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Statement before Judiciary Committee re: Raised Bill No. 6493

Members of the Judiciary Committee

My name is Russell London, and I am an Attorney at London & London, a law firm located in Newington, Connecticut. I have been practicing law for over 20 years now, and have a great deal of experience in the small claims court. In addition, I am co-chair of the Legislative Committee of the Connecticut Creditors Bar Association, LLC.

I am here in opposition to Raised Bill No. 6493 (An Act Permitting Appeals of Small Claims Matters). This bill is unnecessary, costly, and would trivialize the current small claims process.

First, if any party can seek a de novo hearing on any decision in small claims court, Superior Courts will almost certainly be flooded with new actions which will result in additional expenses and demands upon limited judicial resources. Furthermore, all the time and expense incurred in adjudicating the issue in small claims court would be rendered irrelevant. If anyone (surprisingly unhappy) with a decision, can automatically vacate the small claims judgment by filing an appeal for a de novo trial then the magistrate fees, valuable court hearing time expended, court personnel time associated with processing and adjudicating the smalls action would be wasted.

In an adversarial system, any decision in small claims court will inevitably result in at least one party "aggrieved by the final determination". The proposed right of appeal carries no procedural requirements. To trigger the proposed right of appeal, a party simply must be unhappy with an adverse decision. With the minimal or non-existent costs to appeal, this proposed legislation amounts to nothing less than a 'second bite at the apple' requiring no legal basis whatsoever. This does not take into consideration the additional injury to the aggrieved party by having to try the matter twice in order to recover its damages.

Second, there is currently a mechanism in place where a party can transfer a small claims action into the Superior Court prior to the case being heard. In addition, parties always have the option of filing "a writ of error" to the State Supreme Court if there is an error of law claimed.

Third, by allowing an appeal, annulling a small claims decision, and permitting a de novo trial in Superior Court, this bill would effectively defeat the whole purpose of small claims court, which is to provide an expeditious way for parties to settle their claims with finality in a less formal and less expensive forum. If this bill is enacted, who would want to file anything in the small claims court?

If any one requires any additional information or has any questions, I would be happy to answer those questions and discuss those matters further. Thank you.

Russell London