

SMALL CLAIMS COURT LITIGANT SATISFACTION:  
IT'S HOW THEY PLAY THE GAME THAT COUNTS

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ABSTRACT

How do those who have contact with the courts rate their performance? Data collected from litigants in 8 California Small Claims Courts reveal that litigant satisfaction with small claims court is a function of the perceived helpfulness of court personnel, the availability of a fair hearing, and the extent to which one understands one's legal rights.

INTRODUCTION

As a cornerstone of our form of government, the courts represent a fundamental component of our democratic system in which public trust and respect are essential if our institutional framework is to survive. Yet, just how well the courts and our legal system operate and how much respect they enjoy have come under increasing scrutiny in recent years. Such scrutiny has often focused upon two concerns: (1) how courts function internally (Woodward and Armstrong, 1979), and (2) how well the legal system and the courts deliver justice in substance and process.

In addition to examining how and how well the courts operate, increasing attention has been directed at assessing public attitudes toward the courts and the legal system. Such research has been triggered by a recognition that public perceptions may be at least as important in sustaining institutions as the manner in which the institutions substantively function. In other words, it is not only the reality of performance that counts, but the appearance as well.

Recent research suggests that the perceptions of how well the courts and legal system operate change as a consequence of contact with the system (Sarat, 1977). Disturbingly, according to some, contact with the courts or the legal system results in a diminished opinion of its operation and consequent reduced support (Sarat, 1977). Given the apparent need to promote confidence in the courts and the legal system in order to sustain them as institutions promoting social order and justice, it is critically important to evaluate the basis of public discontent and to suggest actions which may serve to enhance the public view of the courts and the legal system.

Most people undoubtedly formulate their views of the judicial process by observation through newspapers, television, radio, books, and other such sources. However, millions of others around the country derive their perception of how the courts work from their own encounters and experiences with the system. Most frequently, such experiences involve our "inferior" judicial forums such as small claims court or traffic court. In fact, millions of cases are filed in small claims court annually across the nation.<sup>2</sup> The volume of cases indicates not only the significant role small claims court occupies in providing a mechanism for resolving everyday disputes, but also its importance in potentially shaping the views of the public about how well and how justly the court system operates.

As a consequence, the perceptions and views which those who appear in small claims court take away with them based on their experience assume added significance. Not only do those perceptions determine whether they feel positive or negative about how small claims court itself works, but it seems reasonable to hypothesize that those exposed to small claims court extrapolate their feelings to characterize the entire judicial process. Under such circumstances, an evaluation of those elements of the process which tend to cause either positive or negative reaction deserve special examination. Since available research concludes that familiarity with the judicial process breeds contempt (Sarat, 1977), it becomes especially important to understand how the legal process might work to eliminate such a reaction.

Generally, relatively little work has appeared which treats this question (Woodward and Armstrong, 1979). However, in 1979, Steven Weller, John A. Martin, and John C. Ruhnka (hereinafter Ruhnka) published an article which provided evidence that the type of treatment litigants receive in small claims court comprises the most important factor in determining whether litigants are satisfied with their experience (Ruhnka et al., 1979). Indeed, the quality of their treatment ranked higher in predicting litigant satisfaction than winning or losing. Thus, if litigants receive courteous, helpful, informative, or pleasant treatment, they may well be satisfied with their experience, even if they lose their cases. Conversely, if the treatment litigants are accorded is unfriendly, curt, unhelpful, or confusing, they will likely form negative conclusions about the small claims process.

Data collected on cases from 15 courts throughout the United States formed the basis for the analysis performed by Ruhnka. The results revealed that the single most important determinant of satisfaction for plaintiffs was whether or not the court clerk was helpful. Understanding one's legal rights and the court processes represented other predictors of satisfaction. Beyond these findings, Ruhnka discovered that litigants who experienced fewer problems with such things as locating the court, understanding court forms, serving the claim, and assembling evidence or witnesses enjoyed a relatively high rate of satisfaction while those who suffered more such problems were less likely to be satisfied with the process at its conclusion.

The Small Claims Court Experimental Project, undertaken in California,<sup>3</sup> offered the opportunity to conduct similar research.<sup>4</sup> Not only does the data gathered during the Project substantially affirm the Ruhnka findings, but new and more detailed information concerning satisfaction with small claims court for both plaintiffs and defendants has also been assembled. For example, sufficient data was collected to permit analysis of attitudes held by not only individuals, but non-individual parties such as corporations, other businesses, and government agencies as well (Ruhnka and Weller, 1978). In addition, a much wider range of variables than previously analyzed have been examined for their impact on litigant satisfaction.

In 1978, the California Legislature adopted legislation which called for a one-year experiment to test the effect of increasing the maximum allowable claim from \$750 to \$1,500.<sup>4</sup> Six courts, ranging in size of caseload from 500 cases per year to 15,000 cases per year were specified to participate in the experiment.<sup>5</sup> Two additional courts were selected subsequently as control courts. Under the terms of the experiment, relevant data designed to assist in evaluating the desirability of increasing the jurisdictional limit was to be collected.

