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BRIDGING THE JUSTICE GAP WITH A (PURPOSEFUL) RESTRUCTURING OF SMALL CLAIMS COURTS

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BRIDGING THE JUSTICE GAP WITH A (PURPOSEFUL)
RESTRUCTURING OF SMALL CLAIMS COURTS

*Victoria J. Haneman**

INTRODUCTION

The access to justice problem has been the cynosure of the social justice movement in the United States for many years, but proposed solutions have met with questionable success.¹ It is a problem that reaches not only the poor, but also working-class and middle-income individuals unable to afford standard attorney rates.² A significant portion of the population is left unable to afford legal representation and forced to either navigate a complicated system on their own or go without. As the need for affordable legal services far outstrips access, the rising number of self-represented individuals burdens the system.³ Legal services

* Professor of Law, Concordia University School of Law. Special thanks to ClassCrits IX for hosting a conference that gathers together a group of scholars that I regard as kindred spirits—those with a special interest in issues of economic inequality. Also, my heartfelt gratitude to my research assistant, Angela Harrigan, for taming my unruly footnotes.

1. “Access to justice is more than improving an individual’s access to courts or guaranteeing legal representation. Access to justice is defined as the ability of people to seek and obtain a remedy through formal or informal institutions of justice for grievances in compliance with human rights standards.” U.S. INST. OF PEACE & U.S. ARMY PEACEKEEPING STABILITY OPERATIONS INST., GUIDING PRINCIPLES FOR STABILIZATION AND RECONSTRUCTION § 7.8.1 (2009) (citations omitted), https://www.usip.org/sites/default/files/guiding_principles_full.pdf [https://perma.cc/7WLR-CS25].

2. “The prohibitive cost of obtaining counsel remains the primary reason for the increased number of litigants appearing *pro se*, a fact supported by the American Bar Association’s report on non-lawyer activity in law-related situations.” Tiffany Buxton, *Foreign Solutions to the U.S. Pro Se Phenomenon*, 34 CASE W. RES. J. INT’L L. 103, 105 (2002).

3. Anne Dannerbeck Janku & Joseph A. Vradenburg, *Self-Represented Litigants and Civil Case Dispositions in Missouri: An Impact Analysis*, 51 CT. REV. 74, 74–75 (2015), <http://www.courtstatistics.org/~media/Microsites/Files/CSP/Other%20Pages/CR51-2Dannerbeck.ashx>.

In 2012, the American Bar Association Coalition for Justice conducted a nationwide survey of judges to gauge the impact of the economic downturn on representation in the courts. The majority of judges responded that

are so expensive that low- and middle-income individuals with access to technology and some education will frequently try to navigate the court system on their own.⁴

Accepting (as some of us have) that neither technology nor business models will close the justice gap in the United States,⁵ the most efficient way in which to offer access to justice may be to empower the individual to self-represent in the forum most amenable to self-representation—the small claims court system.⁶ To that end, this Essay presents a roadmap to both access and justice by reimagining the workings of small claims courts nationwide: framing a proposal, which admittedly lacks the empirical evidence to support it, because data regarding small claims court claimants and the cases they file is often not tracked or compiled.⁷ In an effort to broaden jurisdiction while also carving

they had experienced an increase in unrepresented litigants and that this increase negatively impacted the effectiveness and efficiencies of the court.

Id. Self-represented litigants are commonly seen in divorce proceedings, domestic abuse cases, child support proceedings, and landlord/tenant cases. *Id.* at 76.

4. Tal Finney & Joel Yanovich, *Expanding Social Justice Through the “People’s Court,”* 39 LOY. L.A. L. REV. 769, 771 (2006).

A 1993 study conducted by the American Bar Association (ABA) found that nearly half of all low and moderate-income families dealt with at least one situation in 1992 that raised civil legal implications. Furthermore, half of those families with legal needs had to deal with two or more legal dilemmas.

Despite the prevalence of legal issues that were potentially suitable for judicial resolution, sixty-one percent of the middle-income families, and seventy-one percent of the low-income families, never turned to the justice system for assistance. Rather, low-income families were significantly more likely to take *no* action than to pursue a potential remedy offered by the civil justice system. Moderate-income families fared better in this respect; still, more than a quarter of these families did not pursue legal remedies to rectify their situations.

Id. (citations omitted).

5. See, e.g., Sam Glover, *We Can Close the Access-to-Justice Gap, But You’re Not Going to Like It*, LAWYERIST.COM (Nov. 10, 2013), <https://lawyerist.com/70936/can-close-access-justice-gap-youre-going-like/> [<https://perma.cc/C4XX-4YA6>].

6. Access to justice and the justice gap are concepts that go hand in hand. See LEGAL SERV. CORP., *DOCUMENTING THE JUSTICE GAP IN AMERICA* 1 (2d ed. 2007) (“The difference between the current level of legal assistance and the level which is necessary to meet the needs of low-income Americans is the ‘Justice Gap.’”).

7. This Essay has been written as a “thought piece” to suggest changes to be explored in depth in a later piece. While there are scholars who have engaged in empirical research in this area, the failure of the courts to gather easily accessible data regarding small court claimants and the cases they are filing presents a challenge. Scholars engaging in empirical research on this topic have been forced to manually

restrictions to curb abuse, small claims courts may assist with bridging the justice gap by implementing the following changes: (1) simultaneously raising court limits for claims filed by natural persons and lowering (or keeping static) limits for filings by non-natural persons;⁸ (2) limiting the number of claims that may be filed by a plaintiff within a twelve-month period of time; (3) providing a small claims advisory service to assist the self-represented; and (4) establishing a framework to assist the self-represented with collection of judgments. Given that small claims cases constitute a significant number of all civil cases filed in state court, expanding the jurisdiction of these courts in a way that speaks to individual access is a workable and pragmatic approach.⁹

I. THE ACCESS TO JUSTICE DILEMMA IN THE UNITED STATES

There are simply not enough resources to fund legal services providers and assistance programs to provide the meaningful access

gather their own data and use relatively small data sets (when considered against the total number of filings). See, e.g., Suzanne E. Elwell & Christopher D. Carlson, *The Iowa Small Claims Court: An Empirical Analysis*, 75 IOWA L. REV. 433 (1990) (analyzing small claims in Iowa); John Montague Steadman & Richard S. Rosenstein, “Small Claims” *Consumer Plaintiffs in the Philadelphia Municipal Court: An Empirical Study*, 121 U. PA. L. REV. 1309 (1973) (analyzing small claims in Philadelphia); Bruce Zucker & Monica Her, *The People’s Court Examined: A Legal and Empirical Analysis of the Small Claims Court System*, 37 U.S.F. L. REV. 315 (2003) (analyzing small claims in Florida).

