

CALIFORNIA LAW REVISION COMMISSION

4000 MIDDLEFIELD ROAD, ROOM D-1
PALO ALTO, CA 94303-4739
650-494-1335



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Contact: Barbara Gaal
Staff Counsel
650-494-1335

Jurisdictional Limits of Small Claims Cases and Limited Civil Cases

Request for Public Comment

The California Law Revision Commission seeks public comment on its tentative recommendation relating to the jurisdictional limits for small claims cases and limited civil cases.

The Commission proposes to increase the jurisdictional limit for a small claims case from \$5,000 to \$10,000, to adjust for inflation and improve access to justice. For similar reasons, the Commission proposes to increase the jurisdictional limit for a limited civil case from \$25,000 to \$50,000.

The Commission also recommends a number of other statutory changes to improve the functioning of the small claims division of the superior court:

- Improve funding for the small claims advisory service.
- Eliminate the special jurisdictional limits for a small claims case against a guarantor.
- Adjust the two-claim cap, under which a party is permitted to file only two small claims cases per year exceeding \$2,500. The Commission proposes to increase the cap amount to \$5,000.
- Codify case law establishing that a court may deny recovery of attorney's fees to a prevailing party who could have sued in the small claims division but elected not to do so.

The tentative recommendation is available from the California Law Revision Commission, 4000 Middlefield Road, Room D-1, Palo Alto, CA 94303-4739. The tentative recommendation is also available at the Commission's website (www.clrc.ca.gov) by following the "Current Projects" link — click on "Current Projects," scroll down to "Judiciary and Civil Procedure" and then click on "Jurisdictional Limits for Small Claims and Limited Civil Cases."

The Commission often substantially revises its recommendations as a result of public comment. To receive timely consideration, comments should be submitted by **March 31, 2003**.

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