One method employed to obtain information was a questionnaire mailed to a random sample of 200 plaintiffs and defendants in each court in cases filed between April and August 1979 in which there had been a disposition after trial. Corporations, other businesses, and government agencies were included in the sample, but no party received more than one questionnaire. In order to permit comparisons with the results obtained by Ruhnka, many of the same questions were included. Information sought included the nature and outcome of the case involved, litigant perceptions of the behavior of court personnel and judge, specific problems experienced by litigants, perceptions of litigant understanding of the process and their legal rights, the time and cost required to pursue a case, litigant attitudes toward suggested improvements in small claims court, attitudes regarding changing the monetary limit of small claims court, demographic data, and the satisfaction of litigants with their small claims experience.

Of the total of 3,200 questionnaires mailed, 1,399 responses or 52.8% valid questionnaires were returned. For plaintiffs, the response rate was 71.2% while 32.3% of the defendants polled responded. The excellent plaintiff response permits statistical generalizations to be offered with a high degree of assurance. While the defendant response rate does not permit the same degree of confidence, the similarity of the results with the Ruhnka findings plus the comparatively high rate of response suggests that the fundamental trends which emerged are reliable.

Litigant Characteristics

A number of distinctive features serve to describe the characteristics of those who responded to the questionnaire. For individual plaintiffs, 72% were white, 10% Hispanic, and 10% Black. In general, such plaintiffs were male (69%) and married (62%) with more than one year of college (64%). The ages of the individual plaintiff respondents were fairly evenly distributed between 21 and 62 years old; 35% were between 31 and 45 years old. Forty-four percent enjoyed employment in professional or retail positions, and 59% reported annual incomes above \$16,000.

Representatives of non-individual plaintiffs such as corporations, other businesses, and government agencies who completed the questionnaire exhibited the same characteristics even more strongly. Eighty-five percent of such respondents were white, only 7% Hispanic and 4% Black. Slightly fewer such plaintiffs were male (66%), but a greater percentage were married (80%) and had more than one year of college (71%). Forty percent of non-individual plaintiff respondents were between 31 and 45 years old. Overwhelmingly, these respondents were employed in professional or administrative posts (69%) and enjoyed annual incomes in excess of \$16,000 (77%).

While defendants generally displayed the same characteristics as plaintiffs, a lesser 65% of individual defendants were white while 35% were non-white --

the largest percentage of non-white litigants in any category. Sixty-four percent of individual defendants were male, 65% of such defendants were married, but only 53% had completed more than one year of college -- the lowest percentage of any group. A large percentage of such defendants (38%) were between 31 and 45 years of age. Just as with individual plaintiffs, 44% of individual defendants occupied professional and retail positions, but a lesser 51% reported an annual income of at least \$16,000.

Those appearing on behalf of non-individual defendants were very similar to their non-individual plaintiff counterparts. Such representatives were largely white (79%), male (76%), married (80%), and between 31 and 45 years of age (50%). In addition, a large majority had completed at least one year of college (69%), enjoyed incomes over \$16,000 annually (78%), and held professional or administrative positions (68%).

The characteristics of the respondents themselves carry a message about perceptions of the judicial system. Even assuming some bias in the returned questionnaires which resulted in a degree of underrepresentation of lower income or minority users of small claims court in the sample (Leslie, 1972), the evidence strongly suggests that small claims court serves as a forum to resolve disputes between members of the middle class.

Especially instructive is the fact that individual plaintiffs appear to be well-educated, in professional positions, and enjoy above-median incomes. These characteristics identify those who are, at least, willing to insert themselves voluntarily into the judicial process and who arguably perceive at the outset that the process will treat them fairly. Conversely, the general absence of lower income or minority individual plaintiffs suggests that such persons suspect that the system will not operate in their interest, and that they, therefore, have no chance of prevailing.

Parameters of Litigant Satisfaction

As a fundamental characteristic of small claims court in California, attorneys are not permitted to appear to represent parties. Consequently, the litigants themselves are normally actively involved in every aspect of their cases from filing through trial and collection or appeal. This high degree of involvement creates an unusual opportunity to examine the perceptions and feelings of litigants regarding the operation of the judicial system. Yet, just as Ruhnka points out (Ruhnka et al., 1979), certain factors impose inherent limits on levels of litigant satisfaction.

TABLE 1.  
SATISFACTION WITH SMALL CLAIMS EXPERIENCE\*

<u>Litigant Type</u>	<u>Satisfied</u>	<u>Not Satisfied</u>
Individual		
Plaintiffs	65% (355)	35% (194)
Non-individual		
Plaintiffs	83% (334)	17% (68)
All Plaintiffs	72% (689)	28% (262)
Individual		
Defendants	57% (155)	43% (119)
Non-individual		
Defendants	57% (61)	43% (46)
All Defendants	57% (216)	43% (165)

\*The question posed to those in the sample was: "Were you basically satisfied with your experience in small claims court?"