8. Finney & Yanovich, *supra* note 4, at 770–71 (suggesting that small claims limits be raised to \$20,000); see also James C. Turner & Joyce A. McGee, *Small Claims Reform: A Means of Expanding Access to the American Civil Justice System*, 5 U.D.C. L. REV. 177, 177 (2000). Turner’s and McGee’s essay builds upon the important ideas stated in both pieces by reiterating the idea that limits be raised, while also stressing the importance of bifurcating caps in small claims courts, such that the limit for businesses remains substantially lower than \$20,000.

9. See JUD. COUNCIL OF CAL., 2014 COURT STATISTICS REPORT: STATEWIDE CASELOAD TRENDS xv (2014) (noting that in 2012–2013, there were 922,458 total civil cases filed in California: 168,063 small claims cases, or 18.2%). In fiscal year 2006–2007, there were 263,220 small claims filings in Florida county courts—which constitutes thirteen percent of the total civil filing for that year. FLA. SENATE, REVIEW OF THE SMALL CLAIMS PROCESS IN FLORIDA 3 (2008). In 2013, 54,409 of the 330,765 civil cases filed in Ohio, or 16.4%, were small claims cases. SUP. CT. OF OHIO, 2013 OHIO COURTS STATISTICAL SUMMARY 57 (2013). 55,719 small claims cases were filed in Michigan in 2013. *The Learning Center*, MICH. CTS., <http://courts.mi.gov/education/learning-center/Pages/hidden/Michigan’s-Current-Court-System.aspx> [<https://perma.cc/RDY9-QM45>]. In 2012, 4,977 small claim cases were filed in Nebraska, about 3.7% of total civil cases filed. THE NEB. SUPREME COURT ADMIN. OFFICE OF COURTS/PROB., COUNTY COURT ANNUAL CASELOAD REPORT (2012).

to justice that low- and middle-income individuals need.¹⁰ An estimated eighty percent of low- and middle-income individuals have legal needs that are not met.¹¹ Generally speaking, these individuals may be assisted in one of three ways in our current structure: the private bar, legal aid providers, or self-representation.

An irony inheres in the continued calls upon the legal community to increase the commitment to pro bono service: it is an approach that has yet to meaningfully address the problem. Legal aid providers have also been unable to bridge the access to justice gap because of a lack of funding. It is estimated that legal aid providers have the resources to assist only ten percent of those with unmet needs.

For the vast number of individuals who are unrepresented or underrepresented, the only solution remaining may be self-representation.¹² Given the rise in small claims cases, it is both timely and necessary to develop ways in which the unrepresented and underrepresented may obtain justice without the assistance of counsel; to that end, there is no question that access to legal information and simplification of court procedure enables those who are unrepresented to navigate the system far more competently.¹³

II. A BRIEF OVERVIEW OF THE SMALL CLAIMS COURT SYSTEM

Beginning with Kansas in 1912, every state in the United

10. John T. Nockleby, *Introduction: Access to Justice: It's Not For Everyone*, 42 LOY. L.A. L. REV. 859, 860 (2009).

11. *Id.*

12. As expressed in the ancient Chinese proverb, "Give a man a fish and you feed him for a day. Teach a man to fish and you feed him for a lifetime." See, e.g., *Give a Man a Fish and You Feed Him for a Day. Teach a Man to Fish and You Feed Him for a Lifetime*, <http://quoteinvestigator.com/2015/08/28/fish/> [<https://perma.cc/74EW-8GSF>].

13. While legal advice may not always be accessible for the unrepresented, legal information should be. An easy way in which to distinguish the two is the following tongue-in-cheek explanation offered by lawyer, author, and consultant Richard Zorza, as explained by Paula L. Hannaford-Agor: "If you ask a question of two lawyers, and get two different answers, and neither lawyer is committing malpractice, that is legal advice. But if there is only one right answer, that is legal information." Paula L. Hannaford-Agor, *Helping the Pro Se Litigant: A Changing Landscape*, 39 CT. REV. 8, 10 (2003), http://aja.ncsc.dni.us/courtrv/cr39_4/CR39-4Hannaford.pdf [<https://perma.cc/EAR4-53YS>].

States has created its own version of a small claims court.¹⁴ While the rules for entry and methods of procedure vary from state to state, the basic premise is the same: relatively minor disputes are informally presented without regard to rules of procedure and evidence.¹⁵ The common claims filed in small claims courts include tenants seeking to recover security deposits, landlords seeking to recover unpaid rent or to be made whole for damage to property, employees seeking to recover unpaid wages, claims for minor property damage, and claims by tradespeople to collect unpaid bills.¹⁶ While the rules that apply to small claims courts vary widely from state to state, a number of claims are commonly barred: claims seeking something other than monetary damages (e.g., restraining orders, equitable relief, etc.); lawsuits based upon slander, libel, malicious prosecution; lawsuits seeking punitive damages; claims filed by an agent or assignee; and claims against any agencies of the state or the U.S. government.¹⁷

For most individuals, the expense of litigating a civil dispute in superior court is prohibitive, and small claims courts provide a forum in which relatively simple disputes with smaller amounts in controversy may be adjudicated.¹⁸ These are courts that offer access: procedural rules are relaxed, filing fees are generally more affordable, and required forms are geared towards claimants without advanced educations.¹⁹ Many states hold court sessions in the evenings to accommodate workers with traditional nine-to-five

14. Samuel Schwarz, Paul J. Herskovitz & Deborah S. Kleiner, *Should a Lawyer be Allowed in Small Claims Court? Some Empirical Light*, 39 AM. ECONOMIST 65, 65 (1995).

15. See *infra* Table One for a list of small claims court limits broken down by state.

16. See Susan E. Raitt, Jay Folberg, Joshua Rosenberg & Robert Barrett, *The Use of Mediation in Small Claims Courts*, 9 OHIO ST. J. DISP. RESOL. 55, 57 (1993).

17. See *Representing Yourself in Court: Small Claims*, OHIO LEGAL SERV., http://ohiolegalservices.org/public/legal_problem/courts-hearings/representing-yourself-in-court/small-claims/qandact_view [<https://perma.cc/5WVW-QRUS>]; *Small Claims Cases*, PROVINCIAL CT. OF B.C., <http://www.provincialcourt.bc.ca/types-of-cases/small-claims-matters> [<https://perma.cc/JJ7J-3Z32>].

