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The Small Claims Court: Justice for the Poor or Convenience for the Businessman

Charles T. Eye

Comments

The Small Claims Court: Justice for the Poor or Convenience for the Businessman

The purpose of this comment is to examine the performance of Small Claims Courts and their function within our judicial system.

This subject has been covered in previous law review articles, many of which are cited in this comment. Some of the previous articles used a statistical approach as does this one.[1]

The obvious question then is, why another comment on Small Claims Courts? One reason is that previous article have called for future research. Additional independent research tends to reinforce the studies previously made. Further, in spite of valid criticism and suggested reform there has been no substantial change in the justice given the indigent litigant in Small Claims Courts. This comment may be distinguished from previous articles in the following ways: First, the statistical research is based upon a

1. For a statistical summary of the Pomona Small Claims Court study *see* Appendix A. For information on the general population of the Pomona Judicial District *see* Appendix B.

This research was done while this writer was clerking for Mr. Randolph Weltner, the director of the San Gabriel Valley Legal Aid Office in Pomona. It was not until after the research was completed, and the conclusions made, conclusions essentially identical to those in this comment, that the existence of the previous law review articles were discovered. It is striking that all researchers independently came to the same conclusions based on very similar statistics.

small community[2] whereas previous articles were based upon data from either distinctly urban or distinctly rural areas. Second, the statistics were taken at a different time. The previous articles were all written prior to 1969. Third, the statistics are taken from a much larger sample than previous articles, and include a judge by judge comparison.[3] Fourth, each new article gives more information upon which future cases can rely.[4] And finally, the recent California Supreme Court decision in *Brooks v. Small Claims Court*[5] made another comment especially timely. This decision represents the first significant step towards reforming the Small Claims Courts and will be discussed in detail later in this article.

In order to evaluate the present operation of the Small Claims Court fairly, it is necessary to consider some historical information concerning its origin and purpose.

Origin and Purpose of Small Claims Courts

Long before statutes were enacted establishing Small Claims Courts, legal scholars and judges advocated the need for them. Chief Justice William Howard Taft has been credited with giving the vital impetus needed when he enunciated the principle that something must be devised "by which everyone however lowly and however poor, however unable by his means to employ a lawyer and to pay court costs, shall be furnished the opportunity to set the fixed machinery of justice going".[6]

Legislation was enacted in 1921 providing for Small Claims Courts in California.[7] The first case interpreting the act to come befor the appellate courts stated that the apparent intention of the California Legislature was to formulate a system to operate for the rich and poor alike.[8] The high expectations of those early days were reflected by the words of one law review writer when he described the plight of the poor as a situation in which they were unable to get justice due to inability to afford an attorney and

2. *See* Appendix B.
3. *See* Appendix A, Tables VIII and IX.
4. In an interview with Mrs. Sally Hart Wilson, the attorney representing the defendant in *Brooks v. Small Claims Court*, Mrs. Wilson stated that she was prompted by the several law review articles to challenge the constitutionality of the undertaking or deposit requirement of California Code of Civil Procedure § 117*l* and § 117*ll*.
5. Brooks v. Small Claims Court, 8 Cal.3d 661, 504 P.2d 1249, 105 Cal. Rptr. 785 (1973).
6. Shontz, *Speedy, Informal Justice of Small Claims Court described by Judge*, 15 Calif. S.B.J. 273, 275.
7. Cal. Code of Civ. Proc. § 927 (1921) now § 117.
8. Leuschen v. Small Claims Court, 191 Cal. 133, 215 P. 391 (1923).

pay the costs of a trial. He stated: "No reforms to remedy this lamentable situation offer greater promise than the Small Claims Courts and the Conciliation Courts for small causes".[9] Many judges also seemed to feel that the Small Claims Courts were working well. In a 1946 case, Justice Peters, after pointing out that justice should not be a rich man's luxury, and that those interested in the administration of justice had struggled unsuccessfully to provide justice for the poor litigant, stated his belief that the solution to this problem had been the creation of the Small Claims or Conciliation Courts.[10]

