

**CONSUMER USE OF THE SMALL CLAIMS COURT  
IN OKLAHOMA**

**By**

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## PREFACE

It is generally agreed that consumers have a right to redress when they are dissatisfied. However, the avenues of legal redress are seldom an object of evaluation. This study is concerned with evaluating consumer use of the small claims courts in Oklahoma. A content analysis of public records of small claims courts is used to determine the rates of use and success in small claims courts by consumers and vendors of goods or services.

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## CHAPTER I

### INTRODUCTION

In 1968 the Oklahoma Small Claims Procedure Act was enacted. A statewide network of small claims courts was established. The avowed purpose of this court system was to provide a simple, inexpensive means of legal redress for those individuals having small claims and limited resources.

Current investigation into research needs for consumer education confirmed a growing concern with the legal channels for consumer redress. A study conducted by the Association of Administrators of Home Economics (1970, p. 44) suggested that research was needed to investigate channels of "information used by families and individuals regarding legal protection most directly affecting them."

Day (1977, p. 149) stated, "The amount of published research on consumer dissatisfaction is growing, but is still small in quantity and limited in scope." Grønhaug (1976, p. 159) suggested that an area of complaining behavior that needed to be studied was the alternatives "for consumer redress, including legal action." However, information on consumer use of the small claims court legal alternative was limited. No research had been conducted on the use of small claims courts in Oklahoma.

Warland and Willits (1976) stated that there existed a body of dissatisfied consumers who took no action for redress. The authors

recommended that this body of dissatisfied consumers be provided leadership, direction, and education to encourage individual action to resolve grievances.

Research was needed on the status of consumer use of the small claims court as an alternative for consumer redress and to make recommendations for providing appropriate consumer education for dissatisfied consumers. Nationwide studies of small claims courts conducted by Consumer Reports (1971) and Graham and Snortum (1977) tended to ignore structural differences between state court systems. The present study was conducted within the state of Oklahoma.

#### Purpose and Objectives

The purpose of this study was to determine the extent to which consumers had effectively used the small claims courts in Oklahoma.

The objectives included:

1. Determine the rate of use of small claims courts by consumers and vendors of goods or services.
2. Identify the nature of complaints filed, judgments asked and awarded, lag between case filing and decision dates, patterns in absenteeism, and achievement of subpoena service.
3. Analyze outcomes in cases in the small claims courts.
4. Make recommendations for consumer education on the use of small claims court as an alternative for consumer redress.

#### Hypotheses

The following hypotheses were tested in this study:

H<sub>1</sub>: The small claims courts were used significantly more often by

vendors of goods or services than by consumers.

- H<sub>2</sub>: The nature of the complaint filed was related to debt collection significantly more often than to consumer refunds and consumer redress.
- H<sub>3</sub>: In those cases in which the defendants were absent, the entire amount of the judgment asked was awarded significantly more often than reduced amounts were awarded.
- H<sub>4</sub>: Those consumer plaintiffs who won their cases were awarded reduced judgments significantly more often than winning plaintiffs who were vendors of goods or services.
- H<sub>5</sub>: In those cases in which the defendants were absent, the plaintiff was significantly more often awarded a judgment.

#### Assumptions

The assumptions of this study included:

1. The success of dissatisfied consumer plaintiffs who used small claims courts was representative of probable success rates of non-users.
2. Judgments awarded to dissatisfied consumer plaintiffs were indicative of successful consumer redress. The judgments were collectable.
3. Information found in the files and judgments dockets of county small claims courts was accurate and up to date.

#### Limitations

This study was limited by the following factors:

1. The consumer use patterns identified were generalizable only

to the population of consumers having access to Oklahoma small claims courts.

2. Data on dissatisfied consumers who did not use the Oklahoma small claims courts were not collected.

#### Definitions

The terms in this study were defined as follows:

Consumer: "Anyone who spends money buying goods and services is a consumer" (Troelstrup, 1974, p. 5).

Defendant: "A party sued in a personal action" (Shumaker and Longsdorf, 1912, p. 265).

Forcible Entry and Detainer: "A forcible entry and detainer consists in . . . taking or keeping possession of lands or tenements" (Shumaker and Longsdorf, 1912, p. 380).

Judgment: "The conclusion of facts found, or admitted by the parties, or upon their default in the course of the suit" (Shumaker and Longsdorf, 1912, p. 507).

Plaintiff: "The person by whom a civil action is brought" (Shumaker and Longsdorf, 1912, p. 695).

Redress: "The act of receiving satisfaction for an injury sustained" (Shumaker and Longsdorf, 1912, p. 781).

Replevin: "A form of action which lay to regain the possession of personal chattels taken from the plaintiff unlawfully" (Shumaker and Longsdorf, 1912, p. 792).

Small Claims Courts: "In Oklahoma the small claims courts is held in district courts and hears actions for the recovery of money in actions other than those for slander, libel or criminal

suits, in which the amount does not exceed 600 dollars" (31st Legislature, Second Regular Session, 1968).

Vendor: "The seller; one who disposes of a thing in consideration of money" (Shumaker and Longsdorf, 1912, p. 945).

## CHAPTER II

### REVIEW OF LITERATURE

Areas covered in the review of literature were needs assessments in consumer research and treatments given to small claims courts in consumer education textbooks. Other areas of research included consumer dissatisfaction and complaining behavior and consumer use of the small claims court. These areas were included to provide an overview of the problem from all aspects.

#### Needs Assessment for Consumer Research

In the publication National Goals and Guidelines for Research in Home Economics (1970, p. 42), the Association of Administrators of Home Economics emphasized the importance of consumer education aiding the consumer to, "communicate his needs to business and industry and become more informed about resource and credit management, legal and civil rights and the channels for maintaining them." Information on the effective use of small claims court was needed as an educational base from which to attain those objectives of consumer education.

Warland and Willits (1976) conducted a nationwide telephone survey of 1,215 adults to determine the avenues of redress sought by dissatisfied consumers. The most frequent action taken by consumers who identified themselves as dissatisfied was no action at all. The authors further suggested that these dissatisfied consumers were perhaps

alienated through lower income, education, and involvement levels. It was recommended that efforts be made toward assisting dissatisfied consumers in seeking redress. It appeared that the consumer's right to inexpensive redress in matters involving small amounts was an important link in consumer education research.

Day (1977, p. 154) stated, "Empirical data on behavior of dissatisfied consumers is still fragmentary but it suggests that a relatively small percentage of dissatisfied consumers ever take any form of public action." Day included in a model of dissatisfaction responses three forms of public action: complain to business firms, take legal action, and seek redress through business, government or private agencies. Day stated, "It is clear that more and better research on consumer satisfaction/dissatisfaction and post-dissatisfaction behavior is needed" (p. 149).

Grønhaug (1976) conducted two studies including a survey of consumer complaining behavior and a survey of consumer agency users. The purpose of these studies was to determine if complaint channels were used sequentially, if complain strategies were used, and the influence of any structural factors. Grønhaug found that only a small proportion of dissatisfied consumers took any action and that most held the dealer responsible for the product or service used.

Only slight variations in dissatisfaction and complaining levels were related to age, income, and education levels. Grønhaug (1976, p. 163) noted this contradiction to the Warland and Willits (1976) study explaining, "The difference in findings may be attributed to such basic factors as social equality and the mapping of the basic phenomenon ['upset vs. dissatisfied']." Grønhaug additionally suggested that

dissatisfied consumers who were unsure of a successful outcome were less likely to complain.

### Consumer Education Textbooks

A survey of those consumer education textbooks listed in Consumer and Economic Education Inventory and Reference List (1977) was conducted. The textbooks included those published since 1970 and included in the collection of the Oklahoma State University library.

The textbooks contained limited information on the use of the small claims court. Troelstrup (1974) included a critique of the state and local court systems, calling for a revitalization of the small claims court. However, the use of small claims court was not discussed.

Jelley and Herrmann (1973) informed their readers of the purpose and financial boundaries of the small claims court. Gordon and Lee (1973) devoted an entire chapter to government intervention but did not include the alternative of redress in small claims courts.

Swagler (1975) mentioned the use of small claims courts as a viable alternative of legal redress for the frustrated consumer. Maynes (1976) included a brief discussion on the use of small claims court. The purposes and procedures in small claims actions were explained, including a realistic estimation of verdict appeal and collection problems.

