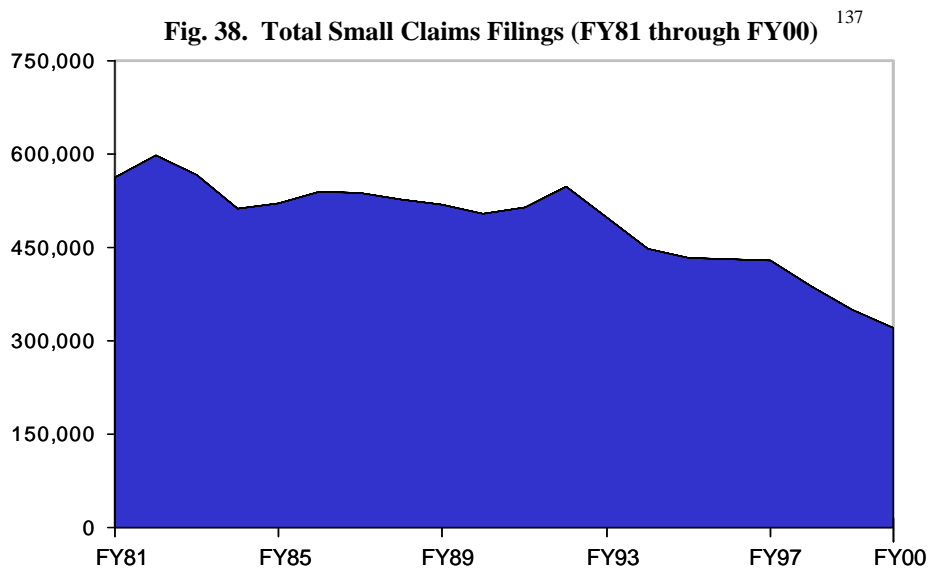


F. SMALL CLAIMS CASES

The Small Claims case-type category includes those claims seeking money damages up to a limited maximum of \$5,000.¹³⁶ Attorneys are not allowed to represent parties in Small Claims cases, and there are special procedural rules for these cases to accommodate and acknowledge their small monetary value and the absence of counsel. Case-type data are not currently disaggregated.

Filings declined by 241,258 cases (-43%) between FY81 and FY00. The drop constitutes the greatest drop of any case type, including traffic. Although filings peaked at the beginning of the 1980s and then fell by almost 75,000 cases within two years, they remained fairly stable until FY91. In FY91, filings shot up about 75,000 but tumbled thereafter. By the end of the 1990s, filings had fallen by over 227,000 cases (-41.5%) since the peak in FY92.



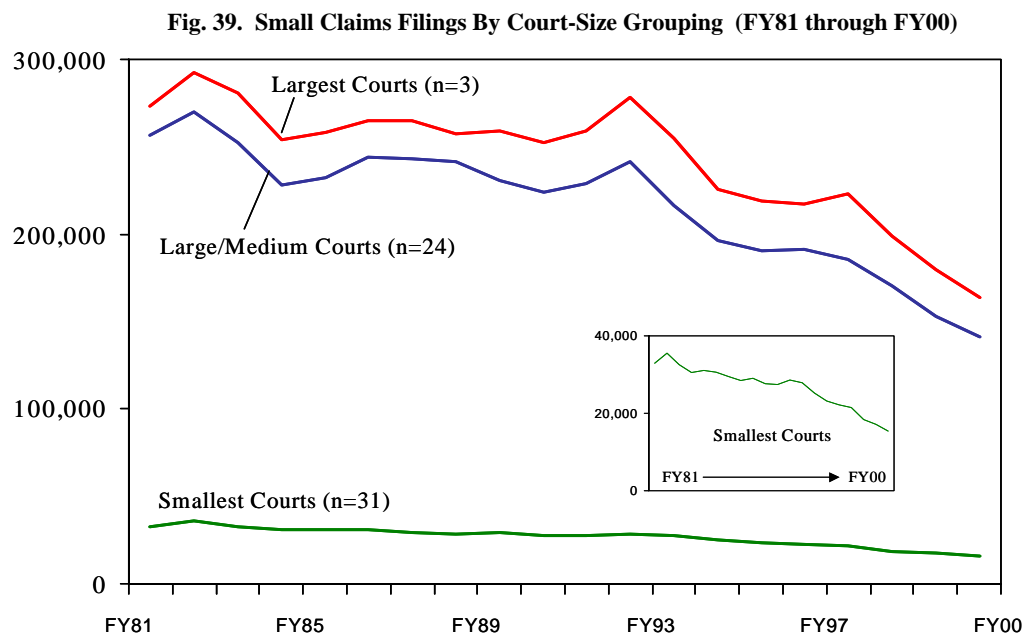
1. Small Claims Filings by Court-Size Grouping

