

WISCONSIN STATE
LEGISLATURE
COMMITTEE HEARING
RECORDS

2007-08

(session year)

Assembly

(Assembly, Senate or Joint)

**Committee on
Corrections and
Courts
(AC-CC)**

(Form Updated: 07/24/2009)

COMMITTEE NOTICES ...

➤ Committee Reports ... CR
**

➤ Executive Sessions ... ES
**

➤ Public Hearings ... PH
**

➤ Record of Comm. Proceedings ... RCP
**

**INFORMATION COLLECTED BY COMMITTEE
FOR AND AGAINST PROPOSAL ...**

➤ Appointments ... Appt
**

Name:

➤ Clearinghouse Rules ... CRule
**

➤ Hearing Records ... HR (bills and resolutions)
** **07hr_ab0579_AC-CC_pt01**

➤ Miscellaneous ... Misc
**

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STATE OF WISCONSIN
FIRST JUDICIAL DISTRICT

MILWAUKEE COUNTY COURTHOUSE
901 NORTH NINTH STREET, ROOM 609
MILWAUKEE, WISCONSIN 53233-1425

TELEPHONE (414) 278-5112
FAX (414) 223-1264



February 5, 2008

The Honorable Garey Bies
Chair, Assembly Committee on
Corrections and the Courts
Room 125 West, State Capitol
P.O. Box 8952
Madison, WI 53708

Re: Assembly Bill 579

Dear Representative Bies:

I wish, once again, to express my opposition to draft amendments that would increase the jurisdictional limit for small claims actions because it will:

- increase the workload and expense to the county
- result in a loss of revenue to the state and county; and,
- negatively impact pro se litigants.

As we enter the 2008 budget negotiations in Milwaukee County, our financial future is uncertain. No matter what our budget, I would oppose this bill for the above reasons.

Background on Milwaukee's Small Claims Court

Due to the extraordinary high volume of cases, the Milwaukee County small claims court is divided into two operations. In a large room there are four judicial court commissioners with small separate hearing rooms, two deputy court clerks and one bailiff. They handle all of the initial return dates on the evictions, replevins, garnishments and money judgment claims under \$5,000.00. They also handle all of the contested first hearings. Wisconsin Statutes, 757.68 (5m), mandates that in counties over 500,000 population (Milwaukee County), the County Board shall establish at least one circuit court commissioner position on a fulltime basis to assist in small claims matters.

The second part of our operation is a court with a judge, a clerk and a bailiff. This judge court handles all of the appeals from the court commissioners, the eviction hearings, the garnishment hearings, the motions to reopen, the contempt hearings and the actual trials. Law students from Marquette University Law School also staff a voluntary mediation clinic on Mondays.

The State pays the salaries of the judges, court reporters and a court support contribution. The County pays for everything else, by state statute. The court commissioners, deputy court clerks and bailiffs in Small Claims Court are all paid for by the County.

Milwaukee County's Extraordinary Small Claims Case Volume For 2006, the volume of small claims **disposed of** in the Milwaukee County Court System was **46,563**. This represents **10.7% more cases than the year before**. I'm also pleased to inform you that we run a highly efficient, top quality court. But it takes all four court commissioners and one judge as well as the clerks and bailiffs to do it.

The most common categories of small claims cases are: 1) claims for money judgments under \$5,000.00, 2) evictions, 3) replevins and 4) garnishments. Most of the 2004 small claims cases, (23,197), were claims for money judgments under \$5,000.00, which is the category of small claims cases most affected by the proposed legislation. Claims under \$5,000.00 are typically the cases that go to a full trial. Evictions were the second highest number (11,645) and they require a great deal of judicial and court time.

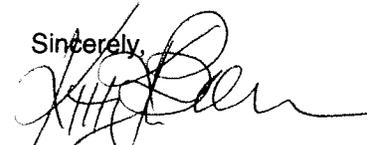
Increased workload and cost to the County: If the draft legislation were to become law, the Milwaukee Small Claims Court will have an increased workload that it cannot handle. Although we cannot say with certainty how many cases there will be in this dollar range whether the increased caseload is 500 or 5,000 or 15,000, we'd need more staff to process them in the Small Claims division. We're at maximum use of staff now. The cost to Milwaukee County for the additional staff is more than the County can bear. We simply cannot just shift staff from the Large Claims Civil Courts where the \$5,000.00 – \$10,000.00 cases are now because we will still need the staff there.

In addition, the \$5,000.00 to \$10,000 dollar cases have the potential to be more complex, and therefore, time-consuming. The party suing for the higher amounts will have to put in additional proof at trial for the additional claims. This requires more court time.