Miller (1975) presented a concise, practical explanation of the use of small claims courts. Miller's textbook contained the most complete discussion of consumer use of small claims court of those books surveyed.

Miller (1975) and Maynes (1976) postulated that sellers or business



concerns were more familiar with small claims courts than were consumers. Nonetheless, assuming that the mention of small claims court in a textbook indicated the author's acceptance of this alternative as viable, the overwhelming majority of these consumer educators deemed the use of small claims court as worthy of coverage in their textbooks.

### Consumer Dissatisfaction and Complaining

#### Behavior

Summers and Granbois (1976) conducted research on the effects of predictive and normative expectations on consumer dissatisfaction and complaining behavior. Findings were based on the verbal recall by respondents who were asked to state the frequency of occurrence of dissatisfaction with food or clothing purchases. They found that "higher incidence of problem occurrence leads to realistically high predictions of the frequency of problem occurrence without affecting beliefs about the level that 'should be'" (p. 156). It was concluded that for the dissatisfied consumer, the levels of expectations varied directly with the levels of satisfaction with business remedies.

Mason and Himes (1973) studied the types of household appliances owned and which appliances produced the most complaints, the relationship of socio-economic factors to dissatisfaction, most frequently used avenues of redress, and profiles of active and passive dissatisfied consumers. They found that "30 percent" (p. 127) of the dissatisfied consumers stated they had made at least three complaints before the grievance was resolved.

Gadeke (1972) investigated the use of consumer complaint channels by means of a questionnaire sent to state consumer protection agencies

and organizations. Gadeke found that most agency and organization directors felt that "services are fragmented and should be combined" (p. 53). Gadeke recommended businesses facilitate consumer complaints. Legal remedies were not investigated.

#### Consumer Use of Small Claims Courts

Ascertaining the effectiveness of alternatives for consumer redress was necessary to developing an understanding of the dissatisfied consumer and his or her education needs. The alternative of legal redress in the small claims area has been virtually ignored by those researching consumer behavior.

An investigation into the use of the small claims court in Los Angeles was conducted by Graham and Snortum (1977). A case analysis was conducted on the basis of sex, ethnic group and ages of those involved, nature of the complaint, number, presence, and appearance of the parties involved, and length and outcome of trial. The number of verbal exchanges among the participants was also recorded. The authors found that in "71 percent" (p. 265) of the cases the consumer plaintiff won, and the only variable related to outcome was attendance. They concluded that one of the major shortcomings of the system was "justice-by-default" (p. 265).

Consumer Reports conducted a study in 1971 to ascertain whether or not small claims courts had achieved their founding objective--to provide an inexpensive means of redress in matters involving small amounts of money. The study was done by questionnaire mailed to the consumer plaintiffs from a non-randomized choice of metropolitan cities. They found that "100 out of 153 cases" (p. 625) were found in favor of the

consumer plaintiff. Research on the use of small claims courts in Oklahoma was non-existent.

Sarat (1976) investigated choices of dispute processing alternatives of small claims court users in New York. A random sample of 1,003 respondents to questionnaires sent to no appearance litigants was analyzed to ascertain reasons for non-appearance of plaintiffs. Of those plaintiffs 54 percent stated the complaint had been settled out of court, 17 percent had filed to "let off steam," and 13 percent did not feel the time in court was worth the possible results. As previous experience with small claims court and use of legal representation increased, non-appearance of the plaintiff tended to increase. Sarat (1976) concluded that "the way in which people respond to conflict expresses their attitudes toward themselves, those with whom they are in conflict and the procedures available to them" (p. 372).

Minton and Steffenson (1972) examined the reasons for disposition of small claims courts cases in Illinois. From a sample of 647 cases, the authors found only 40 cases ever came to trial, and "78 percent of the cases called were handled in favor of plaintiffs" (p. 325). The authors concluded that the solution to problems with using small claims court appeared to involve standardization or simplification of existing procedures.

#### Small Claims Court: Legislative Changes

The Oklahoma Law Review was surveyed for articles discussing changes in legislation of judicial precedent which affected the Oklahoma small claims courts. The relevant literature included discussions of subpoena service by certified mail, the repeal of the Small Claims Act

in title 39 of the statutes, and procedures for garnishment and supplementary proceedings.

Fraser (1968) explained the effect of the repeal of the Small Claims Act in title 39 of the statutes, effective January 13, 1969. Justices of the peace were abolished, and small claims court was moved to the jurisdiction of the district court. Fraser stated "the pleading and procedure are simplified and the costs are lower than for regular civil actions" (p. 402).

Phelps (1972) discussed garnishment and supplementary proceedings. The author sought to define the words "aid execution" in the legislation controlling garnishment and supplementary proceedings. Phelps concluded that the "aid execution" terminology confined the use of garnishment and supplementary proceedings to use after a judgment has been awarded.

Davis (1972) explored the constitutionality of the service process by mail. Davis found that proof of service by mail may be difficult to obtain from an evasive defendant. For those cases in which the defendant refused the mailed subpoena in person, service is nonetheless good. It was assumed that the defendant must have knowledge of the subpoena in order to refuse to accept it. Cases in which the defendant intentionally gave an incorrect address the service was good, even though the mailed subpoena may have remained unclaimed. If the address was correct and the letter was unclaimed at the post office, then the service by mail was not valid.

#### Summary

Current consumer research sought answers to the problems of identifying and aiding dissatisfied consumers in solving grievances.

The effectiveness of the proposed alternative of small claims court had yet to be adequately evaluated at either the state or national level. The small claims court was viewed by some authorities as mainly the businessman's tool for debt collection. Most consumer educators advocated the use of small claims courts. This study was conducted to ascertain the status of consumer use of the small claims court in order to build a framework for guiding consumer behavior to achieve satisfaction.

## CHAPTER III

### DESIGN OF THE STUDY

This chapter discussed the design used in conducting the research. An explanation of the sampling plan, data collection methodology, instrumentation used in the content analysis of court records, and data analysis was included.

#### Type of Research

A content analysis of small claims court records from January 1, 1976, through December 31, 1976, was conducted in Oklahoma. Content analysis, as described by Best (1977, p. 129) "deals with the systematic examination of current records or documents as sources of data." Best further explained that content analysis was useful in adding "knowledge to a field of study, or yielding information that is helpful in evaluating and improving social or educational practices" (p. 130).

#### Population and Sampling

The universe for this study consisted of all those persons having access to the use of Oklahoma small claims courts--the residents of the state. The United States Department of Commerce (1972) listed the population of Oklahoma as 2,559,229 persons with a median age of 29.7 years (p. 378). The median level of education was 12.1 years (p. 380), and the median income level for all families was 7,720 dollars (p. 381).

The population of this study included all those persons who used Oklahoma small claims courts between January 1, 1976, and December 31, 1976. From this population the sample was drawn.

The 77 Oklahoma counties were divided into five categories by population centers. Tulsa and Oklahoma counties were the only counties with a population center of more than 100,000 persons (p. 383) and were pooled into one metropolitan category. The remaining counties were divided into four geographical quadrants--Southeast, Northeast, Northwest, and Southwest. Three quadrants contained 17 counties each and the fourth contained 16 counties.

The counties within each quadrant were divided into two groups--those counties with a population center of 25,000 persons or more and those counties with population centers of less than 25,000 persons. Each county was assigned a different number from one to 77. Using a random number table, nine counties were selected. One county was chosen from the metropolitan category; and two counties from each of the four geographic quadrants were chosen so that each geographic quadrant was represented by a county with a population center of over 25,000 persons and a county with a population center of 25,000 persons or less. The counties selected included Oklahoma, Muskogee, Okmulgee, Garfield, Major, Cleveland, Murray, Pottawatomie, and Atoka.

The rural counties included in the study had less total populations, higher median age levels, lower median educational levels, and lower median income levels than the urban counties in the corresponding quadrant. Generally, as the median educational level increased, the median income level tended to increase. See Table I for a presentation of these data for each county.

