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FACT SHEET

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Research Study of Procedural Justice and Effective Court Practices in Small Claims Cases

In a 2005 Administrative Office of the Courts (AOC) survey, California residents indicated that procedural justice was an important indicator of their confidence in the California court system. Recent AOC research has also indicated that for Californians who have contact with the courts, favorable ratings of the courts were rather moderate for those involved in small claims and other high-volume case types. This body of research also suggests that self-represented litigants involved in small claims cases often do not understand important aspects of court procedures that are relevant to the effective presentation of their cases. These litigants report feeling stress and confusion related to their court experience and that they may not have had adequate legal counseling before appearing in court.

In response to these and other findings, the Judicial Council has called for the continued examination of both the public's sense of procedural justice and effective case-processing practices in high-volume cases, including small claims.

The current study will assess and evaluate litigants' perceptions of procedural justice, effective case presentation practices, and the role of self-help centers and other forms of prior legal consultation in small claims cases. Further, the study will examine the relationships these factors may have to case outcomes and litigants' ratings of court performance.

Objectives

The current study has a number of related objectives. The study will:

- Draw on the experiences of litigants in small claims cases in the California courts to explore and document the meaning of procedural justice in this case type.

Research Study of Procedural Justice and Effective Court Practices in Small Claims Cases

Page 2 of 3

- Assess litigants' understanding of matters essential to the effective presentation of their small claims cases.
- Assess litigants' awareness and utilization of services relevant to small claims cases, including those available through court-sponsored self-help centers as well as legal advisors in the private sector.
- Examine the relationships among indicators such as litigants' perceptions of procedural justice, knowledge of effective case presentation procedures, prior access to legal information and advice, perceptions of outcome fairness, actual case outcome, and ratings of court performance.
- Examine the experiences of litigants that may be related to their background characteristics such as gender, ethnicity, country of origin, and socioeconomic status. These analyses will identify any differences among these groups concerning which dimensions of procedural fairness and court practice are most important or problematic for them.
- Allow the AOC Office of Court Research (OCR) to engage small claims court decision makers, and other relevant parties, in a structured review and discussion of the study's empirical research findings, with the objective of identifying the resources, training, technology, and court practices necessary to address them.

Study Plans and Research Methods

This research study will incorporate both qualitative and quantitative research methods to address objectives. The methods and related procedures will include the following:

- Structured interviews will be conducted with small claims court staff and judicial officers, as well as legal advisors in court-sponsored self-help centers, to identify issues that are critical to the challenges self-represented litigants face when bringing their small claims cases to court.
- An interview protocol will be developed to assess issues and practices central to litigants' (1) perceptions of procedural justice in small claims cases, (2) understanding of small claims court practices and procedures that are important to the effective presentation of these cases, and (3) access to legal consultation available through public and private sources before the hearing of their cases. The protocol will reflect knowledge gained from interviewing small claims court staff and judicial officers and self-help center personnel, as well as from some limited courtroom observation in small claims.

Research Study of Procedural Justice and Effective Court Practices in Small Claims Cases

Page 3 of 3

- Focus groups will be convened and interviews conducted with residents of the San Francisco Bay Area recently involved in small claims cases. These interviews will inform the development of a subsequent survey of recent small claims litigants.
- Primary objectives of the focus groups include the identification of indicators of procedural justice that are grounded in the everyday experiences of participants in small claims cases, the assessment of litigants' understanding of courtroom practices and procedures essential to the effective presentation of small claims cases, and litigants' knowledge and utilization of public and private forms of legal counseling, such as court-sponsored self-help centers, in support of their small claims cases.
- A survey instrument will be developed that reflects the knowledge gained in the aforementioned interviews. This survey will assess factors such as respondents' perceptions of procedural justice in small claims cases; respondents' knowledge of the requirements for effective case presentation in small claims; respondents' knowledge and utilization of public and private forms of legal counseling, including court-based self-help centers; litigants' sense of outcome fairness in relation to their cases; and their assessment of the performance of small claims courts.
- A structured phone interview will be undertaken of a random stratified sample of 600 to 800 participants in small claims cases selected from lists of litigants provided by participating courts, employing the survey protocol described above.
- OCR staff will then develop a research report that will summarize and explore the empirical findings of the present study.

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