

Memorandum 2004-40

**Jurisdictional Limits of Small Claims and Limited Civil Cases
(Report of Judicial Council Activities)**

Pursuant to Government Code Section 70219, the Commission and the Judicial Council have been jointly studying the jurisdictional limits for small claims cases and limited civil cases. In February, the Commission decided to discontinue work on the study until the state budget stabilized and steps could be taken to improve the quality of justice in small claims court. The Commission directed the staff to monitor the position and progress of the Judicial Council. Minutes (Feb. 2004), pp. 8-9 (available at www.clrc.ca.gov). This memorandum reports on recent activities of the Judicial Council relevant to this study. It was prepared for informational purposes; no Commission action is required.

Like the Commission, the Judicial Council has put the study of jurisdictional limits on a slow track. The 2003-04 work plan of the Civil and Small Claims Advisory Committee includes the following statement:

This study of unlimited, limited, and small claims cases is being undertaken as part of the Judicial Council's joint study with the California Law Revision Commission of the three-track system. [A] working group completed its review of proposals to change jurisdictional limits for small claims and limited civil cases. The advisory committee has preliminarily reviewed the three-track proposals. However, the project has been placed on a slow track because of budgetary developments in Sacramento and apparent opposition to the proposals from interested parties.

The work plan including this statement was approved by the Judicial Council's Rules and Projects Committee.

Although the Judicial Council has not been pressing forward with the study of jurisdictional limits, it has been making progress on a significant project that had its origins in that study. In July 2004, the Administrative Director of the Courts appointed a 17-member working group to report and make recommendations regarding temporary judges. The objectives of the Temporary Judges Working Group are to:

- Present to the Judicial Council a description of the current use of temporary judges.
- Propose statewide rules of court, standards of judicial administration, and model programs relating to the selection, appointment, length of service, and assignment of temporary judges.
- Propose rules and standards of judicial administration about the types of cases that should be assigned to temporary judges.
- Propose model procedures for addressing conflicts of interest and the appearance of conflicts of interest.
- Propose model procedures for handling complaints about temporary judges.
- Propose education and training requirements and educational curricula for temporary judges.
- Present an analysis of the group's proposals on the branch, including policy and resource implications.

The term of the members of the Temporary Judges Working Group extends until July 30, 2005. The group expects to complete its work by that time.

Another important development is the creation of a new website (www.LawHelpCA.org) dedicated to helping Californians who cannot afford an attorney and need help coping with the court system. The website was created by the Public Interest Clearinghouse, California Indian Legal Services, and other agencies, and funded primarily by the State's Equal Access Fund. Among other things, the site provides county-by-county lists of pro bono legal services and other legal resources. It is linked to the Judicial Council's website (www.courtinfo.ca.gov). According to Chief Justice Ronald George, the idea is to provide meaningful access, not just access, to the courts and legal services. Carrizosa, *Help Available Online for Those Who Can't Afford a Lawyer*, S.F. Daily J. 1 (Sept. 1, 2004).

In February, the Judicial Council approved a statewide plan for serving self-represented litigants. A key finding of the plan is that "[c]ourt-based staffed self-help centers, supervised by attorneys, are the optimum way for courts to facilitate the timely and cost-effective processing of cases involving self-represented litigants, to increase access to the courts and improve delivery of justice to the public." Judicial Council, *Task Force on Self-Represented Litigants, Statewide Action Plan for Serving Self-Represented Litigants* 1 (Feb. 2004). Some self-help centers are already in operation. The Judicial Council's website includes an

on-line self-help center (www.courtinfo.ca.gov/selfhelp/) that includes information on small claims cases.

The Judicial Council has also been continuing its efforts to provide online legal resources in Spanish and other languages, and to make its English-language materials more accessible and readily understandable for laypersons. For example, new plain language versions of certain small claims forms will go into effect in January 2005.

As directed by Government Code Section 70394, the Judicial Council has also established a task force on county law libraries. The task force is charged with identifying stable funding sources for the law libraries. Its report to the Legislature and the Judicial Council is due on January 1, 2005. We understand that the task force is likely to seek an extension of that deadline.

To our knowledge, the Judicial Council has not made any new efforts to gather data on the potential impact, particularly the potential financial impact and caseload impact, of increasing the jurisdictional limits for small claims cases and limited civil cases. We will orally update the Commission if we obtain any information on this point before the Commission meets.

Perhaps the most significant new development concerns the judicial budget. Through bipartisan efforts led by Senators Joe Dunn and Dick Ackerman, Government Code Section 77202 was amended to provide a stable funding mechanism for the judicial branch. See 2004 Cal. Stat. ch. 227, § 77. According to Chief Justice George, the reform will “establish a new budget process that respects the California court system as a co-equal branch of government by protecting budgets from erosion or reduction, and will help ensure the independence and neutrality of our courts.” *Governor Signs Historic Court Budget Reform* (Judicial Council Press Release No. 39, Aug. 17, 2004).

That is an encouraging development from the long-term perspective. In the short term, however, the state budget, including the judicial budget, remains precarious. It is still unclear when the state’s finances will be bright enough to realistically propose the improvements to the small claims system that appear to be necessary before increasing the jurisdictional limit.

Respectfully submitted,

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