TABLE I  
 DEMOGRAPHIC CHARACTERISTICS OF THE COUNTIES FROM  
 WHICH SAMPLE WAS DRAWN

Region	County	Population	Median Age	Median Education Level	Median Income Level
Northeast	Muskogee	59,542	32.3	11.1	\$6,554
Northeast	Okmulgee	35,358	33.7	10.6	6,060
Northwest	Garfield	55,365	30.9	12.3	8,063
Northwest	Major	7,529	36.2	11.7	6,681
Southeast	Cleveland	81,839	23.7	12.5	9,087
Southeast	Murray	10,669	37.9	10.3	6,167
Southwest	Pottawatomie	43,134	33.1	11.4	6,978
Southwest	Atoka	10,972	33.1	8.9	4,820
Metropolitan	Oklahoma	526,805	28.0	12.3	9,429

Letters sent to the small claims court clerk in each of the counties in the sample requested the beginning and ending case numbers used in the county in 1976. The size of the sample was calculated by subtracting the case number of the last case filed in December, 1976, from the case number of the first case filed in January, 1976. By adding these figures from each county, the sum of the small claims court cases in the counties included in the sample was derived. Data was collected on every sixth case to yield a 15 percent sample.



### Instrumentation

The data collection instrument was designed by the researcher as a simple form on which to record information on the variables studied (see Appendix B). The purpose of the study, assessment of effective consumer use of the small claims court, necessitated an analysis of actual cases. Existing information on the variables to be studied was found in the public records kept by each county on the actual cases. The following variables were recorded:

1. Type of plaintiff--consumer or vendor,
2. Presence of plaintiff and defendant,
3. Nature of the complaint,
4. Amount of judgment asked,
5. Type of judgment asked,
6. Amount of judgment asked,
7. Amount of judgment awarded,
8. Date case filed, and
9. Date case decided.

In one county, selected for convenience, an additional researcher recorded data for 100 cases. A comparison of tally sheets of the researcher and the research verifier was conducted as a check on research accuracy. Of a total of 1,300 items compared, 19 differences occurred which resulted in a 1.46 percent error rate.

### Data Analysis

The chi-square statistical technique was used to measure differences between small claims court use by consumers and vendors and the

differences between outcomes of cases for each variable. Chi-square was used to "determine the probability that the frequencies observed in this study differ from an expected theoretical frequency" (Compton and Hall, 1972, p. 353). The expected frequency was that which would occur by chance. For analyses in which any cell contained less than five cases, a corrected formula was used.

Tests for significance of a proportion (z-tests) were used in the analysis of data. Bruning and Kintz (1977) stated that the z-test can be used to test the statistical significance of proportions of dichotomous variables. An expected proportion of 50 percent for each of the two variables involved was used to determine significance.

Cramer's V measure of association was used to measure the strength of the relationships compared in each chi-square analysis. Loether and McTavish (1974) stated that the scale for Cramer's V ranges from zero to 1.0 (a perfect association) and should have a scale suitable for useful interpretation of the values. The strength of the Cramer's V coefficients were discussed according to the following classifications:

<u>Value of Cramer's V</u>	<u>Appropriate Phrase</u>
±0.70 or higher	a very strong association
±0.50 to 0.69	a substantial association
±0.30 to 0.49	a moderate association
±0.10 to 0.29	a low association
±0.01 to 0.09	a negligible association
0.00	no association

Cramer's V cannot be used to explain variation in variables nor to predict reducible errors.

Frequencies for each variable were compiled from each tally sheet,

for each county separately and for all counties together. These figures were used in the statistical analysis to determine significance at the 0.05 level.

## CHAPTER IV

### RESULTS

#### Description of the Sample

Frequency distributions were compiled for data by geographic region and county (see Table II). Over half of the cases selected were filed in Oklahoma county. The northeastern region had nearly 19 percent of the total cases in the four quadrants. The southeastern region had 4.74 percent, the smallest percentage of total cases in all geographic regions. The percent of cases in each urban county was higher than the percent of cases in each corresponding rural county, as reported in the second part of Table II.

The plaintiffs were categorized as either consumers or vendors of goods or services (referred to as vendors). Consumers filed only 13.97 percent of the total cases. Vendors filed 86.03 percent, over four-fifths of all cases (see Table III).

Consumers suing vendors filed complaints requesting refunds for services, goods, and settlement damages. These consumer complaints were only 5.53 percent of the total cases (see Table IV). Types of complaints filed by vendors against consumers included payment for services rendered, payment for goods sold, and settlement damages. The cases filed by vendors which involved payment for services rendered were the most frequently occurring type (55.6 percent). Suits for

TABLE II  
 PERCENT DISTRIBUTION OF SAMPLE BY GEOGRAPHIC  
 REGION AND COUNTY

Region	(n)	Percent
Northeast	512	18.98
Northwest	249	9.22
Southeast	258	4.74
Southwest	128	9.56
Metropolitan	1552	57.50
TOTAL	2699	100.00
 County:		
Muskogee	327	12.12
Okmulgee	185	6.86
Garfield	199	7.37
Major	50	1.85
Cleveland	221	8.19
Murray	37	1.37
Pottawatomie	105	3.89
Atoka	23	0.85
Oklahoma	1552	57.50
TOTAL	2699	100.00

The n for each county was comprised of 15 percent of the total cases filed within that county during 1976.

TABLE III  
PERCENT DISTRIBUTION OF SAMPLE BY TYPE  
OF PLAINTIFF

Type of Plaintiff	(n)	Percent
Consumer	371	13.97
Vendor	2285	86.03
TOTAL	2656	100.00

n = 2656

z = 37.11

P = ∞

Missing = 43

TABLE IV  
PERCENT DISTRIBUTION OF SAMPLE BY NATURE  
OF COMPLAINT

Nature of Complaint	(n)	Percent
Payment for Services	1447	55.60
Payment for Goods	635	24.39
Refund for Services	61	2.34
Refund for Goods	24	0.92
Damages, Consumer Plaintiff	59	2.27
Damages, Vendor Plaintiff	7	0.27
Suits, Consumer Suing Consumer and Vendor Suing Vendor	370	14.21
TOTAL	2526	100.00

payment for goods sold were the next largest category, having 24.39 percent of all cases filed.

The other types of complaints were suits involving either consumers as both plaintiff and defendant or vendors as both plaintiff and defendant. Suits between similar type parties totalled 14.21 percent of all types of complaints (see Table IV). The 174 missing cases were those cases in which the nature of the complaint could not be ascertained from the court records.

Types of judgments awarded were categorized as:

1. Money,
2. Replevin,
3. Replevin and money,
4. Forcible entry and detainer,
5. Forcible entry and detainer and money, or
6. No judgment awarded.

In 52.09 percent of all cases filed, no judgment was ever awarded (see Table V). This large percentage was due to the number of cases in which neither party won (50.21 percent). The few remaining cases were won by the defendant and no judgment was awarded. The other major category was money, the only judgments which constituted 43.76 percent of all judgments awarded. All other types of judgments awarded combined were only 4.15 percent of the total cases. The 20 missing cases were those cases in which the amount of judgment awarded could not be ascertained from the court records.

In the following sections, analysis of hypotheses of the study are presented. Analysis of additional variable relationships are included where relevant.

TABLE V  
PERCENT DISTRIBUTION OF SAMPLE BY TYPE OF  
JUDGMENT AWARDED

Type of Judgment Awarded	(n)	Percent
Money	1162	43.76
Replevin	20	0.75
Replevin and Money	18	0.69
Forcible Entry and Detainer	7	0.26
Forcible Entry and Detainer and Money	65	2.45
No Judgment Awarded	<u>1383</u>	<u>52.09</u>
TOTAL	2680	100.00

#### Test of Hypothesis One

The first hypothesis was that small claims courts were used significantly more often by vendors than by consumers. A frequency distribution of types of plaintiffs was compiled (see Table III). Vendors were plaintiffs in 86.03 percent of all the cases. A z-test of significance of a proportion was computed. A score above 4.0 is significant at an infinite level. Thus, hypothesis I was accepted; small claims courts were used significantly more often by vendors than by consumers.

The type of plaintiff was compared by geographic region (see Table VI). Observed frequencies for consumer plaintiffs were less than



expected frequencies in all regions except the metropolitan county. Conversely, observed frequencies for vendor plaintiffs were greater than expected frequencies in all regions except the metropolitan. The chi-square value of 28.708 was statistically significant at the 0.0001 level; however, the Cramer's V score indicated that the degree of association was low.

