

0A6-188

IN THE SUPREME COURT OF FLORIDA

Case No: 71,687

FILED
MAY 25 1988

MAY 25 1988

COURT OF APPEALS
MAY 25 1988

IN RE:
OPPOSITION TO PROPOSED AMENDMENT TO
SMALL CLAIMS RULE 7.010(b)

Comments from the Florida Conference of County
Court Judges to The Florida Bar Small Claims Rules
Committee proposal to change Small Claims Rule
7.010(b) to increase the jurisdiction of the
Small Claims Rules from \$2,500 to \$5,000

Respectfully submitted,

Judge Karl B. Grube
Conference of County Court Judges
1800 66th Street North
Room 109
St. Petersburg, Florida 33710

NOTICE OF SUPPLEMENTAL AUTHORITY

COMES NOW, the undersigned, on behalf of the Florida Conference of County Court Judges, and submits the attached Supplemental Authority. The attached material was received by the undersigned May 23, 1988 and will be published by The National Center For State Courts later this year. It is submitted that the data contained therein would be relevant and helpful to this Court in determining whether to increase the jurisdiction of Florida's Small Claims Courts from \$2,500 to \$5,000.

Respectfully submitted,



Karl B. Grube
Conference of County Court Judges
1800 66th Street North
St. Petersburg, Florida 33710

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished by U.S. Mail to The Florida Bar Board of Governors, Florida Bar Building, Tallahassee, Florida, 32302, and Judge Paul S. Elliott, Chairman, The Florida Bar Small Claims Rules Committee, P. O. Box 678, Tampa, Florida 33601, this 23rd day of May, 1988.



Karl B. Grube

National Center for State Courts

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Williamsburg, Virginia 23187-8798
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Edward B. McConnell
President

May 18, 1988

Honorable Karl B. Grube
1800 66th St. North
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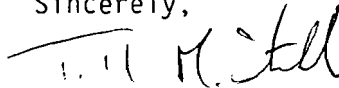
Dear Judge Grube:

Thank you for your interest in the National Center for State Courts (NCSC). In response to your request for information on small claims dollar amount jurisdiction in state trial courts, I am enclosing a table reflecting dollar amount jurisdictions in 1987. This table was compiled using data collected for State Court Organization, 1987, which will be published this summer by the NCSC. If you wish to receive a copy of this publication please let me know.

As I mentioned during our telephone conversation, and as shown on the table, a court's small claims jurisdiction seldom exceeds \$3,000. On the issue of the impact of changes in dollar amount jurisdiction, I am enclosing Tables 2.8 and 2.9 from the State court caseload statistics: Annual Report, 1985. These tables show how an increase in small claims dollar jurisdiction affected the number of small claims filings in 1985. Five of the states increased their dollar limits by \$1,000 during that year.

I hope this information proves useful. If you have any questions concerning this material or if the NCSC can assist you in another matter, please do not hesitate to contact us.

Sincerely,



Todd M. Stickle, Staff Associate
Court Statistics and Information
Management Project

TS/mwc

Enclosure

cc: Kenneth Palmer, State Courts Administrator, Florida State Courts
System

James R. James, Director, Southeastern Regional Office, NCSC
Geoff Gallas, Director, Research and Special Services, NCSC
David B. Rottman, Director, CSIM Project, NCSC
Craig Boersema, Deputy Director, CSIM Project, NCSC

SMALL CLAIMS DOLLAR AMOUNT JURISDICTION
IN THE STATE TRIAL COURTS, 1987

STATE: <u>Court</u>	Small Claims Dollar Amount <u>Jurisdiction</u>
ALABAMA: District Court	\$ 1,000
ALASKA: District Court	\$ 5,000
ARIZONA: Justices of the Peace	\$ 500
ARKANSAS: Municipal Court	\$ 300
CALIFORNIA: Municipal Court	\$ 1,500
Justice Court	\$ 1,500
COLORADO: County Court	\$ 2,000
CONNECTICUT: Superior Court	\$ 1,000
DELAWARE: Justice of the Peace Court	\$ 2,500
Alderman's Court	\$ 2,500
DISTRICT OF COLUMBIA: Superior Court	\$ 2,000 (anything less than \$2,000 goes to small claims)
FLORIDA: County Court	\$ 2,500
GEORGIA: Civil Court	\$ 3,000-\$25,000
State Court	Varies
Magistrate Court	\$ 2,500
Municipal Court	\$ 1,500-\$7,500
Municipal Courts and the City Court of Atlanta	\$ 1,500-\$7,500