TABLE 2.  
LITIGANT SATISFACTION BY WINNING AND LOSING

<u>Litigant Types</u>	<u>Won</u>		<u>Lost</u>	
	<u>Satisfied</u>	<u>Not Satisfied</u>	<u>Satisfied</u>	<u>Not Satisfied</u>
Individual Plaintiffs	75% (334)	27% (124)	18% (14)	82% (63)
Non-individual Plaintiffs	86% (324)	14% (54)	27% (4)	73% (11)
All Plaintiffs	79% (658)	21% (178)	20% (18)	80% (74)
Individual Defendants	85% (80)	15% (14)	39% (64)	61% (100)
Non-individual Defendants	80% (32)	20% (8)	44% (28)	56% (35)
All Defendants	84% (112)	16% (22)	41% (92)	59% (135)

TABLE 3.  
LITIGANT SATISFACTION BY WHETHER COURT STAFF WAS HELPFUL

<u>Litigant Type</u>	<u>Court Staff Helpful</u>		<u>Court Staff Unhelpful</u>	
	<u>Satisfied</u>	<u>Not Satisfied</u>	<u>Satisfied</u>	<u>Not Satisfied</u>
Individual Plaintiffs	80% (284)	20% (69)	34% (58)	66% (114)
Non-individual Plaintiffs	92% (282)	8% (26)	51% (37)	49% (36)
All Plaintiffs	85% (566)	15% (95)	39% (95)	61% (150)
Individual Defendants	77% (109)	23% (32)	29% (31)	71% (76)
Non-individual Defendants	87% (46)	13% (7)	24% (9)	76% (29)
All Defendants	80% (155)	20% (39)	28% (40)	72% (105)

TABLE 4.  
LITIGANT SATISFACTION BY WHETHER LITIGANT UNDERSTOOD LEGAL RIGHTS

<u>Litigant Type</u>	<u>Yes</u>		<u>No</u>		<u>Not Sure</u>	
	<u>Satisfied</u>	<u>Not Satisfied</u>	<u>Satisfied</u>	<u>Not Satisfied</u>	<u>Satisfied</u>	<u>Not Satisfied</u>
Individual Plaintiffs	77% (288)	23% (88)	20% (16)	80% (66)	55% (47)	47% (88)
Non-individual Plaintiffs	90% (295)	10% (33)	52% (14)	48% (13)	47% (19)	53% (21)
All Plaintiffs	83% (583)	17% (121)	28% (30)	72% (79)	53% (66)	47% (59)
Individual Defendants	74% (112)	26% (39)	23% (17)	77% (58)	49% (19)	51% (20)
Non-individual Defendants	72% (54)	28% (21)	15% (3)	85% (17)	30% (3)	70% (7)
All Defendants	73% (166)	27% (60)	21% (20)	79% (75)	45% (22)	55% (27)

TABLE 5.  
LITIGANT SATISFACTION BY WHETHER LITIGANT BELIEVES FAIR TRIAL IS POSSIBLE IN SMALL CLAIMS COURT

<u>Litigant Types</u>	<u>Yes</u>		<u>No</u>	
	<u>Satisfied</u>	<u>Not Satisfied</u>	<u>Satisfied</u>	<u>Not Satisfied</u>
Individual Plaintiffs	77% (329)	23% (96)	12% (10)	88% (70)
Non-individual Plaintiffs	89% (316)	11% (38)	32% (11)	68% (23)
All Plaintiffs	83% (645)	17% (134)	18% (21)	82% (93)
Individual Defendants	75% (139)	25% (47)	11% (7)	89% (59)
Non-individual Defendants	81% (56)	19% (13)	15% (5)	85% (29)
All Defendants	76% (195)	24% (60)	12% (12)	88% (88)

For example, as Table 1 shows, defendants are less satisfied than plaintiffs with their small claims experience. While 57% of the defendants were satisfied with their experience, 72% of the plaintiffs reported being satisfied. Presumably, the higher satisfaction rate for plaintiffs reflects the fact that they voluntarily chose to involve themselves in the process while the defendants were legally coerced into participating.

Predictably, as well, Table 2 reveals that a strong relationship exists between satisfaction and winning. Eighty-four percent of defendants and 79% of plaintiffs who won their cases reported being satisfied. However, just as Ruhnka discovered (Ruhnka et al., 1979), losing does not automatically bring dissatisfaction; for example, 41% of defendants who lost their cases nonetheless expressed satisfaction about their experience. These results confirm that more than winning or losing, even though those factors do exercise considerable influence, enter into a litigant's judgment about the quality of his or her small claims court experience.

#### Court Controlled Variables Significantly Related to Litigant Satisfaction

The responses of litigants surveyed reveal that the perceived attitude of the helpfulness of court personnel and the extent to which the litigants themselves understood the process comprise major factors in determining satisfaction. For example, as Table 3 shows, for plaintiffs, 85% of those who thought court personnel were helpful were satisfied with their experience while only 39% of those who found court personnel unhelpful were satisfied. With the defendants, the relationship is equally pronounced. Eighty percent of defendants who thought court personnel were helpful were satisfied with the experience while only 28% of those who perceived court personnel as not helpful were satisfied. For non-individual defendants, 87% who found court personnel helpful were satisfied with small claims court, whereas just 24% of those who felt court staff were unhelpful were satisfied.