18. Zucker & Her, *supra* note 7, at 320–21 (“In response to an increasing need for fast and simple resolutions to minor civil disputes and in order to resolve ‘minor civil disputes’ in an expedient, inexpensive, and just manner, the California Legislature established the small claims divisions in the municipal court in each of the counties.”) (citations omitted).

19. See Finney & Yanovich, *supra* note 4, at 773. For example, the forms in California are designed for those with a fifth-grade education. *Id.* at 773.

hours.²⁰ Self-representation is the norm in small claims court, with some states expressly prohibiting legal representation of claimants.²¹ While self-representation is admittedly not the ideal,²² denying both plaintiff and defendant the right to use counsel places litigants on equal footing.²³

Although small claims courts were developed in the early 1900s with the goal of increasing each citizen's access to justice, the system is not without its critics.²⁴ There is significant concern that the structure of the system exploits those who it was designed to protect, with a disproportionate use of the system by businesses, creditors, and landlords.²⁵ Some believe that overcrowded dockets and small stakes lead to judges deciding these cases in a hurried, assembly-line manner, with the rushed approach serving as a crippling disadvantage to the inexperienced.²⁶ The system is also

20. See, e.g., ARIZ. REV. STAT. ANN. § 22-511 (1981); CAL. CIV. PROC. CODE § 116.250 (West 2004); IND. CODE ANN. § LR49-SC00 Rule 104 (West 2013); LA. STAT. ANN. § 13:5201 (1980).

21. Most states do not prohibit legal representation, but others prohibit legal representation in certain circumstances. Turner & McGee, *supra* note 8, at 180–81.

22. Margaret Magnarelli, *David, Pro Se v. Goliath*, MEDILL NEWS SERV. (2000), <http://docket.medill.northwestern.edu/archives/000955.php> (quoting Carl Frederick of the American Pro Se).

23. Ron Smith, *Unauthorized Corporate Law Practices in Small Claims Court: Should Anybody Care?*, 33 WASHBURN L.J. 345, 348 (1994) (“By denying all parties the use of an attorney, the legislature intended the parties would be on more or less equal footing.”).

24. WILLIAM DEJONG, U.S. DEP'T OF JUSTICE, NAT'L INST. OF JUSTICE, SMALL CLAIMS COURT REFORM 1 (1983).

25. DONALD L. CLEVELAND, REVITALIZING AMERICA: A DECLARATION AGAINST OUR GOVERNMENT 244 (2009).

While many consumers hailed the establishment of the small claims court, their consumer benefits are doubtful. Two years after the establishment of a small claims court in a midwestern state, a survey of court records revealed that most plaintiffs (people seeking damages) were hospitals suing consumers who couldn't pay their bills. Over two-thirds of the claims fell into this category. Other businesses seeking payment of bills accounted for another 20 percent. So fewer than 20 percent of the claims were filed by the general public.

Id.

26. DEJONG, *supra* note 24, at 1. As the National Institute of Justice described the problem:

- The time pressure created by crowded dockets, the difficulty of dealing with *pro se* litigants, and the belief that small claims are of little consequence cause many judges to process cases in hurried, assembly-line fashion. . . .
- Permitting attorneys to participate actively during trial puts *pro se*

arguably ill-equipped to assist the unrepresented with the collection of judgments, with studies suggesting that 25%–75% of judgment creditors are not paid.²⁷

III. IMPORTANT FEATURES OF A (PURPOSEFUL) RESTRUCTURING OF SMALL CLAIMS COURTS

Self-representation may not be the ideal long-term solution, but it may be the most efficient option to help bridge the justice gap in the short-term. The purpose of this Essay is to suggest several pragmatic approaches to improve delivery of justice through the existing framework of the small claims court system: the need to simultaneously raise court limits for claims filed by natural persons, while lowering (or keeping static) limits for filings by non-natural persons;²⁸ a limitation on the number of claims that may be filed by a plaintiff within a twelve-month period of time; the barring of certain types of collection claims from being brought in small claims court; a small claims advisory service to assist the self-represented; and, a framework to assist the self-represented with collection of judgments.

A. *Raising Small Claims Courts Limits*

The only remedy that a claimant may seek in small claims court is monetary damages, with a cap on the amount of damages that may be sought.²⁹ Perhaps the most important purposeful reform of the current system is that these caps be increased to no less than \$20,000 for filings by natural persons. Raising these caps is a simple legislative reform that would allow millions of Americans to have access to a system from which they are presently shut out.³⁰ While there has historically been a concern

litigants at a distinct disadvantage and defeats the purpose of the small claims court—to provide an informal, speedy, and inexpensive forum for the resolution of minor claims.

Id.

27. See *id.* (“Uncollected judgments are a serious problem: studies show that between one- to three-fourths of judgment creditors are never paid.”).

28. Finney & Yanovich, *supra* note 4, at 770–71 (suggesting that small claims limits be raised to \$20,000); see also Turner & McGee, *supra* note 8, at 177.

29. This limit varies from state to state. See *infra* Table One for a list of nationwide small claims caps as of January 1, 2017.

30. Perhaps the reader will object to the changes proposed in this essay out of a fear that there will be an influx of case filings. This objection, in and of itself, may justify the proposal. It is unknown how many cases are slipping through the cracks

that raising small claims court limits will crowd out the little guy with the little claim, the reality in today's world is that legal fees to litigate a \$20,000 controversy will likely exceed the amount in controversy.

This proposed reform of raising caps is not novel.³¹ Calls for an increase to \$20,000 date back to as early as 1990, and it is not unusual to see higher limits in courts abroad.³² In the Northern Territory of Australia, Queensland, and South Australia, small claims involve amounts up to \$25,000.³³ In Alberta, Canada, the Provincial Court—Civil hears claims in amounts up to \$50,000.³⁴ Small claims in Nova Scotia, British Columbia, Newfoundland and Labrador, and Ontario are those under \$25,000.³⁵ There is also

because of the justice gap.

31. For example, in 1990, HALT—Organization of Americans for Legal Reform sought to raise the limits for all small claims court in the country to \$20,000. Cathy Lesser Mansfield, *Disorder in the People's Court: Rethinking the Role of Non-Lawyer Judges in Limited Jurisdiction Court Civil Cases*, 29 N.M. L. REV. 119, 140 (1999). *Small-claims Ceiling is Too Low for Consumer*, San Diego Union-Tribune (June 10, 2009, 2:00 AM), <http://www.sandiegouniontribune.com/sdut-1m10stetz235146-small-claims-ceiling-too-low-consu-2009jun10-story.html>.