HAWAII:		
District Court	.....	\$ 2,500
IDAHO:		
District Court	.....	\$ 2,000
ILLINOIS:		
Circuit Court	.....	\$ 2,500
INDIANA:		
Superior Court	.....	\$ 3,000
Circuit Court	.....	\$ 3,000
County Court	.....	\$ 3,000
Small Claims Court of Marion County	.....	\$ 3,000
IOWA:		
District Court	.....	\$ 2,000
KANSAS:		
District Court	.....	\$ 1,000
KENTUCKY:		
District Court	.....	\$ 1,000
LOUISIANA:		
Justice of the Peace Court	.....	\$ 1,200
City and Parish Courts	.....	\$ 2,000
MAINE:		
District Court	.....	\$ 1,400
MARYLAND:		
District Court	.....	\$ 1,000
MASSACHUSETTS:		
District Court Department	.....	\$25,000
Boston Municipal Court Department	.....	\$25,000
MICHIGAN:		
District Court	.....	\$ 1,500
Municipal Court	.....	\$ 1,500
MINNESOTA:		
District Court	.....	\$ 2,000
MISSISSIPPI:		
	.....	N/Applicable
MISSOURI:		
Circuit Court	.....	\$ 1,000

MONTANA:		
Justice of the Peace Court	.....	\$ 1,500
Municipal Court	.....	\$ 1,500
City Court	.....	\$ 300
NEBRASKA:		
County Court	.....	\$ 1,500
NEVADA:		
Justice Court	.....	\$ 1,500
Municipal Court	.....	\$ 1,500
NEW HAMPSHIRE:		
District Court	.....	\$ 1,500
Municipal Court	.....	\$ 1,500
NEW JERSEY:		
Superior Court: Civil, Family, General Equity and Criminal Divisions	.....	\$ 1,000
NEW MEXICO:		
	.....	N/Applicable
NEW YORK:		
District Court	.....	\$ 1,500
City Court	.....	\$ 1,500
Civil Court of the City of New York	.....	\$ 1,500
Town and Village Justice Court	.....	\$ 1,500
NORTH CAROLINA:		
District Court	.....	\$ 1,500
NORTH DAKOTA:		
County Court	.....	\$ 2,000
OHIO:		
Municipal Court	.....	\$ 1,000
County Court	.....	\$ 1,000
OKLAHOMA:		
District Court	.....	\$ 1,500
OREGON:		
Justice Court	.....	\$ 2,500
District Court	.....	\$ 2,500
PENNSYLVANIA:		
Philadelphia Municipal Court	.....	\$ 5,000

PUERTO RICO:	.....	N/Applicable
RHODE ISLAND:		
District Court	.....	\$ 1,500
SOUTH CAROLINA:	.....	N/Applicable
SOUTH DAKOTA:		
Circuit Court	.....	\$ 2,000
TENNESSEE:		
General Sessions Court	.....	\$10,000
TEXAS:		
Constitutional County Court	.....	\$ 2,500
County Court at Law Justice of the Peace Court	.....	\$ 150-\$200
Court	.....	\$ 1,000
UTAH:		
Circuit Court	.....	\$ 1,000
Justice of the Peace Court	.....	\$ 1,000
VERMONT:		
District Court	.....	\$ 2,000
VIRGINIA:	.....	N/Applicable
WASHINGTON:		
District Court	.....	\$ 1,000
WEST VIRGINIA:	.....	N/Applicable
WISCONSIN:		
Circuit Court	.....	\$ 1,000
WYOMING		
Justice of the Peace Court	.....	\$ 750
County Court	.....	\$ 750

Prepared by the Court Statistics and Information Management Project of
the National Center for State Courts, 1988.

the total tort table (i.e., Table IIC); some states show increases, others exhibit decreases, and others display no significant change. It is clear, however, that there is much more to be learned about the underlying dynamics of litigation, and especially tort litigation given the numerous legislative changes in the tort area in recent years.

C. Small claims cases, 1984-1985

Table ~~III~~^{2.8} provides specific court data on small claims filings in the state trial courts for 1984 and 1985. The totals for this table are categorized by whether the court experienced a change in dollar amount jurisdiction during 1984 and 1985. The aggregate of all statewide court systems which reported comparable data during 1984 and 1985 represents a one percent increase in filings per capita. This finding generally comports with that documented in the 1984 Report; however, the finding contrasts with the seventeen percent increase representing those twelve states which raised their dollar amount jurisdiction between 1984-85. These sharply divergent figures make it difficult to avoid concluding that the increases shown in small claims filings are largely attributed to changes in dollar amount jurisdiction, rather than changes in the underlying rates of litigiousness in cases involving smaller claims.