A second strong factor contributing to satisfaction revolved around whether litigants understood their legal rights. Table 4 reveals that where litigants felt they understood their legal rights, they were highly likely to have been satisfied with their small claims experience, whether or not they were plaintiffs or defendants. Eighty-three percent of plaintiffs and 73% of defendants who understood their legal rights were satisfied. In cases where litigants were not sure they understood their legal rights, they were less likely to be satisfied with their experience in small claims court. Thus, only 21% of defendants and 28% of plaintiffs who said they did not understand their legal rights were satisfied with their experience in small claims court. The only exception to this consistent pattern arose regarding non-individual plaintiffs where 52% of those who did not understand their legal rights were nonetheless satisfied with their experience. This result may well flow from the fact that, although they did not understand their legal rights in the particular case about which they were queried, in general, such litigants have been successful in small claims court and feel they normally understand their legal rights.<sup>10</sup>

In any case, the strong relationship between satisfaction and understanding one's legal rights carries weighty implications for those courts and judges which adhere to a policy of taking all or most cases under submission. Lacking an explanation of the legal foundation for the court's decision, even a prevailing plaintiff may be dissatisfied. Under such circumstances, litigants may well view the court's decision as arbitrary and, therefore, undeserving of respect or adherence.

Third, a litigant's sense of whether a fair trial is obtainable in small claims court bears heavily on whether one is satisfied with his or her own experience in court. In each category of litigants, as shown in Table 5, a very high percentage, 75% or better, of those who believe a fair trial is possible in small claims court also were satisfied with their experience. Conversely and not surprisingly, very low percentages (mostly in the teens) of those who believe a fair trial is not possible in small claims court were satisfied with their experience. These results seem to indicate the importance which attaches to the appearance as well as the fact of justice. Reaffirmed is the conclusion that often, as much as anything else, parties to a dispute simply want an impartial forum in which they are permitted to plead their side. Provided such opportunity, even an adverse decision often can be accepted.

The strong relationships between each of the three variables discussed above and litigant satisfaction support the supposition that more than winning or losing and more than whether one is a plaintiff or defendant determines how litigants categorize their court experience. While there can be no denying the salience of these two factors, it must be kept in mind that many people undoubtedly approach small claims court, like most other institutions, with fear, reluctance, or cynicism. Under such circumstances, the treatment litigants receive assumes an added dimension. Thus, in order to be successful not just in ostensibly resolving disputes, but in truly gaining the confidence and respect of the public, these results make it clear that those who work for the courts must act courteously and helpfully; that special efforts must be made to ensure that those who appear in court understand the legal principles which apply to their case; and that the process appears open, impartial, and fair.

#### Principal Determinants of Litigant Satisfaction

To this point, isolated factors which show a strong relationship with litigant satisfaction have been examined. While enlightening for the reasons detailed above, such an analysis does not reveal which factors are most important in determining litigant satisfaction. Therefore, like Ruhnka, we have employed a Discriminant Analysis to assess the relative importance of each of the variables analyzed.<sup>11</sup>

Seventy-six variables related to a plaintiff's small claims court experience and 74 such variables for defendants were included in the Discriminant Analysis conducted. In addition to the items discussed thus far, factors such as difficulty in pursuing or defending cases, types of cases, types of parties involved, and demographic characteristics were included as well. Each litigant group was analyzed separately to determine in each instance which variables were the most important in distinguishing satisfied from dissatisfied litigants.

Plaintiffs. The variables which predict satisfaction for all plaintiffs (both individual and non-individual) appear in order of importance in Table 6. The results dramatically illustrate the thesis that winning or losing does not comprise the most important factor in predicting whether plaintiffs will be satisfied with their small claims experience. As Table 6 shows, winning or losing ranks only third on the list of predictive variables preceded by: (1) whether court personnel were helpful, and (2) whether one believes a fair trial is possible in small claims court. Also notable is the fact that whether trouble was encountered collecting the judgment awarded does not even appear as an element that predicts satisfaction. This result seems surprising since frustration with collection procedure and success commonly arises (Ruhnka and Weller, 1978).

TABLE 6.

## ALL PLAINTIFFS: DISCRIMINANT FUNCTIONS COEFFICIENTS

Court Staff Helpful	.413
Fair Trial Possible	.363
Won Case	.341
Understood Legal Rights	.306
Sued Before in Small Claims Court	.273
No Difficulty Learning Legal Rights	.222
Homemaker Occupation	.164
No Difficulty with Service of Process	.164
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Canonical Correlation	.633
(Significance < .00001)	

Classification Results\*

Analyzed Group	No. of Cases	Predicted Result	
		Satisfied	Not Satisfied
Satisfied	280	92% (258)	8% (22)
Not Satisfied	105	42% (44)	57% (61)
Cases correctly classified: 82%			

\*Based on the discriminant function calculated on a random half of the sample, the predicted group membership (satisfied or not satisfied) was made for the second half.

The findings presented here confirm and amplify the Ruhnka determination that winning or losing constitutes only the second most important factor in predicting satisfaction among plaintiffs.<sup>12</sup> While the importance of winning cannot be discounted as a factor influencing litigant satisfaction, the results displayed in Table 6 show clearly that facility in using and understanding the system, both procedurally and substantively, heavily affects litigant satisfaction. Consistent with this conclusion, having sued before in small claims court and not having difficulty learning one's legal rights also show up as predictors of satisfaction.