TABLE VI  
TYPE OF PLAINTIFF BY GEOGRAPHIC REGION

Plaintiff	Geographic Region				
	NE	SE	SW	NW	Metropolitan
Consumer	1.88	0.72	0.49	1.09	9.79
Vendor	17.06	8.47	4.22	8.40	47.87

n = 2655

$\chi^2 = 28.71$

P = 0.0001

Cramer's V = 0.104

Missing = 44

The types of plaintiffs were compared by the presence or absence of the plaintiff and defendant. Cases in which the plaintiff was a consumer and was the only party present in court and in which neither party was present were the only categories in which the observed frequencies were lower than the expected. The observed frequencies of cases filed by vendor plaintiffs were higher than the expected

frequencies for those cases in which only the plaintiff was present and when neither party was present. Cases filed by vendors in which both parties were present and those in which only the defendant was present were lower in observed than expected frequencies.

Vendor plaintiffs tended to appear alone in court more frequently than consumer plaintiffs. Appearance of both parties occurred more frequently for vendor plaintiffs than for consumer plaintiffs. Absence of both parties occurred more frequently for vendor plaintiffs than for consumer plaintiffs. The chi-square value of 50.972 was significant at the 0.0001 level; however, the Cramer's V score of 0.139 indicates a low degree of association between the type of plaintiff and the presence or absence of the parties (see Table VII).

TABLE VII  
TYPE OF PLAINTIFF BY PRESENCE OF PARTIES

Plaintiff	Party Present			
	Plaintiff	Defendant	Both	Neither
Consumer	1.29	0.15	5.88	6.61
Vendor	17.46	0.15	25.66	42.75

n = 2634

$\chi^2 = 50.972$

P = 0.0001

Cramer's V = 0.139

Missing = 65

### Test of Hypothesis Two

It was hypothesized that the nature of the complaint filed was related to debt collection significantly more often than consumer refunds or damage suits. A frequency distribution (see Table VIII) of the nature of the complaints filed and a z-test of significance of a proportion supported the hypothesis. Complaints related to debt collection were 79.98 percent of all types of complaints filed. Consumer refunds and damage suits accounted for only 5.53 percent of all complaints filed. The z-test score of 41.52 is significant at an infinite level.

TABLE VIII  
PERCENT DISTRIBUTION OF SAMPLE BY NATURE  
OF COMPLAINT

Nature of Complaint	(n)	Percent
Payment for services	1447	55.59
Payment for goods	635	24.39
TOTAL	2082	79.98
Refunds for services	61	2.34
Refunds for goods	24	0.92
Damages, consumer plaintiff	59	2.27
TOTAL	144	5.53
n = 2226	P = ∞	
z = 41.52	Missing = 473	

The differences in the nature of complaints by the current status of the case were compared (see Table IX). The chi-square analysis used 40 cells of which only four cells had definite differences in observed and expected frequencies. In cases filed for payment for goods sold in which the subpoena was served, but the case was never decided, the observed frequency was higher than the expected frequency. Suits between two consumers which were dismissed due to lack of subpoena service occurred more often than the expected frequency. For cases in which both parties were vendors and the cases were never closed, although the subpoena was served, the observed frequency was lower than the expected frequency. For cases involving two vendors in which the subpoena was delivered, but the case was dismissed the observed frequency was higher than the expected frequency. The chi-square value was not within the accepted limit for statistical significance, and the Cramer's V score indicated a negligible association. Therefore, it was concluded that the current status of the case did not differ by the nature of complaint.

### Test of Hypothesis Three

The third hypothesis was that in those cases in which the defendants were absent, the entire amount of the judgment asked was awarded significantly more often than were reduced judgments. Additional relationships of relevant variables were analyzed prior to testing of the hypothesis.

The nature of the complaint filed was compared by the type of judgment asked. Of all types of complaints, 50.17 percent (see

TABLE IX

NATURE OF COMPLAINT BY THE STATUS OF THE CASE

Nature of Complaint	Status of Case				
	Open, No Service	Open, Served	Dismissed, No Service	Judgment Awarded	Dismissed, Service
Payment for Services	2.09	4.40	7.65	27.62	13.67
Payment for Goods	0.89	2.59	3.21	11.94	5.91
Refunds for Services	0.08	0.04	0.23	1.39	0.62
Refunds for Goods	0.04	0.04	0.12	0.54	0.19
Damages, consumer redress	0.08	0.04	0.15	1.27	0.73
Damages, vendor plaintiff	0.00	0.00	0.12	0.12	0.04
Consumer Suing Consumer	0.46	0.54	1.62	4.02	2.01
Vendor Suing Vendor	0.23	0.19	0.89	2.43	1.82

n = 2589

$\chi^2 = 39.657$

P = 0.0709

Cramer's V = 0.062

Missing = 110

Table X) involved payment for services in which a money only judgment was asked. The next largest category involved payment for goods sold and complaints in which a money only judgment was asked (23.51 percent). Judgments asking for money only occurred more frequently in all categories of complaints. The nature of the complaint limited the type of judgment asked in some cases. Although the chi-square value of 112.231 was significant at the 0.0001 level, the Cramer's V score of 0.093 indicated a negligible association between the nature of the complaint filed and the type of judgment asked.

The nature of complaint was also compared by the type of judgment awarded. No judgment was awarded in over half of the cases (see Table V); therefore, it is logical that the no award categories were higher than all others, except for those cases in which the complaint involved refunds for goods. The no award category was slightly lower for goods refunds complaints (see Table XI). The chi-square value was significant at the 0.0001 level, however, the Cramer's V score of 0.087 indicated a negligible association between the nature of the complaint and the type of judgment awarded. It was concluded that the nature of complaint did differ by the type of judgment awarded; however, the degree of association was minor.

The differences in the type of plaintiff and the winning party were compared. Observed frequencies for consumer plaintiffs who won their cases were slightly lower than the expected. Observed frequencies for cases in which the plaintiff was a consumer and neither party won the case were slightly lower than the expected frequency. Observed frequencies for cases in which the plaintiff was a vendor and neither party won and for cases in which vendor plaintiffs won were slightly

TABLE X

## NATURE OF COMPLAINT BY TYPE OF JUDGMENT ASKED

Nature of Complaint	Type of Judgment Asked					
	Money	Replevin	Money and Replevin	Forcible Entry and Detainer	Forcible Entry and Detainer and Money	None
Payment for Services	50.17	0.12	0.69	0.15	4.28	0.08
Payment for Goods	23.51	0.12	0.81	0.00	0.04	0.00
Refunds for Services	2.27	0.00	0.08	0.00	0.00	0.00
Refunds for Goods	0.92	0.00	0.00	0.00	0.00	0.00
Damages, Consumer Plaintiff	2.16	0.04	0.04	0.00	0.04	0.00
Damages, Vendor Plaintiff	6.27	0.00	0.00	0.00	0.00	0.00
Consumer Suing Consumer	8.55	0.00	0.04	0.04	0.00	0.04
Vendor Suing Vendor	5.43	0.00	0.08	0.00	0.04	0.00

n = 2595  
 $\chi^2 = 112.231$   
P = 0.0001

Cramer's V = 0.093  
Missing = 104

TABLE XI

NATURE OF COMPLAINT BY TYPE OF JUDGMENT AWARDED

Nature of Complaint	Type of Judgment Awarded					
	Money	Replevin	Money and Replevin	Forcible Entry and Detainer	Forcible Entry and Detainer and Money	None
Payment for Services	24.07	0.12	0.46	0.23	2.47	28.05
Payment for Goods	10.90	0.43	0.19	0.00	0.00	13.02
Refunds for Services	1.12	0.08	0.04	0.00	0.00	1.12
Refunds for Goods	0.54	0.00	0.00	0.00	0.00	0.39
Damages, Consumer Plaintiff	1.04	0.08	0.00	0.04	0.00	1.12
Damages, Vendor Plaintiff	0.12	0.00	0.00	0.00	0.00	0.15
Consumer Suing Consumer	3.63	0.00	0.00	0.00	0.00	5.02
Vendor Suing Vendor	2.05	0.04	0.00	0.00	0.04	3.44

n = 2588  
 $\chi^2 = 97.830$   
P = 0.0001

Cramer's V = 0.087  
Missing = 111



higher than the expected frequencies. The chi-square value was calculated as 33.061 which was significant at the 0.0001 level, indicating that the frequency of vendor plaintiffs winning cases was different from winning consumer plaintiffs. An examination of the percentage of cases in each cell showed that the majority of cases were won by vendor plaintiffs. However, the Cramer's V score of 0.112 reveals a low association between the type of plaintiff and the winning party (see Table XII).