During the first twenty-five years of the Small Claims Courts in California, the great hope of the scholars and judges seemed to have been realized. This attitude was exemplified by the Honorable Orfa Jean Shontz, a judge in the Los Angeles Small Claims Court, who believed that the Small Claims Court was "serving a very special and present need". In a 1940 article Judge Shontz said: "In meeting the new conditions, in seeing to it that the poor man, and the poor woman, have an equal chance at justice with those who are better off, the Small Claims Court helps to give people a new faith in law and in government."[11]

Based on the above history, it seems reasonable to accept as a basic premise that the founders of the Small Claims Courts had as a major purpose the establishment of a forum in which the poor could get justice. This comment will now move on to a consideration of whether or not this goal is being achieved today. As a starting point, if the Small Claims Court is a forum for the poor, it should follow that the poor would be the principle users of the Small Claims Court.

THE USERS OF THE SMALL CLAIMS COURT

The policy behind the original enactment of the small claims proceedings was thought by some early authorities to assure that the "Poor untrained litigant" would be the person who would make the general use of the small claims court.[12] However, the study

9. 11 CALIF. L. REV. 276, 277 (1922).
10. Prudential Insurance Co. v. Small Claims Court, 76 Cal. App. 2d 379, 173 P.2d 38, 167 A.L.R. 820 (1946).
11. *See* Shontz, *supra* note 6, at 274.
12. *See supra* note 10, at 383, 173 P.2d at 41, 167 A.L.R. at 824.

of the Pomona Court showed only 33.9 per cent of the plaintiffs to be private parties.[13] Recognizing that not even all of these private parties were "poor untrained litigants", it is clear that the poor are not the major users of the court.[14]

A study made in 1963 showed that "business and government interests initiated sixty per cent of all actions and individuals defend more than eighty per cent of them".[15] This study also revealed that more than half of all claims were group claims. Group claims are several claims against different defendants filed at the same time by a single plaintiff. The usual number of such claims was between ten and fifteen. This is a positive indication that business is making substantial use of the court.

Some experts, including members of the California Supreme Court,[16] have recognized that the original purpose of the Small Claims Court has not survived. To enlighten anyone still clinging to this belief, Judge Earl K. Adams has suggested a perusal of any Plaintiff-Defendant Index in small claims proceedings.[17] Although the poor often appear in the Small Claims Court, it is not in the capacity the original framers had in mind. Judge Adams pointed out that the poor man most often appears as a defendant, not as a plaintiff.

At this point, with the poor man identified as the most common defendant versus the businessman as the most common plaintiff, the next question to be considered is: What is the indigent defendant's chance of success when he is sued in small claims court?

Can An Indigent Defendant Win?

To begin with, in the Pomona study, almost 45 per cent of the cases filed were never brought to trial.[18] In some cases the plaintiff was unable to get the summons served on the defendant. Most of the cases, however, were dismissed on plaintiff's motion. This indicates that the defendant either paid the claim or entered into a settlement with the plaintiff.

Of the cases decided by a judge, about 50 percent were default

13. *See* Appendix A, Table I.
14. It was impossible to determine which of the private parties were indigents from the case file alone. It would be an interesting subject for future research to personally call on the parties and make a determination of what percentage actually fall into this class.
15. *See supra* note 10, at 383.
16. *See infra*, note 43, at 884.
17. *Defendants' Right to Counsel in Small Claims—Real or Fictitional*, 45 Calif. S.B.J. 226 (1970).
18. *See* Appendix A, Table II.

judgments.[19] The judgment was for the plaintiff in 98 per cent of these default cases.[20] This statistic indicates that a judgment for the plaintiff is substantially a "rubber stamp" decision, with the court requiring little proving up in a default case.