The Discriminant Analysis repeatedly underscores the significance of the perception of fairness as a predictor of litigant satisfaction as well. Such a result further suggests that winning or losing does not constitute the only or, in some cases, even the most critical factor in determining litigant satisfaction. Rather, the opportunity to simply receive a hearing by an apparently objective neutral third party, to receive a "fair shake," may leave a litigant satisfied notwithstanding the outcome of the dispute. This attitude should engender no great surprise; most Americans are schooled from an early age that "fairness" is a fundamental value as well as a yardstick by which to measure the legitimacy of a process or conclusion. The timeless admonition of Chief Justice Earl Warren, "But is it fair?," no doubt resides deeply in most of us.

Individual Plaintiffs. Table 7 shows that for individuals who are plaintiffs, helpful treatment by court personnel is the principal determinant of satisfaction. Again, notably, winning is only the second most important variable in determining satisfaction.

These results do not seem surprising upon reflection. Fifty-seven percent of the individual plaintiffs in the sample had never used small claims court before. For these individuals who may be largely unfamiliar with the court process and the law, receiving useful and courteous assistance from court personnel in handling their cases undoubtedly assumes special importance. Even for the 43% of individual plaintiffs who reported having been in small claims court before, it seems reasonable to expect that the treatment they receive and their comprehension of the actions taken in their cases would serve as major factors in forming their views of the process.

TABLE 7.

INDIVIDUAL PLAINTIFFS:  
DISCRIMINANT FUNCTIONS COEFFICIENTS

Court Staff Helpful	.406
Won Case	.399
Fair Trial Possible	.353
No Difficulty with Service of Process	.282
Understood Legal Rights	.263
Sued Before in Small Claims Court	.216
No Difficulty Learning Legal Rights	.198
Homemaker Occupation	.186
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Canonical Correlation	.628
(Significance < .00001)	

Classification Results

Analyzed Group	No. of Cases	Predicted Result	
		Satisfied	Not Satisfied
Satisfied	144	89% (128)	11% (16)
Not Satisfied	75	40% (30)	60% (45)
Cases correctly classified: 79%			

The same logic explains why difficulty with service of process, i.e., legally notifying the defendant of the pending lawsuit, also appears as a variable by which satisfaction can be predicted. The Discriminant Analysis indicates that where effecting services of process is not a problem, a satisfied litigant can be expected. In this sample, the vast majority of cases involving individual plaintiffs (89%) were decided by a judge. Thus, one way or another, the plaintiff managed to achieve service of process on the defendant. But service of process is often difficult to complete, requiring repeated attempts.<sup>13</sup> In fact, 28% of individual plaintiffs surveyed experienced difficulty with the theoretically simple prerequisite of informing the other party of the lawsuit. The combination of difficulty with service of process as an important predictor of individual plaintiff satisfaction and a substantial percentage of such plaintiffs who experienced difficulty suggests that unless more effective methods of service of process can be devised or the requirements of service of process change, it is reasonable to expect a significant degree of dissatisfaction attributable to service of process problems alone.

It should be noted, moreover, that roughly 25% of the small claims cases filed in California never reach a disposition before or after trial (Judicial Council of California, 1982), with many falling by the wayside almost certainly because the plaintiff is unable to serve the defendant. If difficulty with service of process operates as an important predictor of satisfaction for those who succeed in reaching trial, it seems likely that it would be at least as prominent a factor for those who failed to reach trial as well. If so, then failure to achieve service of process likely would leave a plaintiff dissatisfied with the small claims process. Given the percentage of cases which never reach trial, broad dissatisfaction about the process due to factors generally beyond the court's control would be reasonable to expect.<sup>14</sup>

Non-Individual Plaintiffs. The sample of non-individual litigants was comprised principally of corporations which used small claims court. Of the 403 responses received from non-individual plaintiffs, 73% came from corporations, 18% came from unincorporated businesses, 4% came from government agencies, and 5% came from other sources. Since each business or government entity in each district was sampled just once, the responses reflect the answers of over 400 different litigants rather than many responses from only a few non-individual litigants.

TABLE 8  
NON-INDIVIDUAL PLAINTIFFS:  
DISCRIMINANT FUNCTIONS COEFFICIENTS

Court Staff Helpful	.470
Fair Trial Possible	.431
Understood Legal Rights	.422
Sued Before in Small Claims Court	.363
No Difficulty Learning Legal Rights	.288
Higher Income	.252
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Canonical Correlation	.592
(Significance < .00001)	

Classification Results			
Analyzed Group	No. of Cases	Predicted Result	
		Satisfied	Not Satisfied
Satisfied	136	93% (127)	7% (9)
Not Satisfied	30	53% (16)	47% (14)
Cases correctly classified: 85%			

The variables which serve to predict satisfaction with the small claims process for business and governmental plaintiffs do not even include winning or losing. Table 8, which displays the predictive variables, indicates, again, that the quality of treatment by court personnel and perception of the availability of a fair trial are the most important factors in predicting satisfaction among non-individual plaintiffs.

As a regular element of their work, representatives of many non-individual plaintiffs appear often in small claims court. Indeed, 80% of those surveyed had previously appeared in small claims court. Thus, the attitude and helpfulness of court staff constitute a significant factor in whether such representatives enjoy a pleasant work environment. Not surprisingly, as a result, court staff helpfulness shows up as the most important predictive variable for representatives of non-individual plaintiffs. This conclusion assumes that those who filled out the questionnaires were, for the most part, the same people who actually made appearances in court.

