



State of Kansas

## Office of Special Counsel

Kansas Judicial Center

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Senate Judiciary Committee

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Chairwoman Warren and members of the committee, thank you for the opportunity to submit neutral testimony as you consider HB 2604, increasing the dollar amount for a small claim to \$10,000.

My testimony consists of information regarding small claims in Kansas and some data on dollar amounts for small claims across the country. The judicial branch does not take a position on the policy of whether to increase the dollar amount for small claims, but to provide you additional information as you consider this bill.

### Overview of small claims

Small claims court allows a simplified, informal procedure for individuals to settle certain legal problems relatively quickly.<sup>1</sup> In small claims, you can sue someone or be sued by someone, and you present your side of the case yourself. You cannot be represented by a lawyer unless the other party is a lawyer.<sup>2</sup>

A party may appear by a full-time employee or officer or any person in a representative capacity so long as such person is not an attorney. Discovery is not allowed, nor are depositions.<sup>3</sup> Forms to assist individuals in filing small claims are available on the Judicial Council's website.<sup>4</sup>

A person cannot file more than 20 small claims in the same court during a calendar year.<sup>5</sup> A "person" defined under the small claims act means an individual, partnership, limited liability

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<sup>1</sup> KSA 61-2712.

<sup>2</sup> KSA 61-2714(a).

<sup>3</sup> KSA 61-2707(a).

<sup>4</sup> <https://www.kansasjudicialcouncil.org/legal-forms/civil-actions-including-small-claims-and-evictions/chapter-61-including-small-claims-and>

<sup>5</sup> KSA 61-2704(b).

company, corporation, fiduciary, joint venture, society, organization, or other association of persons.<sup>6</sup>

### **Appeals**

An appeal may be taken from any judgement. All appeals are tried *de novo*, before a district court judge, other than the judge from which the appeal is taken.<sup>7</sup> *De novo* review means the judge who is taking the appeal does not give any deference to the previous judge's decision. The judge will decide all the issues in the case, as if it were being heard for the first time.

### **Other states**

In October 2023, the National Center for State Courts reviewed small claims dollar amounts across the United States.<sup>8</sup> According to their review, most jurisdictions (27/51) have small claims ceiling of \$7,500 or less. Additionally, some limits are adjusted based on the type of party. In Washington state, "natural persons" (human beings) may file claims up to \$10,000; businesses, partnerships, or corporations are limited to \$5,000. Our neighboring states vary:

- Colorado: \$7,500
- Missouri: \$5,000
- Nebraska: \$3,900
- Oklahoma: \$10,000 (Oklahoma law does allow an individual to be represented by an attorney, but it is not required).

Thank you for your time and I would be happy to stand for questions.

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<sup>6</sup> KSA 61-2703(b).

<sup>7</sup> KSA 61-2709(a).

<sup>8</sup> <https://www.ncsc.org/information-and-resources/trending-topics/trending-topics-landing-pg/faq-how-small-is-a-small-claims-case#:~:text=The%20amount%20of%20money%20at,ceiling%20of%20%247%2C500%20or%20less..>