Loss of Revenue: If the draft legislation were to become law, there would also be a corresponding loss in revenue. There is a **\$170 difference in filing fees between large and small claims cases**. Small Claims filing now costs \$89. Large Claims, which now includes the \$5,000.00 - \$10,000 cases now costs \$259.00. The lost revenue hurts both the state and the county because a portion goes to each. The Director of State Courts has estimated the lost revenue to the state at \$1.6 million in revenues and the loss to the counties at \$220,000.

Impact on the Public/ People's Court: Finally, the increased Small Claims workload and resultant slowdown of cases would adversely affect the pro se citizens who use our Small Claims Court. Milwaukee County has a large population at or below the poverty level. The draft legislation would certainly make the entire small claims process more complicated for pro se litigants which translates to more frequent contacts with court staff and a general slowing of the process.

Sincerely,

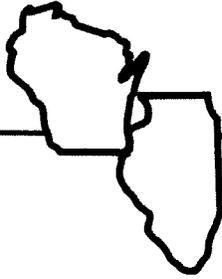


Hon. Kitty K. Brennan
Chief Judge District 1

cc: Members, Assembly Committee Corrections and the Courts
Legislative Committee, Wisconsin Judicial Conference
Chief Judges of Wisconsin
District 1 Judges
Members of the Milwaukee County Board of Supervisors



MIDWEST



EQUIPMENT DEALERS ASSOCIATION

13 Odana Court • Madison, Wisconsin 53719 • 608-276-6700 • Fax 608-276-6719

Mailing Address: P.O. Box 44364 • Madison, Wisconsin 53744-4364

MEMORANDUM

TO: Assembly Committee on Corrections and Courts

FROM: Gary L. Antoniewicz

DATE: February 12, 2008

RE: Support for Assembly Bill 579 Raising Small Claims Jurisdictional Amounts

Dear Chairman Bies and Members of the Committee:

I am appearing as legal counsel for the Midwest Equipment Dealers Association ("MEDA"), a trade association comprised of farm, construction, industrial and outdoor power equipment dealers throughout Wisconsin. MEDA supports AB 579 and urges its passage by the legislature.

AB 579 is a very simple and much needed bill. The bill simply raises the general small claims jurisdictional amount from \$5,000 to \$10,000. The bill is much needed because the present \$5,000 amount is out of date and deprives many small businesses and individuals of access to the judicial system for amounts due them.

Under current law, claims over \$5,000 must be brought in circuit court. Corporations and LLCs, even small family businesses, are not permitted to appear in circuit court without an attorney. Even if they could appear, complicated rules and procedures preclude most individuals from effectively using circuit court. Small claims court simplifies procedures and allows people to be heard and have their cases decided at less expense and without having to incur high legal fees.

The small claims jurisdictional amount, however, has been frozen at \$5,000 since October 1995. It is just simply too low and often deprives individuals and businesses their day in court. If someone owes a business \$6,000, there are few attorneys interested in taking the claim to circuit court. Attorney fees would eat up the amount of the claim. To avoid this, litigants must drop the claim to \$5,000 to get into the small claims system. They can lose several thousand before even filing a claim. Persons with legitimate claims should have access to the courts for the amount of their claims.

*Serving Farm, Industrial, Dairy, Farmstead Mechanization,
and Outdoor Power Equipment Dealers throughout Illinois and Wisconsin*



AFFILIATE OF NORTH AMERICAN EQUIPMENT DEALERS ASSOCIATION

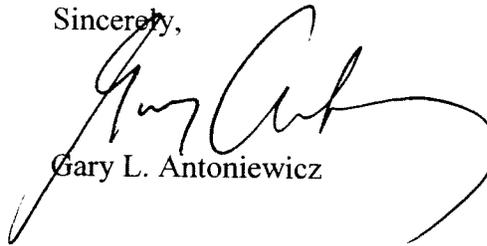


Assembly Committee on Corrections and Courts
Page 2

After twelve years, it is simply time to raise the small claims jurisdictional amount and make it more realistic.

MEDA urges your support of AB 579.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Antoniewicz", with a large, sweeping flourish extending to the right.

Gary L. Antoniewicz





CLERK OF CIRCUIT COURT
ADMINISTRATIVE SERVICES DIVISION

Milwaukee County

JOHN BARRETT • Clerk of Circuit Court/Register in Probate

February 12, 2008

The Honorable Garey Bies
Chair, Assembly Committee on
Corrections and the Courts
Room 125 West, State Capitol
P.O. Box 8952
Madison, WI 53708

Re: Assembly Bill 579

Dear Representative Bies:

I am writing to express my opposition to AB 579 as drafted. Milwaukee County Chief Judge Kitty Brennan recently submitted a letter in opposition to AB 579 and I share her opinion of this bill.