The likelihood of receiving a fair trial stands as the second most important variable. While winning or losing a particular case may not be of special concern since many cases may be tried in a year, fair trial reasonably becomes a significant factor for those who present tens or hundreds of cases a year.

The remaining variables such as having sued before in small claims court, experiencing difficulty learning one's legal rights, and understanding one's legal rights, all suggest that familiarity with the system is an important ingredient in whether non-individual plaintiffs are satisfied. To the extent that the process is comprehensible and rational from their perspective, it becomes easier for representatives of business and government agencies to perform their jobs. Thus, it would seem to make sense from both the standpoint of the court as well as the business or government agency that time be devoted to thoroughly train and educate employees who represent businesses and government agencies.

Finally, in addition to the other reasons why winning or losing does not surface as a significant predictive factor, it should be noted that winning or losing does not normally involve any financial gain or setback for the representative of the business or government agency which is the plaintiff. Generally, the employee, officer, or director who appears on behalf of a non-individual plaintiff will receive his or her compensation no matter what the outcome of a case. Due to the lack of personal involvement, therefore, winning or losing any single case does not

TABLE 9  
ALL DEFENDANTS: DISCRIMINANT FUNCTIONS COEFFICIENTS

Fair Trial Possible	.720
Won Case	.411
Court Staff Helpful	.325
Understood Legal Rights	.279
Retired	.196
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Canonical Correlation	.682
(Significance < .00001)	

Classification Results			
Analyzed Group	No. of Cases	Predicted Result	
		Satisfied	Not Satisfied
Satisfied	78	92% (72)	8% (6)
Not Satisfied	68	29% (20)	71% (48)
Cases correctly classified: 82%			

dramatically affect satisfaction with the small claims process for such litigants.

Defendants. The results of Discriminant Analysis for all defendants (both individual and non-individual) again reflect the fact that winning or losing does not constitute the most significant factor in determining satisfaction. As Table 9 reveals, whether it is believed a fair trial is possible in small claims court rises to the top as the most important factor while outcome occupies the second spot. The third and fourth factors, whether the defendant understood his or her legal rights and whether court personnel were perceived to be helpful, also serve to reemphasize the importance of the quality of the small claims process.

Most defendants likely feel skeptical about and wary of small claims court. After all, they have not chosen to appear in court, nor is it likely they perceive the court as a friendly forum. Thus, the consideration of whether a fair trial is possible assumes special significance.

Since defendants who have a trial generally lose their cases,<sup>17</sup> they are likely to be left dissatisfied with the process as well unless they believe the process is fundamentally fair. Thus, the appearance of fairness as well as reality of fairness becomes even more important. For example, the attitudes and actions of court personnel may play a central role in the defendant's perception of fairness. Whether the reasoning underlying either a favorable or unfavorable decision is presented may be instrumental in avoiding a conclusion by defendants that the process is slanted against them or arbitrary. Whether the defendant receives a reasonable opportunity to explain his or her side of the case or is simply asked "Do you owe the money?" may well contribute to a judgment by the defendant about the fairness of the process (Moulton, 1969).

It is not surprising to see that helpfulness of court personnel ranks lower for defendants than for plaintiffs as a factor which predicts litigant satisfaction. Defendants, of course, normally have contact with court staff and judges only on the day of their trial,<sup>18</sup> so there is less interaction with court personnel which might leave an impression that they either provide useful assistance or construct roadblocks.

Despite the reduced likelihood of contact, court personnel helpfulness does appear in the Discriminant Analysis as a predictor of defendant satisfaction. Thus, again, the quality of the process plays a critical role in shaping litigant attitudes.

The significance of these results cannot be over-emphasized. If the courts are to operate effectively

as a resolution mechanism for interpersonal disputes, it is critical that the public view the courts with respect. At least for small claims defendants, that essential respect is likely to flow from the perceived fairness of the process, the level of understanding of their legal rights, and the behavior of those who work in the process as much as from the outcome of their case.

Individual Defendants. Over half of the individual defendants who responded, 57%, reported satisfaction with their small claims experience, again demonstrating that winning or losing alone does not determine whether litigants are satisfied with their experiences. In addition, although it did not appear as a predictor of satisfaction, the results show that 57% of individual defendants found court personnel helpful. These similar results further illustrate the need for court staff to strive for positive interaction with litigants and the public.

Just as for defendants as a whole, the principal three predictors of satisfaction for individual defendants are: (1) whether a fair trial is possible; (2) whether the case was won or lost; and (3) whether court staff was helpful, as Table 10 indicates. A recurring theme emerges -- if individual defendants believe the process affords them a fair opportunity to be heard, they may still be satisfied despite losing.