32. Jill Schachner Chanen, *Pumping Up Small Claims: Reformers Seek \$20K Court Limits—With No Lawyers*, 84 A.B.A. J. 18, 18 (1998).

Turner admits there is no statistical rationale to the \$20,000 figure, but he says he believes the figure marks a point below which most lawyers will refuse a case. “For most, if not all, lawyers in private practice, a dispute where there is less than \$20,000 in issue is below their radar,” Turner says. “It does not make great economic sense for a lawyer to get involved in a private matter with that small of an amount.”

Id.

33. See QUEENSL. CIV. & ADMIN. TRIBUNAL, MINOR CIVIL DISPUTES—CHANGES FOR SMALL CLAIMS AND MINOR DEBT MATTERS, (explaining the increase of \$7,500 to \$25,000); *Taking Legal Action in the Small Claims Court*, FAIR WORK OMBUDSMAN, <https://www.fairwork.gov.au/how-we-will-help/how-we-help-you/help-resolving-workplace-issues/taking-legal-action-in-the-small-claims-court> [https://perma.cc/3RVS-A4KS] (noting that a small claims case may be filed in the Northern Territory of Australia up to \$20,000); *Guide to Small Claims*, ADELAIDE HILLS LAW. ONLINE, <http://adelaidehillslawersonline.com.au/guide-to-small-claims/> [https://perma.cc/85HU-B6RT] (a layman's guide to smalls claims).

34. *Provincial Court—Civil*, ALTA. COURTS, <https://www.albertacourts.ca/provincial-court/civil-small-claims-court> [https://perma.cc/F926-ARGP].

35. *The Small Claims Court*, COURTS OF N.S., http://www.courts.ns.ca/Small_Claims_Court/NSSCC_home.htm [https://perma.cc/8WQA-DY48]; *Small Claims*, B.C., http://www.ag.gov.bc.ca/courts/small_claims/index.htm (last visited Jan. 9, 2017); *Small Claims Court*, PROVINCIAL COURT OF NFLD., <http://www.court.nl.ca/provincial/courts/smallclaims/index.html> [https://perma.cc/QXA5-C4JV]; *Small Claims Court*, SUPERIOR COURT OF JUSTICE, <http://www.ontariocourts.ca/scj/small-claims-court/> [https://perma.cc/2FG4-Z599].

precedent for higher limits domestically: the “small claims” division of the United States Tax Court has jurisdiction over cases in which taxes and penalties for a taxpayer are \$50,000 or less in a taxable year.³⁶

In fact, data shows that it may be difficult to retain counsel when an amount in controversy is less than \$50,000.³⁷ In 2013, Emory University School of Law surveyed 450 medical malpractice attorneys and found that no attorney would agree to take a case with less than \$50,000 in controversy, even if the odds of prevailing on the merits were ninety-five percent.³⁸ This same study concluded that ninety-five percent of patients who seek an attorney will be shut out of the legal system if the amount in controversy is less than \$250,000.³⁹ There is no data available on how many individuals have meritorious cases that are never heard, because these cases simply slip through the cracks.⁴⁰

An important restriction that must be carved out of any significant increase of the damages cap is that the change applies only to natural persons: individuals and sole proprietorships. A

36. Christopher J. Badum, *The Small Tax Case Procedure: How it Works—Does it Work?*, 4 FORDHAM URB. L.J. 385, 385 (1975).

In 1968 the Section of Taxation of the American Bar Association proposed an amendment to the Internal Revenue Code of 1954 to provide for a small claims division in the United States Tax Court. Such a division was thought to be a necessary alternative to the often expensive and time consuming tax litigation procedure in the Tax Court, the Court of Claims, and the district court. Congress adopted the proposal and it was incorporated into the Tax Reform Act of 1969.

Id. The small claims division operates in much the same way as a small claims court: “The trial is carried out as informally as possible,” such that the taxpayer may represent him or herself—and, indeed, the majority of taxpayers choose to represent themselves. *Id.* at 390. Judgments of the small claims division are final, non-appealable, and may not be given the weight of precedence. *Id.* at 391. Consequently, a case may be moved out of the small claims division upon a showing of good cause, to ensure that novel or significant cases will not be decided by the small claims division. *Id.*

37. Attorneys find it cost ineffective to represent parties in cases with less than \$20,000 in controversy. See STEPHEN ELIAS, LEGAL BREAKDOWN: 40 WAYS TO FIX OUR LEGAL SYSTEM 53 (1990).

38. Joanna Shepherd, *Uncovering the Silent Victims of the American Medical Liability System*, 67 VAND. L. REV. 151, 188 (2014).

39. *Id.* at 187.

40. Marshall Allen & Olga Pierce, *Patient Harm: When An Attorney Won't Take Your Case*, PROPUBLICA (Jan. 6, 2014, 10:06 AM), <https://www.propublica.org/article/patient-harm-when-an-attorney-wont-take-your-case> [https://perma.cc/46QJ-APUC].

raise for individual claimants should not extend to businesses and agents or assignees. Critics of small claims courts argue that these courts have become nothing more than a taxpayer-subsidized collection agency for businesses.⁴¹ To this end, businesses often seek to expand small claims court jurisdiction.⁴² Without restricting the increase damages cap to natural persons, it is foreseeable that the benefit to business claimants will undermine the stated purpose of the courts: providing access to justice. These courts should not be a device by which businesses secure judgments against those the courts were intended to serve. Businesses arguably have access to greater resources, including the ability to hire counsel and proceed outside of the small claims system.

B. *Limitation on the Number of Claims Filed in a Twelve-Month Period*

Limitations on the filing of small claims actions are important to curtail the abuse of the system. Limitations—though widely varying—can presently be seen through a number of small claims courts. In Suffolk County, New York, corporations must file a commercial small claims case.⁴³ Different procedures and limitations apply to commercial cases, including the requirement that a business file no more than five commercial cases in a calendar month.⁴⁴ In California, a corporation may not file more than two small claims cases exceeding \$2,500 each in a calendar year.⁴⁵ In Kansas, no individual or corporation may file more than twenty small claims actions in a calendar year.⁴⁶ In Missouri, no claimant may file more than twelve claims in small claims court in a

41. Smith, *supra* note 23, at 346.

42. Ohio raised small claims court limits from \$3,000 to \$6,000 effective September 2016. James Slater, *Ohio Small Claims Courts See Big Change*, SLATER & ZURZ LLP (Sept. 16, 2016), <https://slaterzurz.com/ohio-small-claims-courts-see-big-change/> [<https://perma.cc/H4KF-YAST>]; see also Smith, *supra* note 23, at 346. A co-sponsor of the legislation states that the bill will help Ohio's small businesses by facilitating the collection of past due bills. *Id.*

43. *Your Guide to Small Claims & Commercial Small Claims in Suffolk County District Court*, NYCOURTS.GOV, <https://www.nycourts.gov/courts/10jd/suffolk/dist/smallclaimsbook.shtml> [<https://perma.cc/FK4U-WHBW>].