All court-size groupings had their highest total filings during the period studied in FY82. The Largest and Large/Medium size groupings experienced fairly stable filing patterns between FY82 and FY90. Filings declined through the 1980s for the Smallest courts grouping. In the

¹³⁶ The jurisdictional limit increased from \$2,000 to \$5,000, effective January 1, 1991.

¹³⁷ Filing and disposition data cited or represented is from Judicial Branch Statistical Information System (JBSIS) unless otherwise noted. For a list of individual case types in a case-type category, see p. iii. Convention for notating fiscal years is also found on p. iii.

first years of the 1990s, filings went up briefly for all court-size groupings. However, all lost 34% or more of their filings in the 1990s.



Note: A listing of courts in each court-size grouping can be found on p. iii.

2. Filing Influences

Without individual case type data, it is hard to know what precisely accounts for the drop in Small Claims filings. However, the jurisdictional ceiling for claims may account for some of the spikes occurring in the 20-year period studied.

The money limit for small claims cases has changed three times since 1980. In 1981, it went from \$750 to \$1,500. In 1989, it was raised to \$2,000. Finally, it went to its current \$5,000 limit as of January 1, 1991.¹³⁸ Increasing the jurisdiction of a small claims court increases its filings; and the impact is relatively immediate.¹³⁹ Twenty-four courts experienced their highest one-year filing total in FY82, one year after the jurisdictional amount was doubled. The \$500 increase in FY89 did not materially impact filing totals, but a “mini rally” occurred in FY92 after the jurisdictional ceiling was doubled in 1991.

The jurisdictional ceiling in small claims court has not been adjusted since 1991. By 1999, the real-dollar value of \$5,000 in 1991 had shrunk to \$4,172 in 1999. In some areas, such as the San Francisco Bay Area, 1991 dollars are worth under \$4,000 in 1999. The failure to adjust the

¹³⁸ The 1989 amendment to Code Civ. Proc. §116.2 provided for a second jurisdictional increase to \$2,500, effective January 1, 1991. But, in 1990, the \$2,500 jurisdictional limit, to become effective on January 1, 1991, was raised to \$5,000 instead.

¹³⁹ Thomas B. Marvel, “The Impact of Jurisdictional Amounts on Trial Course Caseload,” *Judicature* (Apr.—May 1986) pp. 367—371.

ceiling in the 1990s may have contributed to the declines. As the adjusted dollar value declines, a small claims case ceases to be cost effective. It is doubtful, however, that the shrinking real dollar value of the small claims jurisdiction fully explains the tremendous filing declines. Further research is needed.

3. Workload Influences

Statutory changes also impact workload for the hearing officers¹⁴⁰ and staff handling Small Claims cases. Of the 437 statutes reviewed for this report, 11 specifically targeted Small Claims cases, although most sought to simplify and facilitate disposition rather than impose new work requirements. The decline in filings in the 1990s undoubtedly offset any increase in workload these few statutes might have imposed on Small Claims cases.

¹⁴⁰ Hearing officers in small claims court are almost always commissioners or temporary judges (volunteer attorneys).