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A Busy Court Where Lawyers May Not Enter

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A Busy Court Where Lawyers May Not Enter

BY OMAR E. GARWOOD*

A most interesting experience is to observe the Los Angeles small claims court in action. It is presided over by a woman judge, a member of the municipal court bench; who dispatches as many as eighty cases in one afternoon session, many of them uncontested. The act creating the court is found in title 1, chapter V-A, section 117, California Code of Civil Procedure (Deering, 1941). Its jurisdiction is limited to money

*Of the Denver bar.

demands not exceeding fifty dollars. Litigants must appear in person and are not permitted to be represented by attorneys. The proceedings are informal. Actions are commenced by the filing of a short affidavit usually prepared by the clerk, although the paper may be prepared at one's home or office and mailed to the clerk. There are no pleadings. A short notice or summons to defendant is detached from the affidavit and service is effected by registered mail; the return receipt is sufficient evidence of service to enable the court to proceed. The docket fee is one dollar. Actions may not be brought on assigned claims; the real parties in interest must appear. In practice the judge calls up the plaintiff and defendant, listens to a brief statement by each, and enters judgment in very short order. There is a table in front of the bench with toy automobiles, street cars and busses for demonstration purposes on small collision claims.

No attachment or garnishment proceedings may issue, but plaintiff may have execution as in other municipal court judgments. Plaintiff is bound by the judgment and may not appeal, but defendant may appeal to the superior court by giving notice and posting bond. He is penalized, however, if he fails to win in the superior court, by having an attorney's fee of fifteen dollars against him, together with all costs.

This popular court disposes of a tremendous volume of litigated business to the great relief of other courts which have continuous difficulty in keeping up with their dockets. Summary and informal justice is quickly administered; claimants obtain relief without the expense of employing counsel or submitting to long delays and numerous continuances. Cases are invariably disposed of on return day; it is said that the average time consumed in hearing is less than five minutes.

Lawyers, judges and citizens in Los Angeles appear to agree that the small claims court has proven to be a definite forward step in the direction of affording prompt, efficient and inexpensive means for adjudicating controversies which are meritorious but too petty to fit into the channels in which ordinary courts administer justice. Other cities will not fail to profit by following the California experiment.

EDITOR'S NOTE: Provisions for the establishment of small claims courts in Colorado were enacted by the 1939 legislature. Colo. S. L. 1939, c. 159, p. 544 ff., 1935 COLO. STAT. ANN. SUPP. c. 149A. No earnest attempts to create such courts, or to make use of the procedure provided by the statute, have been made to our knowledge. This may be due, in part, to the simplicity of Colorado justice court procedure in the ordinary money demand suit, which does not require even the filing of an affidavit preliminary to the issuance of summons.