44. *Id.*

45. *If You're the Plaintiff . . . Filing Your Lawsuit*, CAL. DEP'T CONSUMER AFF., http://www.dca.ca.gov/publications/small_claims/file.shtml [<https://perma.cc/9DLJ-5WLZ>].

46. KAN. B. ASS'N, SMALL CLAIMS COURT (2012), <https://ag.ks.gov/docs/publications/small-claims-court.pdf?sfvrsn=%206> [<https://perma.cc/W737-EN78>].

calendar year.⁴⁷ In Kentucky, one may not file an action in small claims court if they have already filed twenty-five claims that calendar year.⁴⁸

Prophylactic restrictions must be adopted to ensure that our small claims court system does not become victim to any one plaintiff filing an excessive number of claims. It is highly unlikely that such restrictions would impact the individual claimant, and will instead serve to limit abuse of the system by business claimants.⁴⁹ To the extent that the docket is inundated with business claimants, resources are diverted from the goal of bridging the justice gap. There is also a legitimate concern that the system meant to assist those who are unable to hire legal representation will actually provide easy access to businesses to drag these same individuals into court in a compulsory and perhaps victimizing process.⁵⁰

C. *Providing Small Claims Advisory Services to the Self-Represented*

If higher small claims court filing limits are implemented in the United States, as is proposed above, it becomes even more necessary that advisory services be made available to the self-represented litigant. A self-represented litigant may be completely unfamiliar with the most basic legal concepts, which will not only significantly slow the process, but also has the potential to undermine the presentation of the litigant's case.⁵¹ In designing a forum that offers access to justice without professional representation, the state must go further than a complete or partial ban on representation. Meaningful assistance must be available to account for differences in the litigants' native ability and education.⁵²

47. MO. B. ASS'N, MISSOURI SMALL CLAIMS COURT HANDBOOK sec. II.A (November 2011), <http://www.mobaryls.org/documents/small-claims.pdf>.

48. *Small Claims FAQs*, LEGAL AID NETWORK OF KY., <http://kyjustice.org/node/1859#3> [<https://perma.cc/R455-9HE7>].

49. Although critics of small claims courts argue that this is already the case, the data does not exist to support that this is a current problem. To see commentators who have discussed this issue, see Christopher S. Axworthy, *Controlling the Abuse of Small Claims Court*, 22 MCGILL L.J. 480, 480 (1976).

50. *Id.* at 483.

51. Kathryn Alfisi, *Access to Justice: Helping Litigants Help Themselves*, WASH. LAW. (Jan. 2010), <https://www.dcbbar.org/bar-resources/publications/washington-lawyer/articles/january-2010-access-justice.cfm> [<https://perma.cc/Q2LS-U2XC>].

52. Several years ago, California created a small claims court system that bars

D. *A Framework to Assist the Self-Represented with Collection of Judgments*⁵³

Self-represented litigants do not usually understand the legal mechanisms available for collection of a judgment.⁵⁴ Collection of a judgment is so complicated and confusing to many laypersons that nothing will be recovered without assistance of an attorney.⁵⁵ Multiple studies suggest that more than half of prevailing plaintiffs do not collect a single dollar of the amount awarded to them.⁵⁶

A small claims judgment is nothing more than a hollow victory if it is unenforceable. Noting that collection of a small claims judgment is particularly challenging for a small claims creditor, some states have implemented deterrents to encourage payment. In New York, a defendant with three small claims judgments outstanding against him may have to pay triple damages if the judgments are not paid within thirty days.⁵⁷ Washington courts are permitted to increase the amount of the judgment if it remains unpaid for twenty days.⁵⁸ In Iowa, a judgment arising out of a claim involving an automobile must be satisfied within sixty days of entry, or the clerk of court must notify the Department of Motor Vehicles⁵⁹ and the judgment debtor's license and car registration will be suspended until the judgment is satisfied or installment payments are arranged.⁶⁰ Finally, in Michigan, if the judgment is not paid within twenty-one days, the court may issue execution,

professional representation, while also employing small claims court advisors to prepare litigants for their appearances in court. Earl Johnson, Jr., *Equality Before the Law and the Social Contract: When Will the United States Finally Guarantee its People the Equality Before the Law the Social Contract Demands?*, 37 FORDHAM URB. L.J. 157, 178 (2010).

53. See Arthur Bestf, Deborah Zalesne, Kathleed Bridges & Kathryn Chenoweth, *Peace, Wealth, Happiness, and Small Claim Courts: A Case Study*, 21 FORDHAM URB. L.J. 343 (1993); see also FLA. SENATE, *supra* note 9.

54. JUD. COUNCIL OF CAL., HANDLING CASES INVOLVING SELF-REPRESENTED LITIGANTS: A BENCHGUIDE FOR JUDICIAL OFFICERS 1-8 (2007), http://www.courts.ca.gov/documents/benchguide_self_rep_litigants.pdf [https://perma.cc/T5QN-F8YV].

55. Bestf et al., *supra* note 53, at 367.

56. See, e.g., *id.* at 365-66; Elwell & Carlson, *supra* note 7, at 516.

57. Gerald Lebovits, *Special Procedures Apply to Enforcing Judgments in Small Claims Courts*, 71 N.Y. ST. B.J. 28, 31 (1999).

58. *Small Claims Court*, WASH. ST. OFFICE ATT'Y GEN., <http://www.atg.wa.gov/small-claims-court-0> [https://perma.cc/UPJ7-54UY].

59. IOWA CODE § 321A.12 (2016).

60. IOWA CODE § 321A.13 (2016); IOWA CODE § 321A.14 (2016).

attachment, or garnishment.⁶¹

At a minimum, an information booklet, self-help guide, or self-help kit that is state (and perhaps county) specific must be made available online to prospective litigants prior to filing. Modern technology allows exhaustive and accurate information to be made available at a very low cost. It is essential, however, that significant emphasis be placed upon the post-judgment collection process as something more than an afterthought.⁶² Prevailing in a case with a judgment entered in one's favor is not the finish line: collection of the entered judgment is the (sometimes exhausting or unsuccessful, or both) process that follows. This self-help guide should counsel the prospective plaintiff to consider the defendant's ability to pay a judgment prior to filing an action in small claims court.⁶³ It is important for prospective litigants to manage expectations and understand that the legal process does not usually end on the courthouse steps following a favorable disposition.