Subsequently, the larger the increase in dollar amount jurisdiction, generally, the larger the increase in new filings. Except for the Alabama District Court, the other four states which experienced a \$500 increase showed a corresponding change in their small claims filings between -1 percent and 4 percent. Conversely, four out of the five states which raised their dollar limits by \$1,000 or more show changes in their new small claims filings between twenty-three percent and forty-six percent. The extent to which these increases are attributed to

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Table 16: Small claims filings in the state trial courts, 1984-1985.

State/Court name:	Jurisdiction	1984		1985		Percent change in filings per 100,000 population 1984-'85	Dollar limit jurisdiction (1984/1985)
		Number of filings	Filings per 100,000 population	Number of filings	Filings per 100,000 population		
COMPLETE STATE JURISDICTION DATA:							
Alabama District Court	L	76,694	1,922	94,594	2,353	22%	500/1,000*
Alaska District Court	L	10,735 ⁱ	2,147 ⁱ	14,284 ^{ic}	2,742 ^{ic}	--	--
Arizona Justices of the Peace	L	41,715	1,366	40,850	1,282	-6%	500/500
California (STATE TOTAL)		512,804	2,001	521,622	1,979	-1%	
Municipal Court	L	482,579	1,883	492,104	1,867	-1%	1,500/1,500
Justice Court	L	30,225	118	29,518	112	-5%	1,500/1,500
Colorado County Court	L	16,460 ⁱ	518 ⁱ	16,739 ⁱ	519 ⁱ	0% ⁱ	1,000/1,000
Connecticut Superior Court	G	73,096	2,318	66,167	2,085	-10%	1,000/1,000
District of Columbia Superior Court	G	25,323	4,065	36,046	5,758	42%	750/2,000*
Florida County Court	L	163,171	1,487	207,492	1,826	23%	1,500/2,500*
Hawaii District Court	L	5,388	519	5,298	503	-3%	2,500/2,500
Idaho District Court	G	14,174 ^{cj}	1,416 ^{cj}	16,808 ^{cj}	1,672 ^{cj}	--	--
Illinois Circuit Court	G	217,641	1,891	215,471	1,868	-1%	2,500/2,500
Indiana (STATE TOTAL)		156,705 ⁱ	2,850 ⁱ	170,444 ⁱ	3,100 ⁱ	9% ⁱ	
Superior & Circuit Courts	G	35,042 ⁱ	637 ⁱ	39,257 ⁱ	714 ⁱ	12% ⁱ	1,500/3,000*
County Court	L	67,283 ⁱ	1,224 ⁱ	72,964 ⁱ	1,327 ⁱ	8% ⁱ	1,500/3,000*
Small Claims Court of Marion County	L	54,380	989	58,223	1,059	7%	1,500/3,000*
Iowa District Court	G	71,666	2,463	73,752	2,557	4%	2,000/2,000
Kansas District Court	G	14,229	584	14,429	589	1%	500/500
Kentucky District Court	L	28,525	766	29,680	770	1%	1,000/1,000
Maine District Court	L	22,718	1,965	24,880	2,137	9%	1,000/1,400*
Massachusetts Trial Court of the Commonwealth	G	134,254 ⁱ	2,316 ⁱ	137,826 ⁱ	2,367 ⁱ	2% ⁱ	1,200/1,200
Michigan: District Court	L	81,012 ^c	893 ^c	88,950 ^c	979 ^c	--	--
Municipal Court	L	N/A	N/A	224 ⁱ	2 ⁱ	--	--
Minnesota County Court	L	90,271 ^j	2,169 ^j	100,122 ^j	2,388 ^j	10% ^j	1,250/2,000*
Missouri Circuit Court	L	19,106	382	19,717	392	3%	1,000/1,000
Nebraska (STATE TOTAL)		14,674	914	14,974	933	2%	
County Court	L	11,613	723	13,791 ^{cj}	859 ^{cj}	--	1,000/1,500*
Municipal Court	L	3,061	191	1,183 ^{cj}	74 ^{cj}	--	1,000/1,500*
New Hampshire (STATE TOTAL)		29,513	3,021	28,425	2,848	-6%	
District Court	L	28,993	2,969	28,077	2,813	-5%	1,500/1,500
Municipal Court	L	520	53	348	35	-34%	1,500/1,500
New Jersey Superior Court	G	51,137	680	50,956	674	-1%	1,000/1,000
North Carolina District Court	L	194,321	3,152	204,071	3,263	4%	1,000/1,000
North Dakota County Court	L	8,523	1,242	8,822	1,288	4%	1,500/2,000*
Ohio (STATE TOTAL)		93,817	872	97,384	906	4%	
County Court	L	11,662	108	12,468	116	7%	1,000/1,000
Municipal Court	L	82,155	764	84,916	790	3%	1,000/1,000
Oklahoma District Court	G	85,181	2,583	87,008	2,636	2%	1,500/1,500
Pennsylvania Philadelphia Municipal Court	L	26,253	221 ^{**}	36,242	306 ^{**}	38%	1,000/5,000*
Rhode Island District Court	L	12,087	1,256	11,997	1,239	-1%	500/1,000*
South Dakota Circuit Court	G	19,259	2,728	19,961	2,819	3%	1,500/2,000*
Utah (STATE TOTAL)		C	C	33,782	2,054	--	--
Circuit Court	L	31,467	1,905	29,904	1,818	-5%	600/600
Justice of the Peace	L	C	C	3,878	236	--	--
Vermont District Court	L	8,952	1,689	13,164	2,461	46%	500/2,000*
Washington District Court	L	26,433 ^c	608 ^c	28,180	639	--	--
Wisconsin Circuit Court	G	168,563	3,537	182,523	3,822	8%	1,000/1,000

