

The People's Court

[The following is the first installment in a two-part series examining litigation of minor monetary disputes in American courts.]

Throughout the past four weeks, we have examined various alternatives to traditional litigation in the United States. Today, we consider an individual's rights in the most accessible legal forum.

Each of the 50 states has a judicial section known as Small Claims Court. This proceeding affords litigants the opportunity to obtain relief against those who owe debts, have breached valid contracts, or have taken or damaged personal property. The court has jurisdiction (the authority to hear and decide disputes) only to award money damages. Equitable relief (the power to order someone to do or not to do something) is not available in Small Claims Court. This process has become popularized throughout the past 25 years by television jurists such as Judge Joseph Wapner, Judge Judy Sheindlin and Judge Joe Brown, all of whom presided in actual courtrooms before becoming media celebrities.

The party which commences the claim is known as a "plaintiff" in most jurisdictions, and less commonly as a "claimant" in other courts, *e.g.*, New York. The party being sued is known as the "defendant." The plaintiff/claimant's right to recovery is limited by operation of statute. The greatest Small Claims Court damages are available in Delaware and Georgia (US\$15,000.00). In cities with a population greater than 700,000, Tennessee permits damage awards up to US\$25,000.00. At the opposite end of the spectrum, Kentucky limits damages to US\$1,500.00 per claim. Most states permit claims in the range of US\$5,000.00 (*e.g.*, the District of Columbia, Florida, Texas) to US\$7,500.00 (*e.g.*, California, Colorado, Minnesota). The statutory limits are exclusive of interest, court costs, and attorneys' fees (where available). Although a plaintiff/claimant may bring an action in excess of the applicable limit, the recovery of the excess amount is waived. Nonetheless, it may make economic sense to forego a portion of a recovery which would otherwise be available in a different court, if the plaintiff/claimant believes that the complexity of a higher court proceeding would necessitate retention of legal counsel.

In the United States, an individual has the right to appear without an attorney. This is known as *pro se* representation. In most courts, litigants retain counsel to prosecute their claim or defend their interest. By contrast, Small Claims Court is designed to enable parties to navigate the system on their own without incurring legal fees. In fact, while most states permit Small Claims Court parties to be represented by attorneys, some states restrict attorney access by permission of the court, *e.g.*, Oregon, Washington, and still others forbid attorney participation, *e.g.*, Nebraska, Ohio, Virginia.

A proceeding begins with the filing of a claim. Rather than prepare and serve a summons and complaint or summons with notice, the plaintiff/claimant completes a streamlined claim, usually one or two pages in length. This document is a template which most often can be obtained online via the court's website. The form is always available at the Clerk of Court's

office. Basic information such as the party names, addresses, a statement of the dispute and the amount of requested relief enables the defendant to respond to the charge(s).

Next week, we will examine the mechanics of the Small Claims Court.

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