CONCLUSION

The difference between the level of legal services available to middle- and low-income individuals and the level that is necessary to meet all needs is referred to as the justice gap.⁶⁴ Data indicates that this gap is significant, and access to justice initiatives aimed at bridging this gap have had been largely or wholly ineffective.⁶⁵ It is time to consider the way in which less reliance upon attorneys and empowerment of the individual—in a way that recognizes the importance of both access and justice—may help to ameliorate the access to justice gap in the United States. It is self-serving and

61. MICH. PLEADING & PR. § 121.39 (2016).

62. See Elwell & Carlson, *supra* note 7, at 523–24. Elwell's and Carlson's article suggests that the informational booklet regarding the collection process would better educate parties on how to collect a judgment through the court.

63. *Id.* at 523. There are some judgment debtors against whom it will be very difficult to enforce a judgment, including those who do not own real property or hold regular employment.

64. LEGAL SERV. CORP., DOCUMENTING THE JUSTICE GAP IN AMERICA: THE CURRENT UNMET CIVIL LEGAL NEEDS OF LOW INCOME AMERICANS 1 (2009), <http://www.americanbar.org/content/dam/aba/migrated/marketresearch/PublicDocuments/JusticeGaInAmerica2009.authcheckdam.pdf>.

65. For a further discussion of this topic, see Dan Lear, *Lawyers Need to Move Beyond 'Access to Justice' to Close the Legal Services Gap*, A.B.A. (Sept. 1, 2015, 8:30 AM), http://www.abajournal.com/legalrebels/article/lawyers_need_to_move_beyond_access_to_justice_to_close_the_legal_services_g/ [<https://perma.cc/Z47G-3Q23>].

unethical for the American Bar to simultaneously fail in its efforts to provide counsel to those in need, while also stubbornly refusing to facilitate self-representation. If one accepts that small claims courts are at least slightly (and perhaps significantly) more effective and efficient at affording justice for the self-represented, the changes suggested in this essay will enhance the current system with an eye towards bridging the justice gap in a meaningful way.⁶⁶

TABLE 1. SMALL CLAIMS MAXIMUM AMOUNTS

Alabama ⁶⁷	\$6,000
Alaska ⁶⁸	\$10,000
Arizona ⁶⁹	\$3,500
Arkansas ⁷⁰	\$5,000
California ⁷¹	\$5,000 (businesses)/\$10,000 (individuals)
Colorado ⁷²	\$7,500

66. As with the design of any new system, success can only be gauged after data is collected and assessed. To that end, it is essential that states engage in increased information gathering and data collection. Little is presently known about small claims court litigants, due to the courts' failure to implement data collection. For any of the changes suggested in this essay to be assessed, data collection is essential. David A. Smith, *Procedural Fairness and Effective Court Practices in Small Claims Cases*, DATAPOINTS 1 (2012), http://www.courts.ca.gov/documents/DataPointsSmallClaims_final.pdf [https://perma.cc/Q858-4WKT].

67. *Small Claims Court*, ALABAMALEGALHELP.ORG, <http://www.alabamalegalhelp.org/resource/small-claims-court?ref=ia5So> [https://perma.cc/NRL2-B3MP] ("The Small Claims Court in Alabama is a part of a county's District Court where individuals and businesses can settle legal disputes involving \$6000 or less.").

68. ALASKA COURT SYS., ALASKA SMALL CLAIMS HANDBOOK 1(2015), <http://www.courtrecords.alaska.gov/webdocs/forms/sc-100.pdf> [https://perma.cc/6M75-CZNC]. "If your claim is over \$10,000, you can still use small claims court but you must give up the right to collect the amount over \$10,000." *Id.*

69. See, e.g., *Small Claims*, MOHAVE COURTS, http://www.mohavecourts.com/Justice/Jess_SmallClaims.html.

70. *Small Claims Court in Arkansas*, ARK. JUDICIARY, https://courts.arkansas.gov/sites/default/files/tree/small_claims_info.pdf [https://perma.cc/BA2E-MNQE].

71. *Basics: How Much Can You Sue for in a Small Claims Court*, JUDICIAL BRANCH OF CAL., <http://www.courts.ca.gov/1256.htm> [https://perma.cc/S2NX-DKCR]. "The limit on businesses does not apply to sole proprietors, who are treated as natural persons." *Id.*

72. *Cases for \$7,500 or Less*, COLO. JUDICIAL BRANCH, https://www.courts.state.co.us/Forms/Forms_List.cfm?Form_Type_ID=9 [https://perma.cc/A8X8-C4V4].

Connecticut ⁷³	\$5,000
Delaware ⁷⁴	\$15,000
District of Columbia ⁷⁵	\$10,000
Florida ⁷⁶	\$5,000
Georgia ⁷⁷	\$15,000
Hawaii ⁷⁸	\$5,000
Idaho ⁷⁹	\$5,000
Illinois ⁸⁰	\$10,000
Indiana ⁸¹	\$6,000 (\$8,000 Marion Cty.)

73. *Small Claims: Frequently Asked Questions*, ST. CONN. JUDICIAL BRANCH, <http://www.jud.state.ct.us/faq/smallclaims.html#1> [<https://perma.cc/4VJ2-QK5L>].

The only exception to the \$5,000.00 limit is a case brought for the return of a security deposit in a landlord-tenant matter. In this situation *only*, the plaintiff may sue for double the amount of the security deposit, plus interest that has been added to the amount, even if the doubled amount brings the claim over the \$5,000.00 limit.

Id.

74. *How to Start a Civil Action in the Justice of the Peace Court*, DEL. COURTS, http://courts.delaware.gov/help/proceedings/jp_startcivil.aspx [<https://perma.cc/HP9D-V8E9>].

75. *How Do I File a Case Asking for \$10,000 or Less?*, D.C. COURTS, http://www.dccourts.gov/internet/public/aud_civil/smallclaims.jsf [<https://perma.cc/B5JK-FAG3>] (“You can file a lawsuit in Small Claims Court if the amount of money you are suing for is \$10,000 or less and you are only suing for money.”).

