



STATE OF CONNECTICUT
JUDICIAL BRANCH

EXTERNAL AFFAIRS DIVISION

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Testimony of Stephen N. Ment
Judiciary Committee Public Hearing
March 9, 2011

House Bill 6493, An Act Permitting Appeals Of Small Claims Matters

Thank you for the opportunity to submit written testimony on behalf of the Judicial Branch in opposition to **House Bill 6493, *An Act Permitting Appeals of Small Claims Matters***. This bill would permit any party who receives an adverse judgment in a small claims matter to take an appeal to the Superior Court, without an entry fee, if the amount in dispute is greater than \$250. The aggrieved party would be entitled to a trial de novo. The Judicial Branch opposes the bill because, if passed, it could lead to a significant increase in the number of cases pending on the Superior Court's civil docket, have a fiscal impact on the Branch, and lead to revenue loss for the state.

The small claims docket is available to parties seeking \$5000 or less in damages, and it is widely utilized. In fact, in this past fiscal year, approximately 88,000 cases were added to this docket and nearly 107,000 cases were disposed of. In more than 81,000 of the cases added, the plaintiff was seeking damages in excess of \$250.

Should a large number of aggrieved litigants pursue an appeal to the Superior Court – and without an entry fee, we would expect to see a large number of potential appeals – there will be a sharp increase in the number of cases added to the civil docket, which currently has nearly 100,000 pending cases. This would trigger a huge workload increase for our courthouse staff, straining limited resources, consume Judicial resources, as the moving party will be entitled to a trial de novo, and lead to a delay in pending cases being resolved, to the financial detriment of the concerned parties.

We would also respectfully note that small claims litigants already have two avenues of redress, one before trial, should a party have a concern with the case proceeding on the small claims docket, or one after trial, should a party be aggrieved by the magistrate's decision. Prior to trial, a party can move to transfer the case to the Superior Court docket by paying a fee of \$125. Post-trial, a party can file a motion to open the small claims decision by paying \$75, and in fact, nearly 13,500 motions were filed this past year to do just that.

Furthermore, we would note that if an appeal can be taken without fee to the Superior Court following disposition of the matter, we can expect to see far fewer parties filing the post-trial motion to open, as there will be little incentive to do so. This will result in a loss to the general fund.

Should the Committee be inclined to act favorably on this bill, we would respectfully ask that it be referred to the Appropriations Committee for consideration of the additional resources that would be needed for implementation.

Thank you for the opportunity to submit written testimony in opposition to the bill.