Not including cases dismissed before trial and the default judgments, in only about 28 per cent of the remaining cases filed did the defendant appear and contest the action. It can perhaps be argued that the 72 per cent of defendants who either paid or settled the claim before trial, or who let the plaintiff take a default judgment, felt they really owed the debt. But, it can also be argued that many who did not contest the action felt they had little chance to win against the more capable businessman plaintiff. Irrespective of the merits of these arguments, it is clear that the 27.8 per cent of total defndants who went to trial in the Pomona Court disputed the plaintiff's claim.

In the Pomona study the plaintiff won a judgment in 70.8 per cent of the contested cases.[21] At first blush this statistic does not really look so bad for the defendant. However, this percentage is for every type of defendant against every type of plaintiff. Of more interest, where a private party is the defendant and a business or government agency the plaintiff, the plaintiff had judgment in almost 93 per cent of the cases.[22] By comparison, in the Oakland-Piedmont-Emeryville study, the business/agency plaintiff had judgment in 90 per cent of the cases that went to judgment.[23]

If one is inclined to believe that this high percentage in favor of the plaintiff can be justified by the rationalization that plaintiffs generally do not file nonmeritorious claims, he need only reverse the parties to see the reality of this situation. When the private party is the plaintiff and the business or government agency the defendant, the plaintiff had judgment in only 65.5 per cent of the cases.[24] One reason for the failure of the private party as defendant is the high percentage of defaults. When a business was the plaintiff and the defendant a private party the Pomona study

19. *Id.*
20. *See* Appendix A, Table IV.
21. *Id.*
22. *See* Appendix A, Table V.
23. *See infra* note 43, at 886.
24. *See* Appendix A, Table V.

showed 67.2 per cent defaulted.[25] When the parties were reversed, the business defendant defaulted in only 22.1 per cent of the cases.[26] The private party's high rate of default is evidently due to his fear of facing a business plaintiff in court. This is contrasted with the low 28.7 per cent of defaults when the plaintiff is also a private party.[27] It is of particular interest that the private party's percentage of default if not substantially greater than the businessman's when the plaintiff is a private party.[28] Since any defendant will win more often in a contested case, this fear of facing a businessman in court is a problem that must be overcome if the private party is ever to receive justice in the Small Claims Court.[29]

It is interesting to note that when a system is working well, as the Small Claims Courts evidently were in the early days, those involved in its operation view it with both enthusiasm and humor. In 1940, Judge Shontz wrote:

> "Material for many a human interest story, such as would tickle the pen of OHenry or our California-acclimated Irvin Cobb, unfolds itself daily in the Small Claims Court of Los Angeles."[30]

It is doubtful that those involved, especially indigent defendants, see such humor in the workings of the Small Claims Courts today.

Based on the premise that when a defendant goes to court in a small claims case he disputes at least some part of the paintiff's claim, it would seem reasonable that there would be a significant disparity between the quantum of plaintiff's claim and the court's judgment. This is the subject of the next part of this comment.

Amount of the Plaintiffs Judgment

From its inception, the Small Claims Court has been considered a forum for conciliation and compromise. One early case spoke of awards based on the application of common sense, with a spirit of compromise and conciliation attending the proceedings.[31] Another leading case spoke of the theory of conciliation in that "disputes may be amicably settled if the parties are brought together, face to face, before an unprejudiced and sympathetic judge, who will painstakingly inform them of their rights under the law, suggest what may be done, and tactfully help them to an amicable

25. *See* Appendix A, Table VI.
26. *Id.*
27. *Id.*
28. *Id.*
29. Compare Appendix A, Tables VI and VII.
30. *See* Shontz, *supra* note 6, at 273.
31. Sanderson v. Nieman, 17 Cal. 2d 563, 110 P.2d 1025 (1941).

ending of their controversy."[32]

Unfortunately, the Pomona study did not indicate much compromise and conciliation. The plaintiffs were awarded an average of 92 per cent of the amount of their original claim.[33] Contributing factors to the 8 per cent reduction were payments made to the plaintiffs before trial as well as errors, intentional and otherwise, in the amount of the plaiintiffs' original claim. For example, some plaintiffs in Small Claims Court file for an amount greater than they actually believe their claim to be. In short, not only can the defendant expect judgment against him in the overwhelming majority of cases, he can also expect the plaintiff to get substantially what he has asked for.