TABLE XII  
TYPE OF PLAINTIFF BY WINNING PARTY

Plaintiff	Winning Party		
	Plaintiff	Defendant	Neither
Consumer	6.32	0.72	6.89
Vendor	41.61	1.10	43.32

n = 2641

$\chi^2 = 33.061$

P = 0.0001

Cramer's V = 0.112

Missing = 58

In order to test hypothesis three, differences in the presence or absence of the plaintiff and defendant were compared by the frequency of full and reduced judgments awarded. The presence of the defendant whether or not the plaintiff was present increased the percent of

reduced judgment awards (see Table XIII). Conversely in those cases in which the defendants were absent, the entire amount of the judgment asked was awarded significantly more often ( $P = 0.0001$ ) than were reduced judgments. Cramer's V of 0.24 indicated a low degree of association. Hypothesis three that in those cases in which the defendants were absent, the entire amount of the judgment asked was awarded more often than reduced judgments was accepted.

TABLE XIII  
 PRESENCE OF PARTY BY FREQUENCY OF  
 REDUCED JUDGMENTS

Party Present	Judgments	
	Full	Reduced
Plaintiff only	26.07	10.59
Defendant only	0.00	0.38
Both	29.80	32.85
Neither	0.15	0.88

N = 1312

$\chi^2 = 75.565$

P = 0.0001

Cramer's V = 0.24

Missing = 1387

#### Test of Hypothesis Four

It was hypothesized that those consumer plaintiffs who won their

cases were awarded reduced judgments significantly more often than winning plaintiffs who were vendors. Differences in the winning parties were compared to population categories and the nature of complaint, previous to the testing of the hypothesis.

Differences in the winning parties compared by rural, urban, and metropolitan population categories were slight (see Table XIV). The chi-square value was not significant at the 0.05 level; and correspondingly the Cramer's V score was 0.018, indicating a negligible association between winning consumer and winning vendor plaintiffs and population.

TABLE XIV  
WINNING PARTY BY POPULATION

Winning Party	Population		
	Rural	Urban	Metropolitan
Plaintiff	15.03	5.16	27.77
Defendant	0.64	0.15	1.06
Neither	15.52	5.73	28.86

n = 2654  
 $\chi^2 = 2.599$   
 P = 0.9781

Cramer's V = 0.018  
 Missing = 45

Differences in the winning party by the nature of the complaint

were compared (see Table XV). The observed frequencies were higher than the expected frequencies for cases in which the plaintiff won and the nature of the complaint included either payment for services, refunds for services, refunds for goods or consumer plaintiff damage suits. Those complaints filed by winning plaintiffs in which the observed frequencies were less than the expected frequencies were either payment for services (slight differences), consumer suing consumer, or vendor suing vendor complaints. The observed and the expected frequency for winning plaintiffs who were vendors suing consumers for damages was essentially the same.

The observed frequency was lower than the expected frequency in cases in which the defendant won and the nature of the complaint was payment for services. The observed was essentially the same or higher than the expected frequencies in all other cases. In half of the cases neither party won. The observed frequencies in cases in which neither party won were higher than the expected frequencies for complaints for payment for goods sold, consumer suing consumer and vendor suing vendor cases. In all other categories the observed frequencies were essentially the same as or lower than the expected frequencies. Although the chi-square value of 64.226 was significant at the 0.0001 level, the Cramer's V score of 0.091 indicates a negligible association between the winning parties and the nature of the complaint (see Table XV).

The differences in type of plaintiff by amount of judgment asked were compared for those cases filed prior to the changing of maximum suit limits and those cases filed after the change was effective in October, 1976 (see Table XVI). Amounts of judgment asked by consumer plaintiffs after October did not vary much. Prior to October, the

TABLE XV  
WINNING PARTIES BY NATURE OF COMPLAINT

Winning Party	Nature of Complaint							
	Payment for Services	Payment for Goods	Refund for Services	Refund for Goods	Damages, Consumer Plaintiff	Damages, Vendor Plaintiff	Consumer-Consumer	Vendor-Vendor
Plaintiff	27.22	11.51	1.27	0.54	1.12	0.12	3.62	2.12
Defendant	0.42	0.42	0.15	0.00	0.15	0.00	0.39	0.31
Neither	27.92	12.44	0.92	0.39	1.00	0.15	4.66	3.12

n = 2597

Cramer's V = 0.091

$\chi^2 = 64.226$

Missing = 102

P = 0.0001

TABLE XVI

TYPE OF PLAINTIFF BY AMOUNT OF JUDGMENT ASKED

Plaintiff	Amount of Judgment Asked									
	0- \$99.99	\$100.00- 199.99	\$200.00- 299.99	\$300.00- 399.99	\$400.00- 499.99	\$500.00- 599.99	\$600.00- 699.99	\$700.00- 799.99	\$800.00- 899.99	\$900.00- 999.99
Pre-October, 1976*										
Consumer	3.06	2.93	2.79	2.15	2.65	0.18	0.90	0.00	0.00	0.00
Vendor	28.49	21.31	15.91	10.43	8.55	0.82	0.41	0.05	0.05	0.05
After October 1, 1976**										
Consumer	1.78	2.23	2.23	2.23	2.67	1.34	1.78	0.00	0.00	0.00
Vendor	33.63	17.82	11.80	7.80	6.01	3.56	5.12	0.00	0.00	0.00

\* n = 2187;  $\chi^2 = 41.530$ ; P = 0.0001; Cramer's V = 0.256; Missing = 58.

\*\* n = 449;  $\chi^2 = 29.404$ ; P = 0.0001; Cramer's V = 0.256; Missing = 5.

frequencies of consumer plaintiffs decreased as the judgment amount increased. Frequencies of vendors tended to decrease as the amount of judgment increased. However, frequencies for vendor plaintiffs tended to be higher overall because a larger percentage of all plaintiffs was vendors. For both time periods the chi-square value was significant at the 0.0001 level. There were significant differences in the types of plaintiffs according to the amounts of judgments asked. However, the Cramer's V score of 0.138 for cases filed before October indicated a low degree of association between the two variables. The Cramer's V score of 0.256 for cases filed after October indicated a moderate degree of association. The differences in size of n may have affected the differences in Cramer's V scores.

The differences in the type of plaintiff by the amount of judgment awarded were compared for those cases filed prior to and after the change in maximum suit limits in October, 1976. For both consumer and vendor plaintiffs, frequencies in categories of amounts awarded generally decreased as the amount of judgment awarded increased (see Table XVII). In neither comparison was the differences between judgment amounts awarded by type of plaintiff significant at the 0.05 level. Additionally, the Cramer's V score of 0.036 for those cases filed after the October change indicated a negligible degree of association. The Cramer's V score for those cases filed before October was 0.125, indicating a low degree of relationship between the type of plaintiff and the amount of judgment awarded.

The differences between winning parties by amount of judgment asked were compared for those cases filed prior to the October change in maximum suit limits and for those cases filed after the October

TABLE XVII

TYPE OF PLAINTIFFS BY AMOUNT OF JUDGMENT AWARDED

Plaintiff	Amount of Judgment Awarded									
	0- \$99.99	\$100.00- 199.99	\$200.00- 299.99	\$300.00- 399.99	\$400.00- 499.99	\$500.00- 599.99	\$600.00- 699.99	\$700.00- 799.99	\$800.00- 899.99	\$900.00- 999.99
	Pre-October, 1976*									
Consumer	9.37	1.92	1.14	0.64	0.69	0.14	0.00	0.00	0.00	0.00
Vendor	57.66	10.29	7.36	5.17	4.21	1.19	0.23	0.00	0.00	0.00
	After October 1, 1976**									
Consumer	8.72	1.34	1.79	1.57	0.45	0.22	0.22	0.00	0.00	0.00
Vendor	57.72	9.84	5.15	4.92	2.91	2.01	2.91	0.22	0.00	0.00

\* n = 2187;  $\chi^2 = 2.781$ ; P = 0.8357; Cramer's V = 0.036; Missing = 55.