I would like to provide some additional information, numbers and comments to supplement the Chief Judge's letter. Milwaukee County has 47 elected circuit court judges and 22 court commissioners. The salaries of the judges are paid by the State, while the salaries of the court commissioners are on the property tax levy. In many cases, Milwaukee County has stepped up to the plate to provide these commissioner positions to help better manage the Court's voluminous caseload.

Milwaukee County property taxpayers are already committed to paying over \$1,000,000 to facilitate the operations of the County's Small Claims Court (2008 Adopted Budget). Passage of AB 579 would move a number of cases in the \$5,000 to \$10,000 range from Large Claims into Small Claims. In order to maintain an expeditious Small Claims Court, an additional court commissioner would be needed to hear these cases. The average cost of a commissioner, including fringe benefits, is \$170,000. These additional costs would be borne by the property taxpayer, not the State.

- Total case filings in Milwaukee's Small Claims Court represent a tremendous number of cases already:

	2003	2004	2005	2006	2007
Money Judgments	19,508	23,197	26,287	29,757	31,714
Replevins	5,591	6,097	5,544	5,897	4,661
Evictions	11,079	10,898	11,181	11,756	11,844
Garnishment	189	187	173	789	184
Others	0	0	10	14	5
Total	36,367	40,379	43,095	47,613	48,408

The Honorable Garey Bies

Page 2

February 12, 2008

- Creating or allocating additional resources to small claims matters will be difficult and expensive. Over the past five years, the amount of resources devoted to small claims matters has been pushed to the limit, especially in light of the fact that the workload for the rest of the case types has remained constant or also increased. Mortgage foreclosures are a prime example of that. There were 5684 foreclosures filed in Milwaukee County in 2007.

The small claims court is staffed by 4 judicial court commissioners, (one of which is mandated by State Statutes), 2 deputy court clerks and a sheriff's deputy who acts as a bailiff. Behind the scenes, support staff includes, but is not limited to, cashiers, clerical assistants and office support assistants. **All of these positions are paid for by the county taxpayers.**

- Volunteers help mediate cases on Mondays. The court system has a lawyer on staff to recruit, train and coordinate volunteers to operate a self help center that assists self-represented litigants with forms and procedures. The increased number and complexity of small claims cases created by the higher jurisdictional limit will strain our ability to provide adequate assistance in these areas.
- Adding additional cases to the small claims court condenses the time that the court commissioner and staff can devote to working with the individual parties to facilitate settlement negotiations or hear contested matters in a timely manner.

This is not the time to make such a dramatic change to the small claims court.

Sincerely,



John Barrett
Clerk of Circuit Court/
Director of Court Services

smg

cc: Milwaukee County Board Chairman Lee Holloway
Milwaukee County Chief Judge Kitty Brennan
Assembly Committee on Corrections and Courts
Director of State Courts A. John Voelker





CLERK OF CIRCUIT COURT
ADMINISTRATIVE SERVICES DIVISION

Milwaukee County

JOHN BARRETT • Clerk of Circuit Court/Register in Probate

February 12, 2008

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Chair, Assembly Committee on
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Room 125 West, State Capitol
P.O. Box 8952
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Sincerely,



John Barrett
Clerk of Circuit Court/
Director of Court Services

smg

cc: Milwaukee County Board Chairman Lee Holloway
Milwaukee County Chief Judge Kitty Brennan
Assembly Committee on Corrections and Courts
Director of State Courts A. John Voelker





Supreme Court of Wisconsin

DIRECTOR OF STATE COURTS

P.O. BOX 1688

MADISON, WISCONSIN 53701-1688

Shirley S. Abrahamson
Chief Justice

16 East State Capitol
Telephone 608-266-6828
Fax 608-267-0980

A. John Voelker
Director of State Courts

Testimony
Of
A. John Voelker
Director of State Courts

in Opposition to

Assembly Bill 579

Assembly Committee on Corrections and Courts
Rep. Garey Bies, Chair
February 13, 2008

Thank you, Chairman Bies and members of the Committee. I am John Voelker, the Director of State Courts. I am appearing on behalf of the Legislative Committee of the Wisconsin Judicial Conference to express its opposition to Assembly Bill 579, which would increase the jurisdictional limit of small claims cases from \$5,000 to \$10,000. The Legislative Committee urges your committee to reject this bill. The Wisconsin Judicial Conference is composed of all appellate and circuit court judges in Wisconsin.

I also want to report the Committee of Chief Judges is also opposed to the increase in the small claims jurisdictional limit. The Chief Judges have discussed this proposal when it was introduced in past legislative session and unanimously voted to oppose the increase in the small claims jurisdictional limit. The Chief Judges believe this proposal would have a detrimental effect on the workload of the courts in their districts.