In proceeding to the next subject for consideration, let us accept, for the sake of argument, the remote possibility that the claims of the businessmen plaintiffs are so meritorious as to justify their winning an average of 92 per cent of their cases. Let us also accept that an average award of 92 per cent of alleged loss is justified. If we accept the equally remote possibility that the defendants' disputes of the claims had no substantial merit, it would seem that these possibilities are sound only if the various judges are relatively consistent in their decisions.

VARIATION AMONG THE JUDGES

In the Pomona study, the amount of the award shown as a percentage of the amount claimed showed an extreme spred of 18.3 per cent between the various judges. The lowest was 80.4 per cent and the highest 98.7 per cent.[34] The percentage of judgments for plaintiff showed an even more remarkable extreme spread, 25.5 per cent between the various judges. The lowest was 74.5 per cent and the highest 100 per cent.[35] After considering the large number of claims decided by the various judges, should the idea still seem reasonable that this variation can be explained by probability, there is one interesting observation that should put these statistics in a realistic perspective. This is that the same judges

32. Flour City Fuel and Transfer v. Young, 150 Minn. 452, 185 N.W. 934 (1921).
33. *See* Appendix A, Table VIII.
34. *Id.*
35. *See* Appendix A, Table IX.

who gave higher percentages of judgments for the plaintiffs also gave higher percentages of amount awarded to amount claimed.[36]

At this point it seems appropriate to mention that it is not the intention of this comment to prove or imply that any of the judges of the Pomona Small Claims Court intentionally favor plaintiffs. To the contrary, from actual observation of small claims trials in the Pomona Court, all the judges seemed to be completely impartial. The only significant difference between their handling of the cases which could contribute to an understanding of the variation between them was the depth with which they looked into the individual cases. Other recent law review studies have made similar observations. One such article stated: "In only a few of the contested cases observed did the judge skillfully elicit both sides of the story, help examine the witness and treat the plaintiff and defendant as equals in their courtroom contest."[37] Such inquiry is provided for by statute. The California Code of Civil Procedure Section 117g states: "The judge or justice may also make any investigation of the controversy between the parties either in or out of court and give judgment and make such orders as to time of payment or otherwise as may, by him, be deemed to be right and just". Although this statute is easy to understand it seems quite difficult to apply effectively. One Small Claims Court Judge has described the qualifications for a Small Claims Court Judge in these words: "It requires an experienced judge with endless concern for the petty troubles of common people. It requires patient listening to those who rangle (sic) under a sense of the trivial wrongs of daily life".[38]

Conclusion

Without question, the Small Claims Courts are a model of efficiency. They furnish litigants with a speedy and effective means of settling disputes. They also greatly aid the Municipal Courts in eliminating additional litigation which could put their civil calendars even farther behind. In these goals the Small Claims Court has been very successful. However, the very efficiency of the Small Claims Courts may be, in fact, contributing to litigation. It has been observed that "Sellers who extend credit to high risk buyers, expecting a high proportion of default, rely heavily on efficiency and streamlined collection operations which reduce the costs of proceedings against delinquent accounts".[39] It has also been

36. *Compare* Appendix A, Tables VIII and IX.
37. *See infra* note 47, at 1657.
38. *See* Shontz, *supra* note 6, at 276.
39. Resort to the legal process in collecting debts from high risk credit

a common observation for many years that Small Claims Courts are being used as collection agencies.[40] Thus, it has become habit among businessmen to extend credit where credit should not and would not be given but for the convenience of the Small Claims Courts.

SUGGESTIONS FOR REFORM

There is certainly no single reform that can convert the Small Claims Court back to its purpose as a forum for the poor. The following are a series of suggestions, any one of which will contribute to this goal, and which together would represent a substantial improvement in the interest of small claims justice.