76. *Small Claims*, FLA. COURTS, <http://www.flcourts.org/resources-and-services/family-courts/family-law-self-help-information/small-claims.stml> [<https://perma.cc/P83A-C2RQ>].

77. *What Kinds of Cases Does the Magistrate Court Handle?*, MAGIS. COURT DEKALB CTY., GA., <http://www.dekalbcountymagistratecourt.org/civil/civil-matters-and-small-claims/what-kind-of-cases-does-the-magistrate-court-handle.asp> [<https://perma.cc/53T5-9FQ4>].

78. *Small Claims*, HAW. ST. JUDICIARY, http://www.courts.state.hi.us/self-help/small_claims/small_claims [<https://perma.cc/JQE2-84TT>].

79. *Information Sheet for Plaintiffs in Small Claims Cases*, ST. IDAHO JUD. BRANCH, <https://courtsselfhelp.idaho.gov/brochures/SC-1.pdf> [<https://perma.cc/NH4V-755X>].

80. *Small Claims Court*, ILL. ATT’Y GEN., <http://www.illinoisattorneygeneral.gov/consumers/smlclaims.html> [<https://perma.cc/U8D3-9PKA>].

81. IND. JUDICIAL CTR., *SMALL CLAIMS MANUAL 5* (2014), <http://www.in.gov/judiciary/files/small-claims-manual.pdf> [<https://perma.cc/W5LY-XJKF>]. The exception is Marion County, which raised its limit from \$6,000 to \$8,000 in 2014. Marcia Oddi, *Ind. Courts - How is the General Assembly Dealing with Marion County Court Issues?*, IND. L. BLOG (March or March 06, 2015, 10:00 AM), http://indianalawblog.com/archives/2015/03/ind_courts_how_26.html [<https://perma.cc/Z2P7-TQY7>].

Iowa ⁸²	\$5,000
Kansas ⁸³	\$4,000
Kentucky ⁸⁴	\$2,500
Louisiana ⁸⁵	\$5,000
Maine ⁸⁶	\$6,000
Maryland ⁸⁷	\$5,000
Massachusetts ⁸⁸	\$7,000
Michigan ⁸⁹	\$5,500
Minnesota ⁹⁰	\$15,000
Mississippi ⁹¹	\$3,500
Missouri ⁹²	\$5,000
Montana ⁹³	\$7,000

82. *Small Claims Information*, IOWA JUDICIAL BRANCH, http://www.iowacourts.gov/Court_Rules_Forms/Small_Claims_Forms/ [https://perma.cc/PPC8-MUDS].

83. DOUGLAS CTY. DIST. COURT, 7TH JUDICIAL DIST., SMALL CLAIMS PROCEDURE 1 (2006), <http://www.kscourts.org/pdf/small-claims/Small%20Claims%20Procedure.pdf> [https://perma.cc/9VJB-XGCY].

84. KY. ADMIN. OFF. OF THE COURTS, SMALL CLAIMS HANDBOOK: A CITIZEN'S GUIDE TO HANDLING SMALL CLAIMS COMPLAINTS IN KENTUCKY 4 (2016), <http://courts.ky.gov/resources/publicationsresources/Publications/P6SmallClaimsHandbookweb.pdf> [https://perma.cc/5HTE-BS2S].

85. *See, e.g.*, LON NORRIS, HOW TO USE THE SMALL CLAIMS DIVISION OF THE BATON ROUGE CITY COURT 1 (2012), <http://www.brgov.com/dept/citycourt/pdf/smallclaims.pdf> [https://perma.cc/T8QF-FVXZ].

86. ST. MAINE JUDICIAL BRANCH, A GUIDE TO SMALL CLAIMS CASES (2016), http://www.courts.maine.gov/maine_courts/small_claims/sc-guide.pdf [https://perma.cc/NL34-2N34].

87. ELIOT M. WAGONHEIM, SMALL CLAIMS: HOW TO FILE A SMALL CLAIM IN THE DISTRICT COURT OF MARYLAND 1 (2016), <http://www.courts.state.md.us/district/forms/civil/dccv001br.pdf> [https://perma.cc/Y632-4P8R].

88. OFFICE OF COURT MGMT., MASS. TRIAL COURT, SMALL CLAIMS IN MASSACHUSETTS: WHAT YOU NEED TO KNOW, <http://www.mass.gov/courts/docs/forms/small-claims/translated/english/small-claims-what-you-need-to-know.pdf> [https://perma.cc/BUZ5-FYWJ].

89. MICH. COURTS, HOW TO GET A MONEY JUDGMENT IN SMALL CLAIMS COURT, [http://courts.mi.gov/Administration/SCAO/Forms/courtforms/dc84.pdf#search="small%20claims"](http://courts.mi.gov/Administration/SCAO/Forms/courtforms/dc84.pdf#search=) [https://perma.cc/G2ZG-KU5E].

90. MINN. ATT'Y GEN., CONCILIATION COURT: A USER'S GUIDE TO SMALL CLAIMS COURT 2 (2009), <http://www.ag.state.mn.us/brochures/pubConciliationCourt.pdf> [https://perma.cc/2CU8-V7N6]. "The maximum for consumer credit transactions is \$4,000." *Id.*

91. *Justice Court*, ST. MISS. JUDICIARY, <https://courts.ms.gov/trialcourts/justicecourt/justicecourt.html> [https://perma.cc/SCS6-GJX6].

92. *Small Claims Forms*, MO. COURTS., <http://www.courts.mo.gov/page.jsp?id=704> [https://perma.cc/7Z39-L9YL].

Nebraska ⁹⁴	\$3,600
Nevada ⁹⁵	\$10,000
New Hampshire ⁹⁶	\$10,000
New Jersey ⁹⁷	\$3,000 (\$5,000 tenant security deposits)
New Mexico ⁹⁸	\$10,000
New York ⁹⁹	\$5,000
North Carolina ¹⁰⁰	\$5,000–\$10,000
North Dakota ¹⁰¹	\$15,000
Ohio ¹⁰²	\$3,000
Oklahoma ¹⁰³	\$7,500
Oregon ¹⁰⁴	\$5,000–\$10,000 (depending on county)
Pennsylvania ¹⁰⁵	\$12,000 (depending on county)

93. *Guide to Small Claims Court*, MONT. DEP'T OF JUSTICE, <https://dojmt.gov/consumer/guide-to-small-claims-court/> [<https://perma.cc/4FFB-G3QA>].