The Legislative Committee and the Chief Judges believe AB 579 would transfer a substantial burden that is presently borne by the state to the counties and would also result in less revenue for both the state and the counties. The fiscal estimate prepared by my office details the projected impact of this change.

As the fiscal estimate notes, there will be a revenue loss to both the state and the counties because of the differential between the filing fees paid for large civil claims, as opposed to the filing fees for small claims actions. If 20% of the current large civil claims are instead filed as small claims, the state would lose just under \$1.7 million in revenues and counties would lose nearly \$229,000. In addition to those losses, the Consolidated Court Automation Programs (CCAP), which provides case management and computer support to the circuit courts, would lose about \$37,000 in revenue. Those amounts would vary depending on the percentage of large civil claims that would now be filed in small claims court.

Court commissioners and staff of the clerk of courts, which are funded by the counties, primarily handle the small claims workload. This bill would increase that workload and resource commitment at the county level. The staff of the clerk of courts is the office most often confronted with requests to assist litigants who are self-represented. The contacts range from requests for forms to procedural questions on how to file or defend an action.

For these reasons, we urge you to retain the current jurisdictional limit on small claims cases by rejecting AB 579. I would be happy to answer any questions you may have. Thank you.





JOAN BALLWEG

PO Box 8952, State Capitol
Madison, Wisconsin 53708-8952
(608) 266-8077
Toll-free: (888) 534-0041
Rep.Ballweg@legis.wi.gov

WISCONSIN STATE REPRESENTATIVE

41ST ASSEMBLY DISTRICT

**AB 579: Small Claims Jurisdictional Limit
Testimony by State Representative Joan Ballweg
Before the Assembly Committee on
Corrections and Courts
February 13, 2008**

Thank you Chairman Bies and members of the Assembly Corrections and Courts Committee for hearing Assembly Bill 579, a bill to raise the jurisdictional limit in a small claims action to \$10,000.

I bring this bill to you representing myself and all small business owners as a cost effective tool to bring affected parties before an objective arbitrator to solve financial disputes. This can be individual to individual, business to business, business to customer, or even renter to landlord. So this change would be a benefit to small business owners, and private individuals alike.

The benefit of the Small Claims process is that of cost effectiveness. It is more expensive to file a civil claim in circuit court, and requires the assistance of an attorney in order to file. It is not the court fee that is prohibitive; it is the necessity for legal representation and the percentage of the award that an attorney would take in payment for settling a case.

The benefit of this bill is that it would allow greater access to the system by allowing a larger claim. I see the current \$5,000 ceiling as just too low.

In 1993, the limit increased from \$2,000 to \$4,000, and then the following session, a provision included in the budget increased the limit to \$5,000. The statutory provision has remained unchanged for the past twelve years, so inflation alone should warrant an increase in the jurisdictional limit. According to the inflation calculator, provided by the U.S. Department of Labor, Bureau of Labor Statistics, \$5,000 in 1994 is equivalent to \$6,995.34 in 2007.

As a small business owner I have taken, on average, five to ten cases a year to Small Claims. My business has operated for 31 years, which means I have taken 150 to 250 cases to court, in Green Lake and Dodge Counties. There have been times when I have had balances owed that ran over the cap, and I had three options in filing a case:

- One, hire an attorney and file in Circuit Court.
- Two, file at the limit and forego the balance above the cap.
- Three, split up the debtor's balance, if possible and file two Small Claims cases.

I have done all of the above, depending on the circumstances.

For example a small business owner is owed \$7,000 by a client that has not satisfied his debt. The expense of filing a large civil case and hiring an attorney makes it cost prohibitive to pursue the matter in circuit court. Recovering \$5,000 for a small business owner is better than having to write off the full \$7,000 in accounts receivable or receive less than \$5,000 after

paying attorney fees which are usually done on a percentage or time and material basis. The answer is to file in small claims, so the loss and costs are limited. Justice is not being served because the creditor is not made whole by the remedy.

The other case in which a debt could be divided into two cases means double the filing fees, and then both cases have to be handled by the creditor, debtor and the court.

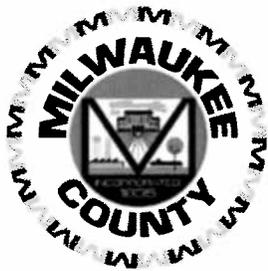
Receiving a judgment in a Small Claims case does not guarantee the plaintiff will recover any money. Although, it is true that the filing, of these cases, brings the two parties together, starts them talking and in most instances, helps them reach some agreement on the bill and terms that result in payment of the debt without further enforcement action.

Small Claims Court is a reasonable, cost effective, and fair way for small businesses to deal with past due accounts, private individuals to have some power over business, and for individuals to settle small disputes. Statewide statistics show 50% of small claims cases are either closed before the initial court date or, are settled after an initial appearance. Milwaukee County statistics show that over 75% of cases are settled short of trials.