First, the judges should adopt new guidelines for Small Claims Courts. It is the judges themselves who can exert the greatest influence. It is their responsibility to see that the Small Claims Courts perform the intended function. Their discretion is great in small claims cases and as the Pomona study has shown can do much to assure justice in a particular case. Examples of suggested guidelines are: A judge is not to settle more than five cases per hour (this would assure a more adequate considerration of each case); a judge should require substantial proving-up of the plaintiffs evidence in a default; and a judge should explain to the defendant in deatil any possible defenses (i.e. failure of consideration, unequal bargaining power, etc.).

Next, the jurisdiction of the Small Slaims Court should be lowered from the present $500[41] to an amount more consistent with the original purpose of the Small Claims Court. Such a high dollar limit makes it convenient for businessmen to collect their bills, but it is difficult to see how this high dollar limit aids the poor. It only increases the likelihood of a larger judgment against him and it also decreases the possibility of a claim being reduced by a debtor in order to avoid the necessity of seeking Municipal Court action. In the *Brooks* case, mentioned in paragraph two as a justification for writing this comment, the California Supreme Court recognized that this high limit favors the interest of the insti-

buyers in Los Angeles-Alternative methods for allocating present costs. 14 UCLA INTRA. L. REV. 879, 885 (1967).

40. For an in depth discussion of this subject, *see Small Claims Courts as Collection Agencies*, 4 STAN. L. REV. 237 (1951).

41. CAL. CODE OF CIVIL PROC. § 117.

tutional creditor more than that of the individual.[42]

In *Brooks*, the court discusses the requirements of an undertaking, which is described in California Code of Civil Procedure Section 117*l* as the amount of the judgment plus interest due thereon, costs awarded against the defendant, and the sum of $15 which is an "attorney fee"; and a deposit, described in Code of Civil Procedure Section 117*ll* as a sum equal to the amount of the judgment, plus costs, plus $25. The court held in *Brooks* that "the requirements of an undertaking and a deposit are unconstitutional as they constitute a taking of property without due process of law".

Defendant in that case contended that the undertaking requirement unconstitutionally deprived her of her property before there had been a due process hearing with the right to counsel.

After deciding the case on the due process issue, the court went on to discuss public policy reasons which they felt were supportive of their conclusion. The court expressed concern about "certain trends" in the use of the Small Claims Courts. These trends "have been manifested in the type of litigants availing themselves of the special forums". In support of this reasoning the court quoted statistics from empirical studies which have shown a proportionately greater use of the small claims procedure by institutional creditors than by individual creditors. For example, from the Oakland-Piedmont-Emeryville study it was found that only 34.7 per cent of the plaintiffs were individuals.[43] Compare this with the 33.9 per cent individual plaintiffs found in the Pomona study.[44] The court also noted that the defendant was almost invariably an individual. The Oakland-Piedmont-Emeryville study showed the individual defendants to be 85.7 per cent of all defendants. The Pomona study showed that in 82.6 per cent of the cases decided by a judge an individual was the defendant.[45] Finally, the court noted that 89.5 per cent of all judgments entered were in favor of the plaintiff. The Pomona study showed 84.4 per cent.[46] Noting that the Oakland-Piedmont-Emeryville study was of a court in an urban area the court pointed out that another study revealed similar results in suburban communities.[47]

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42. *See supra* note 5, at 669, 504 P.2d at 1254-1255, 105 Cal. Rptr. at 790-791.

43. *A Study of the Oakland-Piedmont-Emeryville Judicial District*, 52 CALIF. L. REV. 884 (1964).

44. *See* Appendix A, Table I.

45. *See* Appendix A, Table III.

46. *See* Appendix A, Table IV.

47. *The Persecution and Intimidation of the Low-Income Litigant as Performed by the Small Claims Court in California*, 21 STAN. L. REV. 1657, 1659-1661 (1969).

