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(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

1999-00

(session year)

Assembly

(Assembly, Senate or Joint)

**Committee on ... Judiciary and Personal Privacy
(AC-JPP)**

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Mike Barman (LRB) (May/2012)

Assembly

Record of Committee Proceedings

Committee on Judiciary and Personal Privacy

Assembly Bill 616

Relating to: the maximum dollar amount for small claims actions and for claims against the state that may be paid by the claims board without legislative approval.

By Representatives Albers, Ryba, Meyerhofer, Ainsworth, Goetsch, Hasenohrl, Sykora and Hahn; cosponsored by Senators Schultz, Lazich and Rosenzweig.

December 1, 1999 Referred to committee on Judiciary and Personal Privacy.

January 18, 2000 **PUBLIC HEARING HELD**

Present: (9) Representatives Huebsch, Gundrum, Walker, Suder, Grothman, Sherman, Colon, Hebl and Staskunas.

Excused: (0) None.

Appearances for

- Rep. Sheryl Albers, 50th Assembly District

Appearances against

- None.

Appearances for Information Only

- None.

Registrations for

- Cory Mason, State Bar of Wisconsin, Litigation Section
- J. Denis Moran, Director of State Courts

Registrations against

- Louis Mestre, Legal Action of Wisconsin
- Kathryn Kuhn, Milwaukee County
- Eric Englund, WI Insurance Alliance
- Chief Judge Michal Skwierawski, First Judicial District, Milwaukee

March 1, 2000 **EXECUTIVE SESSION**

Present: (9) Representatives Huebsch, Gundrum, Walker, Suder, Grothman, Sherman, Colon, Hebl and Staskunas.

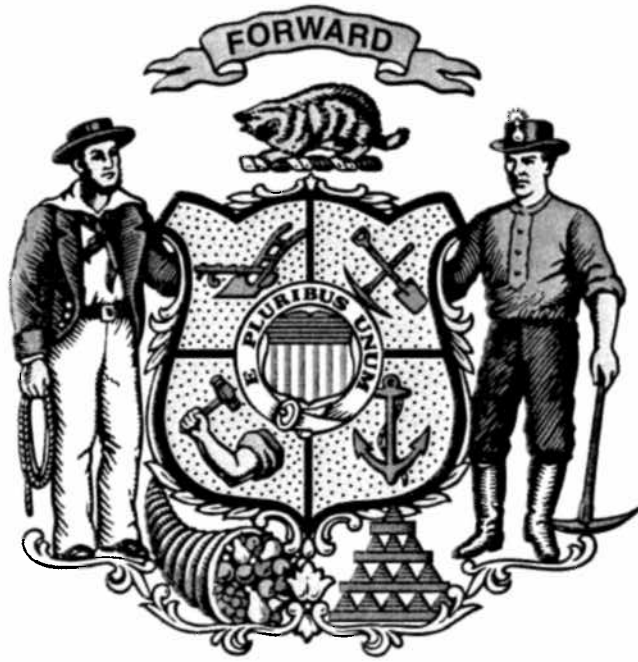
Excused: (0) None.

March 30, 2000

Failed to pass pursuant to Senate Joint Resolution 1.

A handwritten signature in black ink, appearing to read "Robert Delaporte", is written over a horizontal line.

Robert Delaporte
Committee Clerk



Testimony of Representative Sheryl K. Albers on 1999 Assembly Bill 616
Assembly Committee on Judiciary and Personal Privacy
January 18, 2000

Thank you Mr. Chairman for the opportunity to testify today on behalf of my bill, Assembly Bill 616. This straightforward piece of legislation increases the dollar amount of small claims actions from \$5,000 to \$8,000. I encourage the committee to support the bill for the following 3 reasons:

- 1) **AB 616 increases access** to many individuals who may not otherwise seek a judicial remedy to their conflict with another party. Legal fees in a claims action involving something more than \$5,000 can create a significant barrier to those seeking relief – especially those seeking the return of personal property and not a cash judgment. I believe too many individuals likely find the legal system simply inaccessible. My bill allows more cases to come before a court without much of the legal wrangling that takes place where attorneys and the rules of evidence operate.
- 2) **AB 616 allows the Claims Board to resolve more claims** that would otherwise need to go through the legislative process. Currently, the Claims Board – on which I serve as the Assembly's representative – can generally resolve a claim against the state up to the maximum amount allowable under small claims actions. However, the board often receives claims that fall above the \$5,000 limit allowed under small claims actions. Because of this, some claims that the board deems appropriate for resolution must go to the full legislature. The legislature is swamped every biennium with thousands of pieces of legislation. Putting legitimate claims between \$5,000 to \$8,000 through the legislative process wastes valuable legislative time and undermines one of the primary goals of the Claims Board – resolution of small, but legitimate, claims against the state without full legislative review.
- 3) **AB 616 accounts for changes to our economy.** Even though the amount allowed in a claims actions increased in the 1990's to \$5,000, a limit of \$8,000 more appropriately reflects the current economic atmosphere in Wisconsin. Let's face it – \$5,000 doesn't buy much in 2000, and a conflict between two individuals can easily exceed that amount. As an example, two roommates who experience a falling out could find themselves arguing over a living room furniture set that exceeds \$5,000. Other examples include two friends who purchase a used car valued over \$5,000 and subsequently want to resolve a conflict over usage, or an unfortunate engagement breakup where the ring is valued at more than \$5,000.

I would note that I am a cosponsor of AB 620, introduced by Representative Montgomery. His bill, which was also referred to this committee, addresses a number legal of issues, to include small claims actions. My bill only addresses the small claims limit, and provides a lower maximum amount than AB 620's \$10,000 limit. While I support Representative Montgomery's bill, I understand that this committee may find the \$8,000 limitation I provide more appropriate at this point.

I would also like to note that the legislative committee of the Judicial Conference will register their support for my legislation today, and I appreciate their recognition of this challenge facing both our legal system and the legislature's Claims Board.

Again, thank you Mr. Chairman and committee members for the opportunity to testify. I will be happy to answer any questions the committee may have. Thank you.





**STATE BAR
of WISCONSIN**

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MEMORANDUM

To: Assembly Judiciary Committee Members
From: Atty. Jim Fergal, Litigation Section Chair
Date: January 18, 2000
Re: AB616—Small Claims Caps

Although the Litigation Section has taken no formal position on AB616, the Section generally believes that an increase in the small claims cap is good public policy. In fact, we are concerned that the AB616 does not go far enough.

The Litigation Section has taken a position in favor SB240, which would raise the small claims caps incrementally by \$5000 every four years until the caps reach \$20,000. In comparison, AB616 raises the cap to \$8000.

The Section feels that raising the small claims caps would save the courts money by allowing items such as automobiles to be negotiated in small claims court with out all the expense involved in large claim suits. Most automobiles could not be negotiated with a cap of \$8000.

Such public policy would also reduce the number of cases that actually go to trial. Small claim actions are more likely to be resolved out of court than large claims actions. This would result in cost savings for the court as well.

If you would like any additional information on the Litigation Section's position on small claims caps, do not hesitate to call me, Jim Fergal at 414/271-090; or Cory Mason, Government Relations Coordinator for the State Bar of Wisconsin at 1/800-444-9404 x6128, email at 'cmason@wisbar.org'