TABLE 10.  
INDIVIDUAL DEFENDANTS:  
DISCRIMINANT FUNCTIONS COEFFICIENTS

Fair Trial Possible	.671
Won Case	.476
Court Staff Helpful	.273
No Difficulty Learning Evidence	.268
Understood Legal Rights	.245
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Canonical Correlation	.682
(Significance < .00001)	

Classification Results

Analyzed Group	No. of Cases	Predicted Result	
		Satisfied	Not Satisfied
Satisfied	62	90% (56)	10% (6)
Not Satisfied	53	38% (20)	62% (33)

Cases correctly classified: 77%

Yet, before generalizing too broadly, it is worth examining some additional features of our individual defendant respondents, especially beyond those cataloged above. Of the individual defendants who responded, 64% lost their cases. Generally, individual defendants lose a much higher percentage of their cases; in one study individual defendants lost 87% of the cases which went to trial (California Department of Consumer Affairs, 1980). Thus, it appears this sample includes more winners than would a perfectly representative sample of all defendants. In addition, white collar workers (50%) comprised the largest group in the sample with blue collar workers (19%) the next largest group. The literature suggests that working class people comprise a much larger percentage of defendants generally (Anonymous, 1969; Pagtes et al., 1964). So, it may be reasonable to conclude that the individual defendants in this sample are atypical to some extent.

However, even assuming the sample fails to perfectly mirror individual defendants as a whole, does it seem that the characteristics which emerge through the Discriminant Analysis as predictors of satisfaction are suspect? Apparently not. Not only are the variables identified for this sample of individual defendants consistent with the variables identified as

satisfaction predictors for the other categories of litigants, but results seem inherently logical as well. For example, it would not be expected that interaction with court staff would be as important a variable for individual defendants as it would be for individual plaintiffs. The analysis conducted follows that pattern (Schutz, 1979).

It would also be reasonable to expect that, particularly for defendants -- those who do not voluntarily choose to become involved in the judicial process -- that understanding their legal rights and being able to identify what evidence or witnesses they should present would surface as predictors of satisfaction. The analysis shows such a result to be the case.

Non-Individual Defendants. Among the 108 non-individual defendant respondents, 57% represented corporations, 30% represented unincorporated businesses, 4% represented government agencies, and other defendants comprised 8%. This distribution varies somewhat from the breakdown for non-individual plaintiffs, where 73% of the responses came from representatives of corporations and only 18% of the responses came from representatives of unincorporated businesses (8:21). The disparity in these results suggests that the banks, finance companies, utilities, and large retailers which predominately make up the ranks of non-individual plaintiffs were not as heavily represented among non-individual defendants (8:33). Instead, it seems reasonable to conclude that a higher percentage of small businesses, such as car repair shops or dry cleaners, find themselves as defendants.

Notwithstanding the variation in litigant mix between non-individual plaintiffs and defendants, the representatives of non-individual defendants are not strangers to small claims court. Two-thirds of these representatives have been in small claims court before and 50% have appeared in some other court previously. Again, perhaps in part as a function of this familiarity, Table 11 illustrates that winning or losing does not constitute a predictor of satisfaction for non-individual defendants. As before, whether court personnel are perceived to be helpful, and whether a fair trial is perceived to be possible emerge as the critical factors in predicting satisfaction.

TABLE 11  
NON-INDIVIDUAL DEFENDANTS:  
DISCRIMINANT FUNCTIONS COEFFICIENTS

Fair Trial Possible	.840
Court Staff Helpful	.477
Total Time	-.359*
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Canonical Correlation	.698
(Significance < .00001)	

Classification Results

Analyzed Group	No. of Cases	Predicted Result	
		Satisfied	Not Satisfied
Satisfied	16	88% (14)	12% (2)
Not Satisfied	15	40% (6)	60% (9)

Cases correctly classified: 74%

\*The minus sign indicates that such variables predict dissatisfaction rather than satisfaction.

These results reinforce the hypothesis that how the court process operates is more important than the outcome of a case. Even though over 60% of the non-individual defendants who responded had lost their case (8:31), only 43% of non-individual defendants were dissatisfied with their small claims court experience.

The satisfaction of those who represent non-individual defendants may be less affected by the outcome of any single case for at least two reasons. First, a sizable percentage of the respondents no doubt appear in court as a plaintiff's representative as well -- indeed, perhaps far more often than on the defendant's side. Second, as with representatives of non-individual plaintiffs, the assets or income of the representative of the non-individual defendant are not often in jeopardy. Even though, in some cases, the quality of the representative's own craftsmanship or the degree of his or her own integrity may form the basis of the dispute, such factors probably do not play a major role in most cases. Thus, the representative has no overriding personal investment in the outcome of the case.

Consistent with the theme that it is how well the court process operates that matters to non-individual defendants is the appearance of total time as a predictor of dissatisfaction. That is, as total time spent by a non-individual defendant for such items as discussing the case with a lawyer, gathering evidence or preparing a defense, and appearing in court grows, the more likely it becomes that such a defendant will be dissatisfied with small claims court. Since representatives of businesses or corporations could be expected to have other responsibilities in addition to appearing in small claims court,<sup>20</sup> it is probable that they would wish to spend as little time in court as possible in order to have more time for other tasks. In addition, for small business owners who may have to close or curtail their operations to go to court, spending as little time in court or activities related to preparing a defense would be an important element affecting their view of small claims court. Finally, of course, defendants generally constitute unwilling participants in the judicial process. Starting from such a point, it seems reasonable to expect that the more time one is required to be subjected to an unwanted process, the less likely one is to be satisfied with that process.