The court recognized several other factors which make the institutional creditor more likely than the individual to avail himself of the Small Claims Court. The factors were: the increase of the monetary limit to $500,[48] frequent use of venue rules to bring an action at great distance from the residence of the defendant for the purpose of getting an easy default judgment, and the inevitable proficiency developed by the institutional creditor through repeated use of the courts, or by the institutional creditor acting through a proper representative. These representatives may have legal training but they do not fall within the statutory restriction against appearance by an attorney.

Summing up the public policy issue, the *Brooks* Court said: "since small claims actions often involve the inexperienced individual defendant facing the experienced institutional creditor plaintiff, the small claims procedure should provide the defendant access to counsel without being required to first file an undertaking".

It is further recommended that restrictions be placed on the use of the Small Claims Courts by companies that make a practice of using it to collect bills. This could be done by limiting the number of claims that can be filed by a plaintiff in a particular time period. The filing of group claims should be similarly limited. Since the Small Claims Court was created for special purposes, is operated at public expense, and was never intended to replace the Municipal Courts, it would seem that the legislature could place such restrictions on its use. However, it is recognized that a strong equal protection argument could be made against the constitutionality of such restrictions.

An even more drastic solution could be used. California and other states could follow New York and exclude corporations, partnerships and associations from Small Claims Court.[49] Since this would be a major change to our small claims court system, it should only be considered as a last resort.

In any event, the common practice of using a special employee whose duty it is to file claims and represent the corporation in Small Claims Court should also be forbidden. These semi-professionals become equally as skilled in the narrow field of small claims procedure as does a lawyer in regular litigation.

48. CAL. CODE OF CIVIL PROC. § 117.
49. New York U.D.C.A., JUDICIARY § 1809, McKinney's (1973).

Unless the employee has duties which give him a peculiar knowledge of the facts, such as the general manager in the area or the director or other officer, the judge should not allow this "semi-professional" small claims specialist to represent the corporation in Small Claims Court. This was the language used in describing a "proper representative" for a corporation in *Prudential Insurance Co. v. Small Claims Court*[50] and repeated in the recent case of *Community National Bank v. Superior Court.*[51]

Further, a defendant should have the option of having the case tranferred to a night court. As with traffic citations, many defendants in small claims cases do not contest the plaintiff's claim because it is too inconvenient. A defendant should not have to chose between losing pay or even jeopardizing his job and allowing the plaintiff to take a default judgment.

Finally, some sort of guidance should be provided to a defendant in preparing his case. It has been suggested that "Failure to provide defendants with any legal advice only tips the scales more dramatically in the plaintiffs favor."[52] Although not the equivalent of legal counsel, a useful alternative might be a requirement that a pamphlet be given to the defendant when he is served with the Small Claims Court complaint. Such pamphlet should include as much information as possible to aid the defendant in preparing and defending his case. For example, an explanation of Small Claims Court procedure, common defenses to contracts, places where free or low cost legal counseling might be available and appeal procedures. Another possibility is some sort of para-legal help for the defendant furnished at the direction of the court. A full-time paid employee, or where available, volunteer second and third year law students could perform this function.

Perhaps the reform has finally begun. As stated above, the *Brooks* case is a significant step in reforming the small claim procedure. Although there have been many statutory changes since the Small Claims Court was established in 1921, the *Brooks* decision will force the first major change in the defendant's favor. However, it is the author's belief that the real value of this decision is the court's public policy argument. The highest authority in California has now officially recognized that the small claims procedure has developed into a system which is fundamentally unfair to the individual defendant. Although not the deciding issue in

50. *See supra* note 10, at 386, 173 P.2d at 42, 167 A.L.R. at 826.
51. Community National Bank v. Superior Court, 242 Cal. App. 2d 770, 51 Cal. Rptr. 782 (1966).
52. *Small Claims Courts and the Poor*, 42 S. CAL L. REV. 502 (1968).