(continued on next page)

Table I. Small claims filings in the state trial courts, 1984-1985. (continued)

INCOMPLETE STATE DATA:

New York:							
District Court & City Court ...	L.	47,887	270**	50,847	286**	6%	0 /1,500
Civil Court of NY City	L	52,065	294**	56,691	319**	9%	0 /1,500
Oregon District Court	L	37,548	1,404	38,308	1,426	2%	1,000/1,500*
Texas Justice of the Peace Courts	L	C	C	53,078 ^c	324 ^c	--	--

Totals include complete and comparable statewide data from states that did not experience changes in dollar amount jurisdiction

	1,788,883	1,744	1,820,822	1,755	1%
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(Includes AZ, CA, CO, CT, HI, IL, IA, KS, KY, MA, MD, NH, NJ, NC, OH, OK, UT, and WI)

Totals include complete and comparable statewide data from states that did experience changes in their dollar amount jurisdiction

	624,630	1,460	738,738	1,709	17%
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(Includes AL, DC, FL, IN, ME, MN, NE, ND, PA, RI, SD, VT)

*There was a change in dollar amount jurisdiction during the statistical reporting year 1985; some of which may have taken place in 1985 or late 1984.

**This is not a statewide figure, but it is the only court in the state with small claims jurisdiction. The per capita figure was computed using the state's population because local data are unavailable.

G = General jurisdiction Court
 L = Limited jurisdiction Court
 N/A = Data are unavailable.
 -- = Data element is not applicable.

Footnotes:

^cData for 1984 are not comparable to data reported for 1985:
 Alaska District Court--In 1985, a concerted effort was begun to collect on defaulted student loans. Much of the increase between 1984-85 is attributed to that effort, although some of these cases were also filed in the general jurisdiction court.
 Idaho District Court--During the time period of this study, the state widely distributed literature on the use of small claims procedures. The date of this distribution, however, is unknown; therefore, its exact impact on the caseload cannot be measured.
 Michigan District Court--Data are missing from four courts in 1984, and from three courts in 1985.
 Nebraska County and Municipal Court--The Municipal Court merged with the County Court as of July 1, 1985. Only the state total is comparable with the 1984 data.
 Texas Justice of the Peace Courts--In 1984 data are available from 8,558 justices, and in 1985 data are available from 8,428 justices.

Utah Justice of the Peace Court--Data for 1984 are only two-thirds complete.
 Washington District Court--Data for 1984 are missing from two courts.

ⁱData are incomplete:
 Alaska District Court--Data do not include cases filed in the low volume District Courts, which are reported with unclassified civil cases.
 Colorado County Court--Data do not include cases filed in the Denver County Court.
 Indiana Superior, Circuit, and County Courts--Data do not include some cases reported with an unclassified civil category.
 Massachusetts Trial Court of the Commonwealth--Data do not include some filings of the District Court Department which are reported in an unclassified category.
 Michigan Municipal Court--Data are unavailable from two courts.

^jData include other types of cases:
 Idaho District Court--Data include appeals of small claims cases.
 Minnesota County Court--Data include appeals of small claims cases.
 Nebraska County Court--County Court merged with the Municipal Court as of July 1, 1985. County Court data includes six months of small claims cases formerly heard in Municipal Court.
 Nebraska Municipal Court--Data include only six months of small claims cases. This court merged with the County Court as of July 1, 1985.