I suggest that it is only right to allow greater access to “The People’s Court”, for both businesses and individuals.

I ask you to support AB 579. Thanks you for your time and attention.





Milwaukee County

County Executive Scott Walker

Board Chairman Lee Holloway

MEMORANDUM

TO: REPRESENTATIVE GAREY BIES, CHAIR ASSEMBLY COMMITTEE ON CORRECTIONS AND COURTS

FROM: MILWAUKEE COUNTY EXECUTIVE SCOTT WALKER AND MILWAUKEE COUNTY BOARD
CHAIRMAN LEE HOLLOWAY

SUBJECT: ASSEMBLY BILL 579, RELATING TO INCREASING THE SMALL CLAIMS JURISDICTIONAL AMOUNT

DATE: WEDNESDAY, FEBRUARY 13, 2008

CC: ASSEMBLY COMMITTEE ON CORRECTIONS AND COURTS, MEMBERS

Today, the Office of the Milwaukee County Clerk of Court will be appearing before you to testify against Assembly Bill 579. Milwaukee County Chief Judge Kitty Brennan has already submitted her detailed opposition to this legislation in a February 5, 2008, correspondence to the Assembly Committee on Corrections and Courts. We join the Milwaukee County Courts in voicing our opposition to Assembly Bill 579, which proposes doubling the small claims jurisdictional threshold from \$5,000 to \$10,000.

Milwaukee County property taxpayers already shoulder too much of the financial responsibility of financing the State Court System. State funding for the Circuit Court Support Program has not increased since 1999-2000. From Calendar Year 1999 to CY 2008, Milwaukee County property tax levy support for the State Circuit Court System has increased by 58% from \$23.2 million to \$36.7 million. To relieve property taxpayers of this inequitable burden, Milwaukee County fully supported the efforts of the Director of State Courts and Governor Jim Doyle to secure increased payments of \$19 million to counties over the biennium for Circuit Courts in the 2007-09 State Budget. Unfortunately, the State Legislature did not adopt this deserving initiative, which was one of the priority recommendations of the Governor's Task Force on Milwaukee County Finances.

Adoption of Assembly Bill 579 will move those cases ranging from \$5,000 to \$10,000 into the people's court, exacerbating an already overburdened court system that continues to receive insufficient State support. Therefore, we ask that you reject Assembly Bill 579, and, instead, partner with Wisconsin counties to improve court functions.





INCREASE ESSENTIAL FOR SMALL CLAIMS LIMIT

February 13, 2008

FOR: THE ASSEMBLY COMMITTEE ON CORRECTIONS & COURTS

Justice should not be denied. It is the cornerstone of American life. Regrettably, justice is denied daily in Wisconsin when citizens including small business owners are unable to have their day in court. AB 579 solves that problem.

A significant increase in the small claims court jurisdictional limit will provide a significant increase in justice on Main Street in Wisconsin. WIB is grateful to Chairman Bies for scheduling today's hearing. We especially want to thank Representative Joan Ballweg for her tireless efforts to keep this issue alive. Assembly Bill 579 is important small business legislation and Wisconsin Independent Businesses urges its passage by the legislature.

If your business is owed between \$5001 and \$10,000 you are likely to find justice denied in most Wisconsin counties. The amount is too large for small claims court and too small to make it practical for an attorney to file a circuit court lawsuit. The business can reduce the claim to \$5000 and forfeit the additional money owed. The business also can give up trying to collect the money that is owed. Neither of those options is desirable. Neither option provides justice. Raising the small claims court jurisdictional limit to \$10,000 will make it much easier for a small business to pursue significant sums of money rightfully owed to the business.

WIB recognizes the legitimate issues raised by Wisconsin counties who oppose this legislation. The opposition has left them in the uncomfortable position of both working within the judicial system while advocating the denial of justice to some state citizens. WIB is renewing our offer to work with anyone who wants to find a solution to the court funding crisis. It is certainly in the best interests of justice that we begin to work toward a solution immediately. Ultimately-- sooner rather than later -- the pressure to raise the small claims court limit will be so great that an increase will be inevitable. The counties and others concerned with justice will be best served if we solve the funding crisis now!

WIB has 30+ years of experience working closely with individual members filing small claims court cases. We provide them with information and assistance. Justice should not be delayed or denied because budgets are too tight or judges and court commissioners are too busy. The people of Wisconsin expect our court system to dispense justice. We believe that this significant increase in the small claims court jurisdictional limit will provide a significant increase in justice for small Wisconsin businesses who deserve justice. Raising the small claims court jurisdictional limit is the right thing to do. WIB urges the committees to support this important legislation.