Brooks, the public policy argument will very likely be followed in future cases.

An example of an area where the public policy argument could be used is an appeal of that part of the California Code of Civil Procedure Section 117g, which prevents an attorney from taking part in Small Claims Court cases. The California Supreme Court in *Brooks* recognized that this rule "seems to work to the parties disadvantage" in some instances.[53] From this language and the general public policy discussion, the California Supreme Court may now be willing to again consider the constitutionality of this statute.

In conclusion, it is the legal community which must reform the Small Claims Courts. Although this a court is of little interest to most judges and of no interest to most attorneys, let us act now before we once again hear the cry that something must be devised "by which everyone, however lowly and however poor, however unable by his means to employ a lawyer and pay court costs, shall be furnished the opportunity to set the fixed machinery of justice going".[54]

CHARLES T. EYE

53. *See supra* note 5, at 669, 504 P.2d at 1255, 105 Cal. Rptr. at 791.
54. *See supra* note 6, at 275.

APPENDIX A

Statistical Data from Small Claims Cases filed during 1971 in the Pomona Municipal Court

Table I

Plaintiffs Using the Court

Type of Plaintiff	Number of Claims	Per cent of all Claims
Business*	1379	63.1
Private Parties	742	33.9
Government Agencies	66	3.0
Total	2187	100.0

*Included in this category are 451 claims (20.6 per cent of all claims) filed by finance companies.

Table II

Court Action on Claim

Court Action	Number of Claims	Per cent of all Claims
Not brought to trial**	979	44.8
Contested by both parties	606	27.7
Default judgment	602	27.5
Total	2187	100.0

**Of the 451 claims filed by finance companies, 246 (54.5 per cent) were not brought to trial.

Table III

Defendants in Cases Decided by Judge

Type of Defendant	Number of Claims	Per cent of all Claims
Private Parties	998	82.6
Business or Govt. Agency	210	17.4
Total	1208	100.0

Table IV

Outcome: by Type of Court Action

	Number of Claims	Judgment for Plaintiff	Percentage for Plaintiff
Contested case	606	429	70.8
Default judgment	602	590	98.0
Contested and Default	1208	1019	84.4

Table V

Outcome: by Type of Plaintiff and Defendant

Plaintiff	Defendant	Number of Claims	Judgment for Plaintiff	Percentage for Plaintiff
Business or Govt. Agency	Private Party	646	599	92.7
Business or Govt. Agency	Business or Govt. Agency	65	54	83.1
Private Party	Business or Govt. Agency	145	95	65.5
Private Party	Private Party	352	271	77.0

Table VI

Defaults: by Type of Plaintiff and Defendant

Plaintiff	Defendant	Number of Claims	Number of Defaults	Percentage of Defaults
Business or Govt. Agency	Private Party	646	434	67.2
Business or Govt. Agency	Business or Govt. Agency	65	35	53.8
Private Party	Business or Govt. Agency	145	32	22.1
Private Party	Private Party	352	101	28.7

Table VII
Outcome: Contested Cases

Plaintiff	Defendant	Number of Cases	Judgment for Plaintiff	Percentage for Plaintiff
Business or Govt. Agency	Private Party	212	173	81.6
Business or Govt. Agency	Business or Govt. Agency	30	19	63.3
Private Party	Business or Govt. Agency	113	64	56.6
Private Party	Private Party	251	173	68.9

Table VIII
Amount of Judgment: by Individual Judge
(In order of percentage for Plaintiff)

Judge	Amount Claimed	Amount of Judgment	Percentage
A	1,963.02	1,936.52	98.7
B	23,997.05	23,044.86	96.0
C	38,294.20	35,944.02	93.9
D	8,322.18	7,651.65	91.9
E	42,853.64	39,067.63	91.2
F	6,398.05	5,794.23	90.6
G	52,023.21	46,645.91	89.7
H	1,468.99	1,181.08	80.4
Total	175,320.34	161,265.90	92.0

Table IX
Outcome: by Individual Judge
(In order of percentage for Plaintiff)

Judge	Number of Cases	Judgment for Plaintiff	Percentage for plaintiff
A	12	12	100.0
C	255	224	87.8
B	151	132	87.4
D	556	47	83.9
G	356	297	83.4
E	314	258	82.2
H	11	9	81.8
F	51	38	74.5
Total	1208*	1019	84.4

*Included in this total are two cases decided by judges not shown in this table.