94. *Filing a Small Claims Case in Nebraska*, ST. NEB. JUDICIAL BRANCH, <https://supremecourt.nebraska.gov/self-help/7224/filing-small-claims-case-nebraska> [<https://perma.cc/LZ2B-BJFV>].

95. *Overview of Small Claims*, CIV. L. SELF-HELP CTR., <http://www.civillawselfhelpcenter.org/self-help/small-claims/overview-of-small-claims/215-overview-of-small-claims> [<https://perma.cc/38ZK-JH5U>].

96. *Circuit Court District Division - Small Claims*, N.H. JUD. BRANCH, <http://www.courts.state.nh.us/district/eclaims/index.htm> [<https://perma.cc/NJG7-NTHS>].

97. SUPERIOR COURT OF N.J., NEW JERSEY JUDICIARY: SMALL CLAIMS 1 (2015), http://www.judiciary.state.nj.us/prose/10290_small_claims.pdf [<https://perma.cc/9GH8-WZX8>].

98. *Self-Help Center*, N.M. COURTS., <https://metro.nmcourts.gov/self-help-center.aspx> [<https://perma.cc/XFW2-SB37>].

99. JONATHAN LIPPMAN ET AL., YOUR GUIDE TO SMALL CLAIMS & COMMERCIAL SMALL CLAIMS IN: NEW YORK CITY, NASSAU COUNTY, SUFFOLK COUNTY 23 (2010), <http://www.nycourts.gov/courts/nyc/smallclaims/pdfs/smallclaims.pdf> [<https://perma.cc/G3LE-MPX3>].

100. *About Small Claims Court*, N.C. COURT. SYS., <http://www.nccourts.org/Courts/Trial/Scclaims/> [<https://perma.cc/L2HJ-9TYH>].

101. N.D. SUPREME COURT, SMALL CLAIMS COURT INFORMATION (2015), <http://www.ndcourts.gov/ndlshc/SmallClaims/Forms/2015/Form1.pdf> [<https://perma.cc/6RNR-NK8B>].

102. OHIO ST. B. FOUND., SMALL CLAIMS COURT: A CITIZENS GUIDE 3 (8th ed. 2006), <http://www.supremecourt.ohio.gov/jcs/interpretersvcs/forms/english/5.pdf>.

103. *Should You Go to Small Claims Court: Frequently Asked Questions*, OKLA. B. ASS'N, <http://www.okbar.org/public/Brochures/smallClaimsCourt.aspx> [<https://perma.cc/B9P8-8XV7>].

104. *Small Claims*, WASH. CTY. CIRCUIT COURT, http://courts.oregon.gov/Washington/Services/Civil/pages/small_claims.aspx [<https://perma.cc/2PNC-BF94>].

Rhode Island ¹⁰⁶	\$2,500
South Carolina ¹⁰⁷	\$7,500
South Dakota ¹⁰⁸	\$12,000
Tennessee ¹⁰⁹	\$15,000–\$25,000 (depending on county)
Texas ¹¹⁰	\$10,000
Utah ¹¹¹	\$10,000
Vermont ¹¹²	\$5,000
Virginia ¹¹³	\$5,000
Washington ¹¹⁴	\$5,000
West Virginia ¹¹⁵	\$5,000

105. PHILA. MUN. COURT, INFORMATION FOR SMALL CLAIMS COURT, <http://www.courts.phila.gov/pdf/brochures/mc/SMALL-CLAIMS-PAMPHLET.pdf> [<https://perma.cc/J5RN-JKB6>]; See also *Small Claims Court*, ERIE CTY. BAR ASS'N, <https://www.eriebar.com/small-claims-court> (last visited May 29, 2017).

106. *Rhode Island Small Claims Court Information*, CONSUMER AFF., https://www.consumeraffairs.com/consumerism/small_ri.html [<https://perma.cc/R8LW-GTR2>].

107. *Magistrates Small Claims Courts*, S.C. B., <https://www.scbars.org/public/get-legal-help/common-legal-topics/magistrates-small-claims-court/> [<https://perma.cc/37YG-6972>].

108. S.D. UNIFIED JUD. SYS., HOW TO USE SOUTH DAKOTA'S SMALL CLAIMS COURT, http://ujs.sd.gov/uploads/pubs/small_claims_brochure.pdf (last updated Apr. 10, 2016).

109. *Tennessee Small Claims Court Information*, CONSUMER AFF., https://www.consumeraffairs.com/consumerism/small_tn [<https://perma.cc/XUP8-U7SZ>].

110. TEX. YOUNG LAWYERS ASS'N, HOW TO SUE IN SMALL CLAIMS COURT, <https://www.depts.ttu.edu/sls/forms/How-to-Sue-in-Small-Claims-Court.pdf> [<https://perma.cc/J8EZ-J6EZ>].

111. UTAH CODE 78A ch. 8 § 102 (2013).

112. *Debt Collection & Small Claims*, VT. JUDICIARY, <https://www.vermontjudiciary.org/self-help/debt-collection-small-claims> [<https://perma.cc/YA5L-ZFXX>].

113. *General District Court*, VA. JUD. SYS., <http://www.courts.state.va.us/courts/gd/home.html> [<https://perma.cc/N4SK-2BBM>].

114. ADMIN. OFFICE OF THE COURTS, AN INTRODUCTION TO SMALL CLAIMS COURT IN THE DISTRICT COURT OF THE STATE OF WASHINGTON, http://www.courts.wa.gov/newsinfo/resources/brochure_scc/smallclaims.pdf [<https://perma.cc/69YC-CYHF>].

115. *Lower Courts*, W. VA. JUDICIARY, <http://www.courtswv.gov/lower-courts/> [<https://perma.cc/5NVX-U7TC>].

Wisconsin ¹¹⁶	\$10,000 (with exceptions)
Wyoming ¹¹⁷	\$5,000

116. WIS. COURT SYS., BASIC GUIDE TO WISCONSIN SMALL CLAIMS ACTIONS 1 (2016), <https://www.wicourts.gov/formdisplay/SC-6000instructions.pdf?formNumber=SC-6000&formType=Instructions&formatId=2&language=en> [<https://perma.cc/D6GS-Z2BP>]. Where the claim is for money or a non-consumer credit actions for replevin, the jurisdictional limit is \$10,000, but the jurisdictional limit for consumer credit transactions is \$25,000. *Id.*

117. *How to File a Small Claims Action*, EQUAL JUST. WYO., <http://www.equaljustice.wy.gov/index.php/get-legal-help/self-help-2/representing-yourself/small-claims/common-questions/> [<https://perma.cc/FQ35-W99Y>].