February 13, 2008

TO: Rep. Garey Bies, Chair
Members of the Assembly Committee on Courts & Corrections

FR: Dave Krahn
Legislative Policy Advisor

RE: **AB 579 - Increasing the Jurisdictional Amount in Small Claims Court**

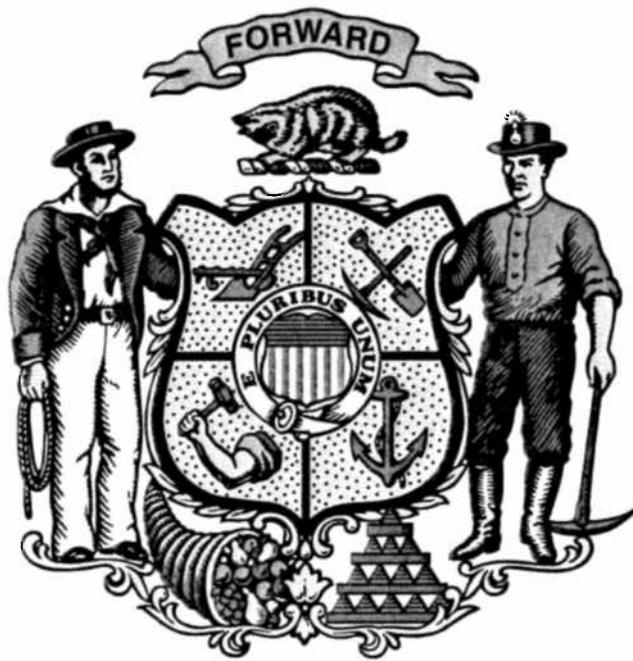
Waukesha County urges you to oppose AB 579 which proposes an increase in the Small Claims jurisdictional limit. Please consider the following points:

- The creation of a separate category for negligence claims has no basis and will be a nightmare for the clerks and the courts to administer.
- Keeping the filing fees at the large claim level for cases between \$5,000 and \$10,000, may be a way to reduce the loss of filing fee revenue, but does nothing to assist the counties with the tremendous increase in time and costs they will incur by applying small claims rules to what are still large claims cases.
- So long as the right to de novo review of decisions made by court commissioners exists, litigants and attorneys will be allowed to try their cases with the commissioner as a "discovery" tool and then retry the case with the Circuit Court for free. The potential for that abuse exists now, but is rarely used at the \$5,000 limit. For \$10,000, it will become commonplace.
- In many counties, small claims cases are handled by court commissioners. A transfer of caseload from state-funded judges to county-funded court commissioners is a direct shift in cost from the state to the counties.
- This bill will also increase the workload in county-funded clerks of court offices in two ways – in counties without court commissioners, the clerks handle the initial return dates in small claims actions. Because attorneys are generally not utilized in small claims action, increased pressure will be placed on Clerks of courts staff to provide assistance to pro se litigants.
- AB 680 flies in the face of the referendum results where residents of this state sent a clear message in April that the property tax is not the appropriate funding source for state court operational costs.

Many of the Clerk of Court offices across the state are experiencing tremendous stress from budget cuts that translate to reductions in staffing. Our efforts to streamline and become more efficient will be negatively impacted by the workload increase that will result from this legislation.

Your thoughtful consideration of our position is appreciated.

Thank you.





22 EAST MIFFLIN STREET, SUITE 900
MADISON, WI 53703
TOLL FREE 1.866.404.2700
PHONE: 608.663.7188
FAX: 608.663.7189
www.wicounties.org

MEMORANDUM

TO: Members of the Assembly Committee on Corrections and the Courts

FROM: John Reinemann, Legislative Director 

DATE: February 13, 2008

SUBJECT: Opposition to Assembly Bill 579

The Wisconsin Counties Association (WCA) strongly opposes Assembly Bill 579, which increases the jurisdictional limit in small claims actions from \$5,000 to \$10,000.

Fiscally, this bill represents a double-whammy for county government: a decrease in revenue and an increase in expenditures.

The decrease in revenue: counties currently retain \$30 per large civil claim filed and \$10.20 per case in a small claims action. For each case that transfers from a large civil claim to a small claims action under the bill, counties will lose \$19.80 in revenues.

The increase in expenditures has two components: staff and other costs.

- Staff: in many counties, small claims cases are handled by court commissioners. A transfer of caseload from state-funded judges to county-funded court commissioners is a direct shift in costs from the state to the counties. The workload will also increase in the county-funded clerk of circuit courts offices as the clerks handle the initial return dates in small claims actions in counties without court commissioners. Counties may be forced to hire additional staff to handle the increased caseload.
- Other costs: along with increased staffing costs, counties will need to provide space and supply costs for the additional staff. With counties subjected to levy limits, we cannot transfer functions from a state responsibility to a county responsibility without state funding to cover the increased costs.