Table X
Most Common Plaintiffs

Plaintiff	Cases decided by Judge
Maggi's	46
Beneficial Finance Company	40
Sears Roebuck	35
County of Los Angeles	24
Atlantic Finance Company	23
Local Loan Company	22
Creditway of America	16
G. F. C. (Finance Company)	16
Ideal Loan Company	16
Dial Finance Company	15
First Thrift (Finance Company)	13
Driftwood Dairy	12
Harris & Frank	11
S. I. C. Finance Company	11
Barry's Jewelers	10
Hartfield-Zody's	10
University Lincoln-Mercury	10
State of California	9
Tate Motor Company	9
Avco Finance Company	8
Jahant General Tire Service	8
McMahon Furniture Company	8
Public Finance Company	8
City of La Verne	7
Firestone Stores	7
Household Finance Company	7
Total	401

Note: The above twenty-six plaintiffs were involved in 33.2 per cent of all judgments. Of the 401 cases plaintiffs won 387 (96.5 per cent).

APPENDIX B

Population and Socio-Economic Facts of the Pomona Judicial District

Population: In 1967 the total population was 138,201 persons. School enrollment in 1971 showed the following distribution:

59.78 per cent were white, 20.96 per cent were black, 18.25 per cent were Mexican-American, and 1.01 per cent were other. The Pomona Valley had a large number of senior citizens, 9 per cent over 65 years of age compared to 7 per cent nationally. The valley also had the largest concentration of black population between Pasadena and San Bernardino. According to a 1969 study, the median age was 25 years, with 56 per cent under 30 years. An unusually large percentage of heads of households were female, 23 per cent of the total. Three areas were predominately black, a large area was predominately Mexican-American, while another was predominately low-income white, several were middle income, and a few were very high income.

Employment: The city unemployment was a low 3.13 per cent in 1969. However, certain tracts were significantly higher (i.e. #4 was 7.68 per cent, #9 was 4.14 per cent, #16 was 6.33 per cent). Some areas within tracts ran as high as 16.45 per cent.

The workers were basically commuters. Those who drove more than ten miles comprised 61 per cent of the work force, with 38 per cent driving over fifteen miles.

Income: A large percentage of the population were living on a modest income, 32.6 per cent under $5,000. per year, and 19.6 per cent under $3,000. Another large percentage had a very good income 39.7 per cent over $10,000 per year. Only 27.7 per cent were in the $5,000. to $10,000. income range. This presents a rather novel situation. Whereas a normal income distribution would have a few persons in the low income range and a few in the high income range with the bulk in the middle income range, the Pomona distribution had a large percentage in both low and high income range with only a few in the middle range.

Housing: Home owners were shown to be 53 per cent of the total family population, with 39 per cent renting and the remainder either living in mobile homes or with other families.

The above statistics indicate that the Pomona Valley has a large number of poor citizens. These are comprised of retired senior citizens, minority races and low income whites. In the same judicial district are also a great many middle income and wealthy citizens. Although the total population is quite large, the Valley is made up of several small to medium towns. For this reason it would generally be more correct to classify the judicial district as a small to medium town as opposed to either urban or rural.

Because the Pomona Valley is essentially composed of several small towns with a high percentage of poor citizens, who often become "poor defendants" in small claims court, this district is thought to provide a good sample base for such a study.

The sources of the above information were:

"Economic Data Bank of the Pomona Valley" by Gerry Findley and Associates.

"A Look at Pomona 1969", Published by the Administrative Office, City of Pomona.