\*\* n = 447;  $\chi^2 = 7.093$ ; P = 0.4192; Cramer's V = 0.126; Missing = 7.



change. The frequencies of cases in which the plaintiff won and in which neither party won decreased as the amount of judgment asked increased (see Table XVIII). All frequencies of judgments asked for winning defendants were much lower than for winning plaintiffs or in cases in which neither party won. The difference in amount of judgment asked by winning parties was significant at the 0.05 level for those cases filed prior to October, 1976, but not significant for those cases filed after October. The difference in significance levels between the two comparisons was attributed to the difference in size of n.

The Cramer's V score for those cases filed prior to October was 0.086, which indicated a negligible degree of association between the winning party and the amount of judgment asked. However, the Cramer's V score for those cases filed after the October change was 0.159 which indicated a low degree of association.

The differences between winning parties by amount of judgment awarded were compared for those cases filed prior to the October, 1976, change in maximum suit limits and for those cases filed after the October change. The frequencies of cases with winning plaintiffs and cases in which neither party won decreased as the amount of judgment awarded increased (see Table XIX). Frequencies of judgments awarded when the winning party was the defendant were markedly less than frequencies of judgments awarded in cases in which the plaintiff won or neither party won regardless of the amount. The difference between amount of judgment awarded by the winning party was significant at the 0.0001 level for cases filed before and after the October change. The Cramer's V score for those cases filed after October was 0.490. The Cramer's V score for those cases filed before October was 0.409. Both

TABLE XVIII

## WINNING PARTY BY AMOUNT OF JUDGMENT ASKED

Winning Party	Amount of Judgment Asked									
	0- \$99.99	\$100.00- 199.99	\$200.00- 299.99	\$300.00- 399.99	\$400.00- 499.99	\$500.00- 599.99	\$600.00- 699.99	\$700.00- 799.99	\$800.00- 899.99	\$900.00- 999.99
	Pre-October, 1976*									
Plaintiff	14.98	10.57	6.83	5.29	4.41	3.08	4.41	0.00	0.00	0.00
Defendant	0.00	0.66	0.22	0.66	0.00	0.00	0.00	0.00	0.00	0.00
Neither	20.26	8.59	7.27	4.19	4.41	1.76	2.42	0.00	0.00	0.00
	After October 1, 1976**									
Plaintiff	13.42	11.83	9.18	6.76	5.84	0.50	0.23	0.05	0.05	0.05
Defendant	0.41	0.27	0.46	0.27	0.37	0.00	0.09	0.00	0.00	0.00
Neither	17.76	12.10	9.04	5.43	5.07	0.50	0.18	0.09	0.00	0.00

\* n = 454;  $\chi^2 = 22.868$ ; P = 0.0289; Cramer's V = 0.159; Missing = 0.

\*\* n = 2195;  $\chi^2 = 8.420$ ; P = 0.0069; Cramer's V = 0.086; Missing = 50.

TABLE XIX

## WINNING PARTY BY AMOUNT OF JUDGMENT AWARDED

Winning Party	Amount of Judgment Awarded									
	0- \$99.99	\$100.00- 199.99	\$200.00- 299.99	\$300.00- 399.99	\$400.00- 499.99	\$500.00- 599.99	\$600.00- 699.99	\$700.00- 799.99	\$800.00- 899.99	\$900.00- 999.99
	Pre-October, 1976*									
Plaintiff	15.38	11.87	8.49	5.75	4.79	1.32	0.18	0.00	0.00	0.00
Defendant	1.83	0.05	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Neither	49.75	0.23	0.09	0.05	0.14	0.00	0.05	0.00	0.00	0.00
	After October 1, 1976**									
Plaintiff	16.81	10.84	6.86	6.19	3.32	2.43	3.10	0.22	0.00	0.00
Defendant	1.11	0.22	0.22	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Neither	0.00	48.45	0.00	0.00	0.22	0.00	0.00	0.00	0.00	0.00

\* n = 2191;  $X^2 = 1100.268$ ; P = 0.0001; Cramer's V = 0.409; Missing = 54.

\*\* n = 452;  $X^2 = 217.369$ ; P = 0.0001; Cramer's V = 0.490; Missing = 2.

scores indicated a moderate degree of association between the winning party and the amount of judgment awarded. Defendants who won their cases received fewer and smaller judgments than winning plaintiffs.

The differences in winning plaintiffs by the frequency of reduced judgments awarded were compared to test hypothesis four. Cases in which neither party won were not included in the analysis. Because over half of the cases never came to court (see Table V), a large value for missing cases was found (see Table XX).

TABLE XX  
WINNING PLAINTIFF BY JUDGMENT AWARDS

Plaintiff	Judgment Awards	
	Full Awards	Reduced Awards
Vendor	50.95	35.86
Consumer	7.27	5.92

n = 1266

$\chi^2 = 0.772$

P = 0.3795

Cramer's V = 0.025

Missing = 1433

For both consumers and vendors reduced judgments were awarded less often than full judgments were awarded. However, the difference between the two was not significant at the 0.05 level. Additionally, the Cramer's V score of 0.025 indicated a negligible degree of association

between winning plaintiffs and frequency of reduced judgment awards. Consumers were not awarded reduced judgments significantly more often than vendors. Hypothesis four was not accepted.

#### Test of Hypothesis Five

Hypothesis five stated that in those cases in which the defendant was absent the plaintiff was significantly more often awarded a judgment. A chi-square analysis was used to calculate the differences in the winning party by the presence or absence of the plaintiff and defendant in court. The observed frequencies for winning plaintiffs who were present at court and for those winning plaintiffs at court along with the defendant were almost twice the expected frequency (see Table XXI). For cases won by plaintiffs in which neither party was present in court the observed frequency was much lower than the expected frequency. No cases were won by the plaintiff when only the defendant was present in court. For cases in which the winning party was the defendant the only category in which the observed frequency was higher than the expected frequency was for defendants who were the only party present at court. The observed frequency of cases in which neither party won and neither party was present (case dismissed) was almost twice as high as the expected frequency. The observed frequencies of cases in which neither party won and in which either the plaintiff, defendant or both were present in court were lower than the expected frequencies.

The chi-square value of 2,725.977 was significant at the 0.0001 level. The Cramer's V score of 0.587 indicated a substantial degree of association. It was concluded that the presence or absence of the

parties in court is an important factor. In those cases in which the defendant was absent the plaintiff was significantly more often awarded a judgment.

TABLE XXI  
WINNING PARTY BY PRESENCE OF PARTIES

Winning Party	Presence			
	Plaintiff	Defendant	Both	Neither
Plaintiff	18.10	0.00	29.57	0.08
Defendant	0.04	0.19	1.55	0.00
Neither	0.68	0.11	0.38	49.22

n = 2641

$\chi^2 = 2725.997$

P = 0.0001

Cramer's V = 0.587

Missing = 58

An additional comparison of relevant variables was calculated. The type of plaintiff by the current status of the case was compared. The observed frequencies were higher than the expected frequencies for all categories of consumer plaintiffs, except those cases never closed even though the subpoena was served (see Table XXII). Cases in which the subpoena was served but the case was not closed was the only category for vendor plaintiffs in which the observed frequency was higher than the expected frequency. The differences were slight. As

indicated by the chi-square value, the type of plaintiff did not significantly differ by the current status of the case. The Cramer's V reveals a negligible association between type of plaintiff and status of the case. Cases in which a consumer was the plaintiff were no more likely to remain open than those in which a vendor was the plaintiff.

TABLE XXII  
TYPE OF PLAINTIFF BY STATUS OF CASE

Plaintiff	Status of Case				
	Open, No Service	Open, Served	Closed, No Service	Judgment Awarded	Closed, Served
Consumer	0.64	0.72	1.97	7.00	3.60
Vendor	3.18	7.23	11.81	42.56	21.28

n = 2641

$\chi^2 = 5.120$

P = 0.2752

Cramer's V = 0.044

Missing = 58

#### Additional Data Analyses

Data analysis was conducted on additional variables. Relationships between the presence or absence of parties in court and the winning parties and the lapse in time between case filing and decision dates (referred to as timelag) were compared. Timelag was categorized by weeks. The percent of cases decided after eight weeks was low. The

divisions between 13 and 52 weeks were established according to the natural divisions in the data. The number of missing cases represents the high proportion of cases that never reached court.

