



# The Examiner

August 10, 2005

## Bring big justice to small-claims court

BY JOE SIMITIAN  
AND JOE CANCIAMILLA

**D**erek Bok, former president of Harvard University and a lawyer as well, once observed that “there is far too much law for those who can afford it, and far too little for those who cannot.”

This is particularly true when it comes to California’s small claims court system, where the current limit on claims leaves people of modest means with only limited access to justice. It shouldn’t be that way, and we hope to change that with Senate bill 422 and Assembly bill 1459.

Because the small claims court system caps claims at \$5,000, people with claims valued at more than that amount are forced to take their cases to our state’s superior courts. There they are typically obliged to retain an attorney – usually at substantial cost. In fact, it is often difficult to persuade a lawyer to take a case for claims of less than \$25,000. The result: People with claims between \$5,000 and \$25,000 are left with no practical venue to settle their disputes.

SB 422 and AB 1459 will raise the threshold for individuals in small-claims court from \$5,000 to \$7,500, giving more Californians access to affordable justice.

The small-claims court dollar threshold was most recently raised from \$2,000 to \$5,000 in 1990. That was 15 years ago. It’s time we raise the cap again, so that people of modest means can use the system – a system that aims to give everyday people a practical forum to settle their disputes and recover their damages.

At the same time, we can improve the quality of the decisions rendered in the small-claims process. Typically, small-claims courts are less formal and less structured than other courts. There are no juries, and the judges are usually practicing attorneys rather than Superior Court judges. Unfortunately, this no-frills access to justice, coupled with shrinking budgets for court services, means that the quality of small-claims courts can vary dramatically.

Indeed, a report by the Judicial Council, California courts’ policymaking body, confirmed that court services differ widely between jurisdictions. In some jurisdictions, small-claims advisors didn’t receive enough training to help litigants navigate the court system. In others, qualified interpreters were not available to assist non-English speakers.

To help address this gap in services, SB 422 and AB 1459 also seek to supplement services. A new filing fee for cases between \$5,000 and \$7,500 has been written into the state budget. The new fee is still modest, \$75, but will help fund advisor services, legal library services, and other administrative costs. It will go a long way to help equip our small-claims courts with

additional resources to help serve the public.

Both SB 422 and AB 1459 have gained widespread support from consumers, lawyers and judges. The Consumers Union of California, the Consumer Attorneys of California and the California Judges Association have all voiced their support for increasing the small-claims

limit. The California Association of Realtors has voiced strong support as well.

Small-claims courts are an essential part of our justice system. A reasonable increase in the maximum claim will adjust for inflation over the course of 15 years, provide a greater measure of justice for middle-class Californians, and help maintain public support for our system of civil justice.

In short, SB 422 and AB 1459 will ensure Californians that the court system will serve them, not shut them out at the courtroom door.

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State Sen. Joe Simitian, D-Palo Alto, is the author of SB 422. Assemblyman Joe Canciamilla, D-Pittsburg, is the author of AB 1459.

# Santa Cruz Sentinel

April 15, 2012

## *New law expands opportunity for justice*

TAMYRA RICE

Imagine you've moved from your rental apartment, but your landlord refuses to return the security deposit that you are rightly owed. Picture having paid for a kitchen remodel, only to discover faulty work that your contractor refuses to fix. Imagine being in a dispute with a neighbor over a dog bite, or unable to resolve a disagreement with someone who damaged your car.

When cases like this can't be resolved one-on-one or through mediation, small claims court [sometimes referred to as "the people's court"] is often the best option. These courts play an important role in our

legal system by providing a quick, efficient and less formal avenue for resolving disputes over modest amounts of money.

This year, access to this swift and relatively inexpensive forum for justice was expanded thanks to Senate Bill 221, authored by state Sen. Joe Simitian, D-Palo Alto. Signed into law last year, SB221 raised the small claims court jurisdictional limit — the maximum amount of damages that can be awarded to a plaintiff — from \$7,500 to \$10,000. This builds on a previous measure by Simitian, signed into law in 2005, that raised the limit from \$5,000 to \$7,500.

Expanding access to small claims court is especially

important in these tough economic times, when money is tight and cases involving financial disputes tend to increase.

In small claims court, cases are heard quickly, usually within 60-70 days after a claim is filed. They are resolved in front of a judge or commissioner, sometimes in trials that run no more than 15 minutes, and normally without attorneys, for the cost of a reasonable filing fee. This means it is more affordable for the average Californian to pursue justice.

Over the years, the rising cost of litigation has made it difficult for people with claims valued at less than \$25,000 to find lawyers who are willing to take their

case. Particularly when the small claims court damages limit was set as low as \$5,000, Californians often had to make a terrible choice. Do they recover just a fraction of what they were owed by pursuing the matter in small claims court? Or, unable to afford an attorney, do they attempt to represent themselves in Superior Court? In some cases, faced with these two bad choices, many Californians decided it simply wasn't worth the effort to pursue justice.

Early critics argued that expanding access to "the people's court" might flood the system with new cases. But that hasn't proven to be true, according to The Judicial Council of California, the policymaking

body of the California courts. Indeed, small claims courts increase access to justice while reducing the burden on our civil courts.

For everyday Californians with a consumer complaint or a small dispute, justice has sometimes been hard to come by. Expanded access to small claims court as a result of Simitian's recent legislation means that justice will be available to those who might not otherwise have had their day in court. Everyone should know that our legal system has recently been made more accessible.

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*Tamyra Rice has been practicing government law for more than 23 years in Santa Cruz and has served as a judge pro tem in small claims court.*

# WillowGlen**Times**

July 8, 2011

## Simitian bill now on governor's desk raises small claims ceiling to \$10,000

By CAROL ROSEN

State Sen. Joe Simitian's bill to expand access to small claims court has unanimously passed both houses of the state legislature and is in the governor's hands.

Senate Bill 221 increases the small claims court limit from \$7,500 to \$10,000. Simitian wrote the bill because people with larger claims had no option but to settle for the lower limit. The bill allows them to receive "a fuller and fairer measure of justice," Simitian said.

"I had this in my sights back in 2005 when I initially tried to increase the ceiling to \$10,000," Simitian said in an interview. "No one had spoken up for small claims court, and the limit had been stuck at \$5,000 for a number of years, but people were concerned that the number

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of cases would overwhelm the court. So we increased it only to \$7,500, and the number of cases dropped," he said.

Simitian said that the bill seeks to close a gap in the justice system.

"Justice is difficult to come by for individuals with damages of less than \$10,000, and the usual result is to settle at the jurisdictional limit," he said. "Senate Bill 221 will help close that gap, and provide civil litigants access to

a process that is fair, timely and affordable."

In addition, the bill allows people with small claim issues, such as landlord/tenant or construction problems, to find justice without hiring an expensive attorney. "This is what people want from government. A quarter of a million people walk into small claims court every year," Simitian said, "and it's a way to make sure that folks can get to court without an expensive lawyer."