Finally, we note that additional small claims cases will result in more pro se litigants. This places additional pressure on the staffs of the clerks of circuit court offices to assist individuals in the filing of their case, walk them through the system, etc. The additional time costs money.

More

February 13, 2008

In April of 2005, 86% of the voters indicated that the state, not the county property taxpayers, ought to fund the costs of the state-mandated court system. Assembly Bill 579 runs counter to the message sent by the residents of this state that the property tax is not the appropriate funding source for state court operational costs.

Thank you for considering our comments.



(In alpha order):

Garey Bies, Chairman ✓
Assembly Committee on
Corrections & Courts
State Capitol Room 125 W
PO Box 8952
Madison WI 53708

M. Holasek
3747 E. Van Norman
Cudahy WI 53110

2-14-08

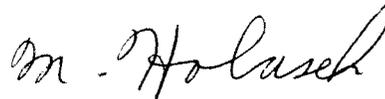
State Representative Christine Sinicki
State Capitol Room 321 W
PO Box 8953
Madison WI 53708

I write to support **AB 579**, to increase the current dollar limit of WI's small claims courts from \$5,000 to \$10,000 (a limit not increased since 2002), to help more consumers deal with issues quickly and less expensively.

WI and the USA face some possibly-tough years, with our blue-collar population expanding and our economy possibly contracting. ONE way to help withOUT further tapping our heavily-strained state & federal treasuries is to empower people of modest means to have more leeway in getting legal problems handled more simply and with less delay and cost, yet within the court system.

Via the many popular reality-TV COURTROOM programs filmed in small claims courts, more people are learning that simple legal problems need NOT turn into financially-exhausting epic struggles—IF lawmakers set prudent, more humane small-claims court standards.

Sincerely, M. Holasek



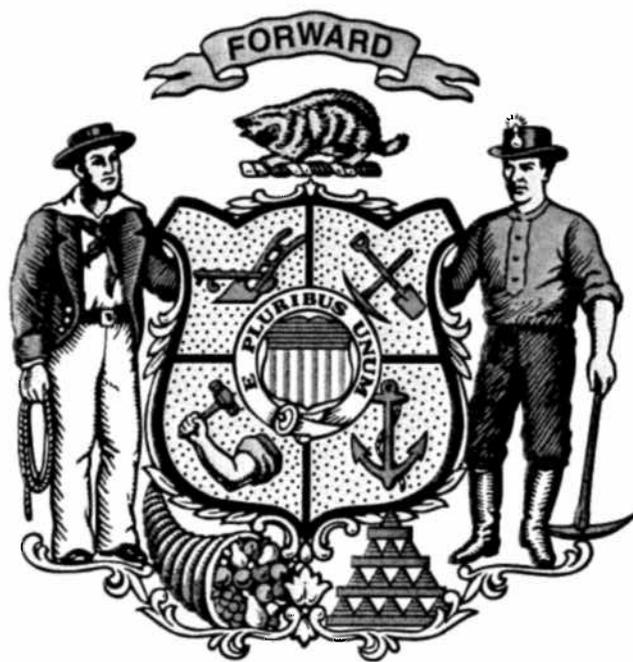
Michael Holbeck
3747 E. Van Norman Ave.
Cudahy, WI 53110-1120

"LET US DARE TO READ,
THINK, SPEAK,
John Adams,
powerofthepen.com
41USA

MILWAUKEE WI 532
15 FEB 2008 PM 8 L

Garey Bies, Chairman.
Assembly Committee on
Corrections & Courts
State Capitol Room 125 W
PO Box 8952
Madison WI 53708

53708+8952



February 21, 2008

Gary Beis
Wisconsin Assembly Committee and Courts Chairman

Please give more of our state's citizens the help they need to remedy wrongs covered by our small claims courts. The dollar limit of \$5,000 is too low for the needs of many who could find justice in the user-friendly small claims court without the expense and trepidation of the alternative.

Assembly Bill 579 provides for a \$10,000 limit. This is more in keeping with the needs of many and will allow more Wisconsin residents a comfortable and affordable venue for correcting wrongs against them.

This bill makes good sense. Please give a good review and support for Assembly Bill 579.

Wisconsin residents rely on you and thank you for the good work you do.

Thomas E Novak

Thomas E Novak
1227 N VanBuren St
Stoughton, WI 53589

608 873-3575



I have to get back to the office for a meeting. If I don't return by the time the hearing adjourns, I will just send Karl's testimony to you via e-mail.

Thanks.