The percentage of cases decided within any given time period was very similar for those cases in which the plaintiff appeared alone and for those cases in which both parties appeared, except for those cases decided within four weeks (see Table XXIII). Cases decided in which only the defendant was present were extremely few. The two cases which were decided when neither party was present were assumed to be key punching errors. Over half (65.22 percent) of the cases were decided within four weeks of the filing date.

The timelag was also compared by the type of plaintiff and the winning party. The largest percentage of both consumer and vendor plaintiffs who won their cases had their cases decided in four weeks (see Table XXIV). The frequency of occurrence of resolution dates basically followed the same pattern for all categories of plaintiffs.



TABLE XXIII  
 PERCENT DISTRIBUTION OF TIMELAG COMPARED BY  
 PRESENCE OF PARTIES

Timelag	Presence			
	Plaintiff	Defendant	Both	Neither
One Week	0.69	0.00	0.69	0.00
Two Weeks	4.55	0.00	4.31	0.00
Three Weeks	11.94	0.00	11.79	0.00
Four Weeks	8.63	0.08	23.04	0.00
Five Weeks	4.31	0.08	6.70	0.08
Six Weeks	1.00	0.00	2.93	0.00
Seven Weeks	0.69	0.08	2.16	0.00
Eight Weeks	0.77	0.15	2.00	0.00
Thirteen Weeks	1.39	0.00	4.01	0.00
Fifty-two Weeks	2.31	0.00	5.47	0.08

n = 1298

Missing = 1401

TABLE XXIV  
 PERCENT DISTRIBUTION OF TIMELAG BY  
 WINNING PARTY

Timelag	Winning Party			
	Winning Consumer Plaintiff	Losing Consumer Plaintiff	Winning Vendor Plaintiff	Losing Vendor Plaintiff
One Week	0.15	0.00	1.15	0.00
Two Weeks	0.61	0.15	7.99	0.08
Three Weeks	3.31	0.15	20.22	0.08
Four Weeks	4.38	0.61	26.13	0.61
Five Weeks	1.54	0.08	9.53	0.46
Six Weeks	0.46	0.23	3.00	0.08
Seven Weeks	0.38	0.15	2.23	0.15
Eight Weeks	0.23	0.00	2.46	0.23
Thirteen Weeks	0.85	0.00	4.30	0.15
Fifty-two Weeks	0.92	0.00	6.53	0.38

n = 1301

Missing = 1398

## CHAPTER V

### SUMMARY, CONCLUSIONS, AND RECOMMENDATIONS

#### Summary of Findings

The purpose of this study was to determine the extent to which consumers have effectively used the small claims court in Oklahoma. The specific objectives included: to compare the rate of use of small claims courts by consumers and vendors of goods or services; to identify the nature of complaints filed, judgments asked and awarded, lag between case filing and decision dates, patterns in absenteeism, and achievement of subpoena service; to analyze outcomes in cases in the small claims courts; and to make recommendations for consumer education on the use of small claims court as an alternative for consumer redress.

The research method was content analysis, and the data source was records of small claims court from January 1, 1976, through December 31, 1976, in nine Oklahoma counties. These counties were selected randomly from sample pools divided by geographic region and population. The sample included 2,700 court cases, 100 of which were verified by a separate research audit conducted by an outside researcher, which yielded a 1.46 percent error rate. Information from court files and judgment dockets was recorded on the CCP tally sheet developed by the researcher. Computer analysis of the data was primarily by the chi-square statistic to test for statistical significance and Cramer's V,

a measure of association. The computer package SAS was used.

Relationships were analyzed among the following variables: type of plaintiff, geographic region of county, population of county, presence or absence of parties in court, winning party, current status of case, amount of judgment asked and awarded, type of judgment asked and awarded, nature of complaints, and timelag between filing and decision dates. Current status of the case referred to the point in litigation the case had reached at the time of data collection.

#### Summary of Conclusions

Oklahoma small claims courts were used more frequently and more effectively by vendors of goods or services than by consumers. The majority of complaints involved suits for money payment for services or goods purchased.

The nature of the complaints filed was related to debt collection more often than to consumer refunds or damage suits. The nature of the complaint was related to the type of judgment awarded, but not to the current status of the case. No judgment was awarded in over half of the cases.

Presence of the party in court tended to increase chances of favorable settlement. Vendors appeared in court more frequently than consumers. In those cases in which the defendants were absent, the entire amount of the judgment asked was awarded more often than were reduced judgments. Generally, the defendant's appearance in court tended to slightly decrease the chance of a full judgment being awarded for the plaintiff.

Even though it was hypothesized that consumer plaintiffs who won

their cases would be awarded reduced judgments significantly more often than winning plaintiffs who were vendors, it was found that winning consumer plaintiffs were awarded full judgments proportionately as often as winning vendor plaintiffs. Vendors who were plaintiffs asked for larger amounts of judgments than did consumer plaintiffs. Amounts awarded did not differ. Suits for payment or refunds for goods or services and consumer damage suits were more frequently won by plaintiffs than other types of suits. There was no relation between rural, urban, and metropolitan counties and winning parties. Defendants who won cases tended to receive fewer and smaller judgments.

Most cases were decided within four weeks of the filing date. Patterns of timelags in cases brought by consumers and those brought by vendors were similar. The status of the case (whether closed or pending) was not related to the type of plaintiff.

#### Recommendations

##### Additional Studies

It is recommended by the author that:

1. Other studies be designed and implemented to investigate the outcomes of the large number of cases which never reach court.
2. Other studies be designed to explore the reasons for the lower rate of use of the small claims court by consumers.
3. Other studies be designed to follow those cases in which judgment was awarded to determine rates of successful collection of judgments.
4. Other studies be designed to measure the impact of consumer

education on consumer use of the small claims courts.

5. Other studies be conducted to determine if structural barriers to consumer use of small claims court exist.

#### Program Implications

It is recommended by the author that formal and informal educational programs be developed to encourage and assist individuals in selecting and using more effectively legal alternatives for redress. Pre-service and in-service workshops for human services professionals are needed.

If small claims courts are to achieve the goal of legal redress for the individual, action will have to be taken. In view of these findings, Oklahoma Small Claims Courts have not adequately served the consumer. The author suggests, not only consumer education on the use of small claims court through workshops and the media, but changes in the small claims procedure to encourage consumer use. Barriers to access to the court such as operations during regular work hours should be removed.

Accuracy and completeness of public records of small claims court cases need to be improved. Information is not always uniform, and in Muskogee county 300 of the individual case files could not be located. The frequency of missing data in the foregoing analysis illustrates this problem.

## A SELECTED BIBLIOGRAPHY

- Association of Administrators of Home Economics. National Goals and Guidelines for Research in Home Economics. East Lansing, Michigan: Michigan State University, 1970.
- Best, J. W. Research in Education. Englewood Cliffs: Prentice-Hall Inc., 1977.
- Blalock, H. M., Jr. Social Statistics. New York: McGraw-Hill Book Company, 1972.
- Bruning, J. L., and Kintz, B. L. Computational Handbook of Statistics. Glenview, Illinois: Scott, Foresman and Company, 1977.
- Buyer vs. seller in small claims courts. Consumer Reports. 1971, 36, 624-629.
- Compton, N. H., and Hall, O. A. Foundations of Home Economics Research: A Human Ecology Approach. Minneapolis: Burgess Publishing Company, 1972.
- Davis, G. R. Constitutional law: the validity of service of process by mail when there is no return receipt: the outer limits of due process. Oklahoma Law Review. November 1972, 25(4) 556-572.
- Day, R. L. Extending the concept of consumer satisfaction. In W. D. Perreault, Jr. (Ed.), Advances in Consumer Research, Volume IV. Atlanta: Association for Consumer Research, 1977.
- Fraser, G. B. Oklahoma's new judicial system. Oklahoma Law Review. November 1968, 21(4) 373-410.
- Gaedeke, R. M. Filing and disposition of consumer complaints: some empirical evidence. Journal of Consumer Affairs. 1972, 6 45-46.
- Gordon, L. J., and Lee, S. M. Economics for Consumers. New York: Van Nostrand Reinhold Company, 1972.
- Graham, B. J., and Snortum, J. R. Small claims court: where the little man has his day. Judicature. January 1977, 60(6), 260-267.
- Grønhaug, K. Exploring consumer complaining behavior: a model and some empirical results. In W. D. Perreault, Jr. (Ed.), Advances in Consumer Research, Volume IV. Atlanta: Association for Consumer Research, 1977.