"jurisdiction transfers" from other courts, or to litigants now filing in small claims court (who prior to the change in jurisdiction did not file because of the time and expense of non-small claims processes for a relatively small potential payout), is left for future research.

Table ~~II~~²⁻⁹ graphically illustrates two points. First Table ~~II~~²⁻⁹ reinforces the finding that a change in dollar amount jurisdiction affects reported filing rates of small claims cases (e.g., ten out of the twelve courts which reported increases in filing rates exceeding five percent also implemented changes in their dollar amount jurisdiction; while none of the six courts reporting decreases in filing rates equaling or exceeding five percent experienced a change in dollar amount jurisdiction). The second point highlighted in Table ~~II~~²⁻⁹ is the wide variance of changes in filing rates among the courts during a single year; some states experienced increases, some decreases, and others did not report any significant change.

In recent months, the media has reported significant increases in small claims filings (e.g., Zaslow, 1987). Much of this increase has been attributed to the proliferation of television "law shows" such as The People's Court. There is, however, little evidence to support these media assertions.¹³

Additionally, several studies indicate that, unlike T.V. programming, most small claims plaintiffs are businesses. Ruhuka and Weller (1978: 50) found, in their sample of fifteen cities, that: fifty percent of the caseload has the seller as the plaintiff; twelve percent were related to property damage; ten percent had the consumer as the plaintiff; twelve percent were evenly split between landlords and tenants (also see Ruhnka, 1979:23); and sixteen percent were other casetypes. This finding of

2.9
 Table ~~II~~ Grouping of state trial courts by percentage change in small claims filings per capita, 1984-85.

Group I. State courts reporting increases of at least 5%:

Vermont District Court	46%*
District of Columbia Superior Court	42%*
Philadelphia Municipal Court	38%*
Florida County Court	23%*
Alabama District Court	22%*
Indiana Superior and Circuit Court	12%*
Minnesota County Court	10%*
Maine District Court	9%*
Indiana County Court	8%*
Wisconsin Circuit Court	8%
Indiana Small Claims Marion County	7%*
Ohio County Court	7%

Group II: State courts reporting changes that do not exceed 5%:

Iowa District Court	4%
North Carolina District Court	4%
North Dakota County Court	4%*
Missouri Circuit Court	3%
Ohio Municipal Court	3%
South Dakota Circuit Court	3%*
Massachusetts Trial Court of the Commonwealth	2%
Oklahoma District Court	1%
Kansas District Court	1%
Kentucky District Court	1%
Colorado County Court	0%
California Municipal Court	-1%
Illinois Circuit Court	-1%
New Jersey Superior Court	-1%
Rhode Island District Court	-1%*
Hawaii District Court	-3%

Group III: State courts reporting decreases of at least 5%:

New Hampshire District Court	-5%
Utah Circuit Court	-5%
California Justice Court	-5%
Arizona Justice of the Peace	-6%
Connecticut Superior Court	-10%
New Hampshire Municipal Court	-34%

*There was a change in dollar amount jurisdiction between 1984-1985. For specific changes, see Table IIE of this Report.

business dominated plaintiffs has been substantiated by other researchers as well (e.g., Spurrier, 1980), although Ruhnka and Weller clearly documented that this description of the docket's composition varies widely depending on such obvious characteristics as whether locations prohibit collection agencies as plaintiffs (Ruhnka and Weller 1978:42). Finally, everyone "wins", or at least nobody "loses" financially on The People's Court--a fact well documented at the end of each show. This disclaimer may cloud any connection with reality. Therefore, it is not surprising that such popular television programming has failed to have an impact on the number of small claims filings.

The issue of change in litigation rates aside, Figure IIB illustrates the wide variation in small claims filing rates in state trial courts during 1985.¹⁴ One of the most notable features of Figure IIB is the lack of complete data among many states; however, states reporting complete data appear to represent all regions and state sizes. Of those states reporting data, the three jurisdictions with the highest rates of small claims filings are the District of Columbia, North Carolina, and Wisconsin. Missouri, Hawaii, and Kansas are among those states with the lowest filing rates.

A variety of factors may explain variation in the rates of small claims filings among the states: different small claims procedures, e.g., the use of attorneys; filing fees; accessibility of courthouses; convenience of hours; general public awareness of the availability of small claims procedures; types of cases that can be heard in small claims courts (e.g., collection agencies); and local legal/political cultures.

Figure II B

Small Claims Filings in State Trial Courts Per 100,000 Total Population, 1985

