

Small claims system popular yet flawed

(AP) — An increasing number of Americans are taking their complaints to small claims courts, but there are indications that the system designed to help them does not always work.

Small claims courts are used to handle such things as landlord-tenant conflicts and business-consumer disputes over goods and services. The atmosphere is informal; you present your own case to a judge. You usually do not need a lawyer and, in some areas, may be prohibited from using one. There is no jury.

A two-year study of 15 small claims courts, reported in a recent issue of the American Bar Association publication *Judge's Journal*, found that the courts are meeting the goal of providing speedy and inexpensive justice. But the authors of the report also found serious deficiencies.

Steven Weller and John Ruhnka said the cost to individuals could be cut through more efficient scheduling of cases so people who use the court spend as little time as possible away from their regular jobs.

They also said more active participation by judges would lower costs by making attorneys unnecessary at trial in most small claims cases. Weller and Ruhnka said that lawyers' roles should be limited to presenting additional points of law or evidence at the end of a case. All questioning of witnesses should be done by judges, they said.

"This could retain the benefits of attorney participation in more complex cases, while avoiding the potential for an attorney to harass an opposing witness or party," the two men said.

Other suggestions in their report include bringing judges up to date on new developments in federal and state consumer protection laws and getting courts more

involved in collection of judgments.

The lack of follow-up action by the court to make sure that judgments are paid is one of the most frequent criticisms of existing laws on small claims operations.

A limited study by the New York

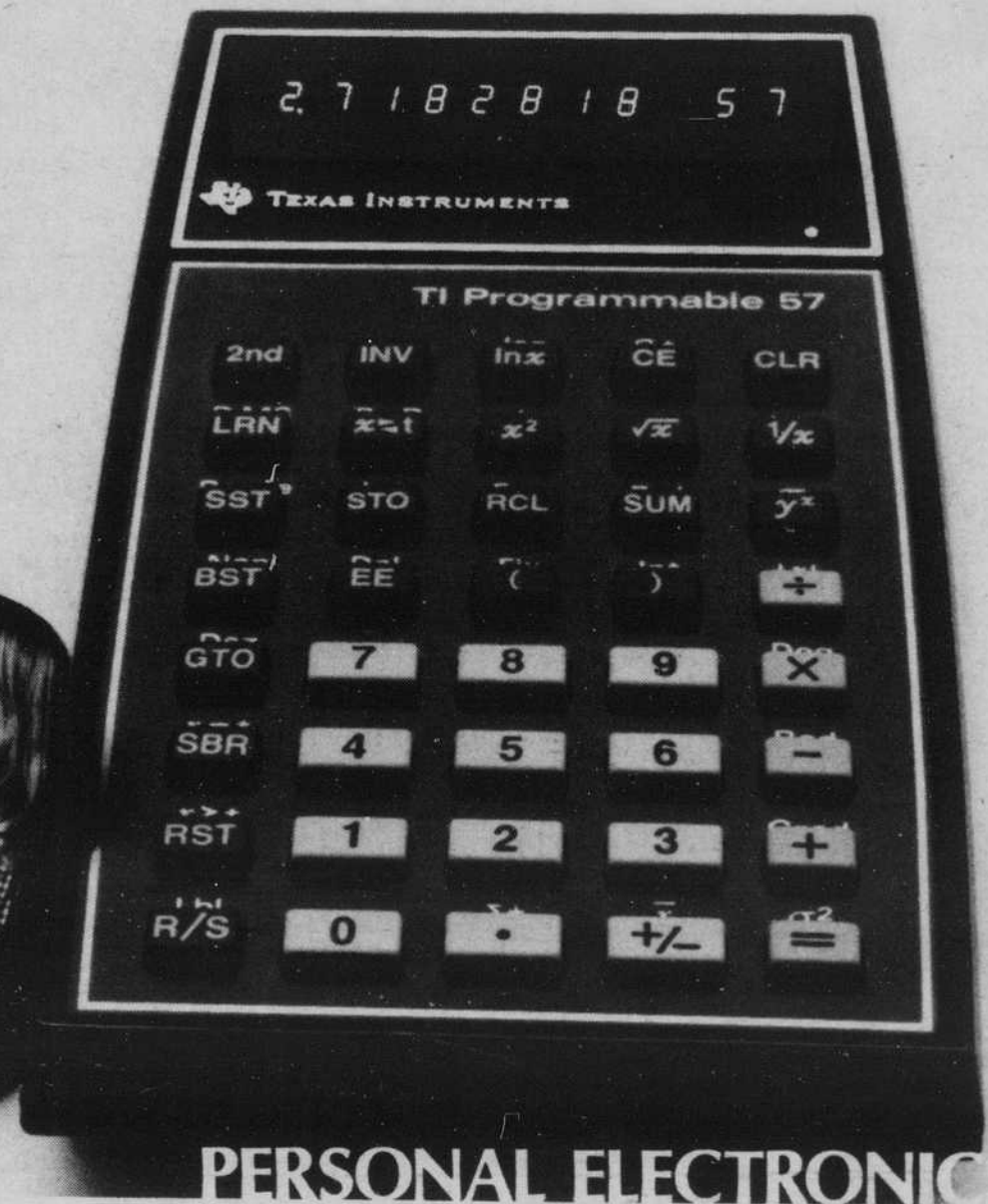
Public Interest Research Group of judgments awarded in one borough of New York City found that over 43 percent of the individuals who had won their cases never collected.

A collection provision is included in the "Model Consumer Justice Act" proposed by the

Chamber of Commerce of the United States which has called for a complete overhaul of small claims courts.

The chamber made its proposal 18 months ago. A spokeswoman for the 60,000 member business organization said recently there had been some progress, al-

though there is still a long way to go. She said Arkansas and Kentucky had passed small claims legislation in 1977 along lines of that recommended by the chamber. A similar bill is pending in New Mexico and the spokeswoman said she hoped more states would act this year.



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Editorial wins award

Tom Jackson, Oregon Daily Emerald editorial page editor, recently won \$500 by finishing third in the editorial writing division of the William Randolph Hearst Journalism Awards Program. His winning editorial, "The injustice of publish or perish," appeared in the Nov. 10, 1977 Emerald.

The editorial urged the economics department's personnel committee to retain Margaret Simeral as an associate professor. Committee members had voted not to renew Simeral's contract. They later reversed that decision, giving Simeral another year.

Jackson, 21, is a senior journalism major. He began working at the Emerald as a reporter in the fall of 1975, and served as Politics Associate Editor from spring 1976 until he covered the Legislative session in spring 1977. He has been editorial page editor since summer, 1977.

The competition was open to college students across the nation.

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