- InterAmerica Research Associates. Consumer and Economic Inventory and Reference List. Washington, D. C.: Author, 1977.
- Jelley, H. M., and Herrmann, R. O. The American Consumer. New York: McGraw-Hill Book Company, 1973.
- Loether, H. J., and McTavish, D. G. Descriptive Statistics for Sociologists. Boston: Allyn and Bacon, Inc., 1974.
- Mason, J. N., and Himes, S. H., Jr. An exploratory behavioral and socio-economic profile of consumer action about dissatisfaction with selected household appliances. Journal of Consumer Affairs, 1973, 7, 121-127.
- Maynes, E. S. Decision-making for Consumers: An Introduction to Consumer Education. New York: Macmillan Publishing Company, Inc., 1976.
- Miller, R. L. Economic Issues for Consumers. St. Paul: West Publishing Company, 1975.
- Minton, M., and Steffenson, J. A survey and analysis. Judicature. April 1972, 55(8) 324-328.
- Oklahoma Session Laws. 31st Legislature, Second Regular Session. St. Paul: West Publishing Company, 1968.
- Phelps, E. D. Notes and comments: garnishment and supplementary proceedings: small claims procedure. Oklahoma Law Review. August 1972, 25(3) 424-427.
- Sarat, A. Alternatives in dispute processing: litigation in a small claims court. Law and Society. Spring 1976, 10(3), 339-376.
- Shumaker, W. A., and Longsdorf, G. F. Cyclopedic Law Dictionary. Chicago: Callaghan and Company, 1912.
- Summer, W. A., and Granbois, D. H. Predictive and normative expectations in consumer behavior. In W. D. Perreault, Jr. (Ed.), Advances in Consumer Research, Volume IV. Atlanta: Association for Consumer Research, 1977.
- Swagler, R. M. Caveat Emptor! Lexington, Massachusetts: D. C. Heath and Company, 1975.
- Troelstrup, A. W. The Consumer in American Society: Personal and Family Finance. New York: McGraw-Hill Book Company, 1974.
- United States Department of Commerce. County and City Data Book: A Statistical Abstract Supplement. Washington, D. C.: United States Government Printing Office, 1973.



United States Department of Commerce. 1970 Census of Population: Characteristics of the Population. Washington, D. C.: United States Government Printing Office, 1973.

Warland, R. H., and Willits, J. Dissatisfied consumers: who gets upset and who takes action. Journal of Consumer Affairs. 1976, 148-161.

**APPENDIXES**

**APPENDIX A**

**LETTER TO SMALL CLAIMS COURT CLERKS**



*Oklahoma State University*

CENTER FOR CONSUMER SERVICES

STILLWATER, OKLAHOMA 74074  
HOME ECONOMICS WEST  
(405) 624-7084

Small Claims Court Clerk  
Major County Courthouse  
Fairview, OK 73737

Small Claims Court Clerk:

I am a graduate student at Oklahoma State University, working on my master's degree in Home Economics--consumer affairs. I am conducting my master's thesis project under the supervision of Dr. Sharon Nickols, Assistant Professor and Dr. William Johnston, Director of the OSU Center for Consumer Services. The topic of my research is Consumer Use of Small Claims Courts.

I am seeking your assistance in my analysis of small claims courts records to discern patterns of use by consumers and businesses. Your county was chosen by chance as one of nine to be included in the study. Your assistance is vital to the completion of my research and will be greatly appreciated.

In order to ascertain the number of cases to be reviewed, I am asking each small claims court office for the case number of the first case decided in January of 1976 and the last case decided in December of 1976. Using the postcard enclosed please fill in the appropriate information and mail as soon as possible.

I will be conducting my field research in your county soon after the first of October. This will involve tabulating information from the public court records. If you have any questions, please contact me:

Karen Vines  
Center for Consumer Services  
Home Economics West  
Oklahoma State University  
Stillwater, OK 74074  
Phone (405) 624-7084

Sincerely yours,

Karen Vines  
Consumer Specialist

KV:ps

enclosure

Small Claims Court Clerk  
Major County Courthouse  
Fairview, OK 73737

Small Claims Court Clerk:

We appreciate your attention to this request and the assistance provided Karen Vines in her project. A report of the findings will be made available to you upon completion of the study.

Sincerely yours,

Dr. Sharon Y. Nickols  
Assistant Professor

SN:kv:ps

Dr. William L. Johnston  
Director and Associate Professor

WLJ:kv:ps

**APPENDIX B**

**COURT CASE PROFILE**

I. Check the appropriate box(es).

Type of plaintiff:

- Consumer
- Business

Parties present:

- Plaintiff
- Defendant

Case found for:

- Plaintiff
- Defendant

II. Specify the appropriate information.

Nature of complaint: \_\_\_\_\_

Judgment asked: \_\_\_\_\_

Judgment awarded: \_\_\_\_\_

Comments: \_\_\_\_\_

County: \_\_\_\_\_

Case number: \_\_\_\_\_

Date filed: \_\_\_\_\_

Date decided: \_\_\_\_\_

I. Check the appropriate box(es).

Type of plaintiff:

- Consumer
- Business

Parties present:

- Plaintiff
- Consumer

Case found for:

- Plaintiff
- Defendant

II. Specify the appropriate information.

Nature of complaint: \_\_\_\_\_

Judgment asked: \_\_\_\_\_

Judgment awarded: \_\_\_\_\_

Comments: \_\_\_\_\_

County: \_\_\_\_\_

Case number: \_\_\_\_\_

Date filed: \_\_\_\_\_

Date decided: \_\_\_\_\_

I. Check the appropriate box(es).

Type of plaintiff:

- Consumer
- Business

Parties present:

- Plaintiff
- Defendant

Case found for:

- Plaintiff
- Defendant

II. Specify the appropriate information.

Nature of complaint: \_\_\_\_\_

Judgment asked: \_\_\_\_\_

Judgment awarded: \_\_\_\_\_

Comments: \_\_\_\_\_

County: \_\_\_\_\_

Case number: \_\_\_\_\_

Date filed: \_\_\_\_\_

Date decided: \_\_\_\_\_

I. Check the appropriate box(es).

Type of plaintiff:

- Consumer
- Business

Parties present:

- Plaintiff
- Defendant

Case found for:

- Plaintiff
- Defendant

II. Specify the appropriate information.

Nature of complaint: \_\_\_\_\_

Judgment asked: \_\_\_\_\_

Judgment awarded: \_\_\_\_\_

Comments: \_\_\_\_\_

County: \_\_\_\_\_

Case number: \_\_\_\_\_

Date filed: \_\_\_\_\_

Date decided: \_\_\_\_\_

VITA 2

Karen R. Vines

Candidate for the Degree of  
Master of Science

**Thesis:** CONSUMER USE OF THE SMALL CLAIMS COURT IN OKLAHOMA

**Major Field:** Housing, Design, and Consumer Resources

**Biographical:**

**Personal Data:** Born in Holdenville, Oklahoma, December 21, 1952, the daughter of Mr. and Mrs. Fred Vines.

**Education:** Graduated from Bethel High School, Shawnee, Oklahoma, in May, 1970; received Bachelor of Science degree in Home Economics from Oklahoma State University in 1974; completed requirements for the Master of Science degree at Oklahoma State University in May, 1978.

**Professional Experience:** Home Economics teacher, Oklahoma Department of Institutions, Social, and Rehabilitative Services, 1975-1976; graduate teaching assistant, Division of Home Economics, Oklahoma State University, 1976-1977; Consumer Specialist, Center for Consumer Services, Oklahoma State University, 1977-1978.