~~Stephen~~

Found In
AB 579
Folder

No date



General Civil and Small Claims Filings in Select Courts

Alaska District Court

	1995	1996	1997*	1998	1999
Small Claims	9,717	10,367	11,469	10,757	10,936
General Civil	6,688	7,720	6,851	6,489	7,332

Note: Above data does not include cases filed in non-computerized courts as those filings are not reported by case type.

*small claims jurisdiction changed from \$5,000 to \$7,500

District of Columbia Superior Court

	1992	1993	1994*	1995	1996
Small Claims	39,074	31,647	29,927	40,094	39,045
General Civil	75,196	79,590	75,663	70,294	67,719

*small claims jurisdiction changed from \$2,000 to \$5,000

Florida County Court

	1994	1995	1996*	1997	1998	1999
Small Claims	130,816	128,855	133,951	176,146	178,245	180,353
General Civil	214,314	218,949	237,185	209,649	210,751	213,750

Note: CSP records indicate that the small claims jurisdiction limit changed in January 1997; thus I have included 1999 in order to maintain the 5-year trend.

*small claims jurisdiction changed from \$2,500 to \$5,000

New Hampshire District Court

	1995	1996	1997*	1998	1999
Small Claims	17,003	18,278	18,691	16,405	16,819
General Civil	10,163	11,108	12,064	11,519	12,050

*small claims jurisdiction changed from \$2,500 to \$5,000

North Dakota District Court

	1993	1994	1995*	1996	1997
Small Claims	NR	NR	6,300	6,525	6,912
General Civil	3,229	5,250	8,377	6,937	7,363

NR=data not reported

*small claims jurisdiction changed from \$3,000 to \$5,000

Oklahoma District Court

	1989	1990	1991*	1992	1993
Small Claims	68,920	83,207	65,723	69,740	69,930
General Civil	NR	NR	NR	NR	NR

NR=data not reported; general civil cases not reported by case type

*small claims jurisdiction changed from \$2,500 to \$4,000

Oregon Circuit Court

	1997	1998	1999*	2000	2001
Small Claims	NR	59,171	57,816	64,054	66,609
General Civil	15,860	53,226	54,598	55,729	55,472

NR=data not reported

*small claims jurisdiction changed from \$2,500 to \$4,000

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In AB5T9
Folder

General Civil and Small Claims Filings in Select Courts

South Dakota Circuit Court

	1994	1995	1996*	1997	1998
Small Claims	24,605	26,443	31,255	32,556	31,363
General Civil	NR	NR	NR	NR	NR

Note: Magistrate Court filings are included in the Circuit Court data.

NR=data not reported by case type

*small claims jurisdiction changed from \$4,000 to \$8,000

Texas Justice of the Peace Court

	1989	1990	1991*	1992	1993
Small Claims	72,815	73,988	66,614	68,133	63,408
General Civil	178,514	170,775	155,846	163,138	158,823

*small claims jurisdiction changed from \$2,500 to \$5,000

Utah District Court

	1990	1991	1992*	1993	1994
Small Claims	NR	NR	NR	NR	1,451
General Civil	4,867	4,879	4,803	4,106	7,204

Note: General civil filings include de novo appeals from the Justice Court.

NR=data not reported

*small claims jurisdiction changed from \$2,000 to \$5,000

Washington District Court

	1998	1999	2000*	2001	2002
Small Claims	25,724	23,914	23,606	24,296	25,886
General Civil	111,223	109,783	111,179	107,364	109,616

*small claims jurisdiction changed from \$2,500 to \$5,000

Wisconsin Circuit Court

	1992	1993	1994*	1995	1996
Small Claims	218,350	211,231	137,940	153,779	139,609
General Civil	35,083	33,322	29,325	26,957	22,122

*small claims jurisdiction changed from \$2,000 to \$4,000

General Civil and Small Claims Filings in Select Courts

General notes:

General civil = the combination of tort, contract, and real property cases

Data provided here were reported to the CSP by the states during the year in question. No attempt has been made to verify this data beyond the verification process that took place during the initial data collection period.

Georgia: The following courts have small claims and general civil jurisdiction but are not included above for the reasons listed:

Civil Court and Municipal Court: do not report data

State Court: does not report data by case type

Magistrate Court: does not report consistent data throughout the 5-year trend period

Oregon: Justice Court also has small claims and general civil jurisdiction, but data are not reported.

Pennsylvania: The following courts have small claims and general civil jurisdiction but are not included above for the reasons listed:

District Justice Court and Philadelphia Municipal Court: do not report data by case type

Texas: The following court has small claims and general civil jurisdiction, but is not included above for the reason listed:

County-level Court: does not report data by case type

Utah: The following court has small claims and general civil jurisdiction, but is not included above for the reason listed:

Justice Court: does not report data by case type