#### Conclusion

One theme regarding litigant satisfaction with small claims court repeatedly emerges from the data evaluated: Winning or losing one's case is not the most important determinant of satisfaction; rather, how a litigant is treated by court staff and whether a litigant finds the outcome fair and comprehensible comprise the best predictors of satisfaction. That this theme follows basically for every class of litigant serves to underscore its significance. Court staff, judges, and others devoted to the proper administration of justice can no longer adhere, if they ever did, to the notion that a litigant's view of the court system will be determined solely by the outcome of their case. In these times of increased public scrutiny of our courts and legal processes, all involved in delivering justice must acknowledge the necessity of helping the public use the system and understand the process.

In the larger terms, the lessons of the results discussed above should not be lost on those who strive to protect and defend our legal institutions. Satisfaction with the process and results of the small claims system flow from understanding and a sense of fairness. No leap of logic is required to extrapolate these results to the judicial or legal process as a whole. Accepting these results suggests that public confidence in the legal process would be enhanced by efforts calculated to inform the public both about the law and the way in which the legal process operates. Such an educational program could well help the public understand that procedures which appear on their face only arcane, unfair, or self-interested do, indeed, serve to protect and preserve individual rights and

fundamental fairness. The threat to the legal system lies not, perhaps, in too much public exposure and review, but rather in too little. Thus, the challenge is to stimulate thoughtful and reflective comment on its operation and to view public inquiry not as a threat, but as an opportunity.

#### FOOTNOTES

- 1 p. 439. Notwithstanding these conclusions, data analyzed for this article shows that a higher percentage of litigants who had sued in small claims court or in another court were satisfied than those who had not been in court before. This result held true for all classes of litigants: individual plaintiffs, non-individual plaintiffs, individual defendants, and non-individual defendants.
- 2 Over 560,000 small claims cases were filed in California alone during 1981. 1982 Judicial Council of California Annual Report 224, 236.
- 3 Ch. 1287, Stats. 1976, as amended, Ch. 723, Stats. 1978 (California Code of Civil Procedures para. 118 et seq. (repealed 1980) (West 1982).
- 4 Ch. 723, Stats. 1978.
- 5 Id., para. 10; the courts specified were Oakland-Piedmont, Fresno, East Los Angeles, West Orange County, Compton (in Los Angeles County), and San Bernardino (Chino Division).
- 6 Id., para. 14; the courts selected by the state Judicial Council were Stockton and El Cajon (in San Diego County).
- 7 Use of many of the same questions permits comparisons between results which provides one method of validation. In general, the results obtained in the two surveys were very similar.
- 8 Ruhnka obtained about a 30% response rate from plaintiffs and about a 10% response rate from defendants. However, relatively low response rates do not diminish the ability to draw conclusions about homogeneous populations.
- 9 California Code of Civil Procedure Section 117.4 (West 1982).
- 10 The results from court records showed that in the eight courts from which litigants were chosen to be surveyed, non-individual plaintiffs won 96% of their cases.
- 11 The procedure employed for these analyses is a step-wise multiple regression process using the Statistical Package for Social Sciences. C. H. Hull and N. H. Nie, SPSS Update, McGraw-Hill, New York, 1979. In this process variables are added one at a time starting with the most discriminating variable and then adding sequentially the one which contributes the most to reducing the error, with the limitation that it must reach a significance level of .05. In addition, the process selects one-half of the sample, thus avoiding capitalizing on chance factors in classifying the groups.



12 Ruhnka found the most significant predictor of litigant satisfaction for plaintiffs to be:

Clerk Helpfulness	.645
Win/Lose	.531
Understanding Legal Rights	.365
Understanding Court Process	.267
Number of Problems Identified	.088
Attorney Usage*	.056

\*Attorney helped prepare for trial or represented at trial. Significantly, the Ruhnka analysis included only the above variables. As noted above, at p. 19, the number of variables analyzed for this review was approximately 75.

13 Under California Code of Civil Procedure Section 116.4, service of process may be achieved by: (1) personal service; (2) service by certified mail; or (3) substituted service. The cost for service of process can easily run to \$25 or more, especially when service must be attempted more than once. For a synopsis of service of process requirements for each state, see Warner, R. and D. Brown, Everybody's Guide to Small Claims Court 218-233 (Berkeley, CA: NOCO Press. 2nd Ed., 1979).

14 This problem may be insignificant for litigants in municipal or superior court as well. For example, 28% of the civil cases filed in California municipal courts during 1980-81 reached no disposition, for superior courts during the same time period, the figure was 19%. 1982 Judicial Council Report, supra at 148, 228. While settled matters undoubtedly account for a sizable percentage of such cases, failure to serve the opposing party is also a likely component.

15 But see California Code of Civil Procedure Section 117.4 (West 1982) which prohibits non-individual parties from being represented in small claims court by a person employed exclusively for such purpose.

16 Any personal disassociation from outcome would not hold, however, for owners or partners of businesses for whom winning or losing may have direct consequences.

17 Of those defendants who responded, 64% of the individual defendants and 61% of the non-individual defendants lost their cases.

18 In California, the defendant in a small claims action need not file any responsive pleading, but may simply appear at the time and place set for trial. California Code of Civil Procedure Section 116.8 (West 1982).

19 In addition, for plaintiffs the behavior of court staff was the best predictor of satisfaction with a discriminant functions coefficient of .645.

20 California Code of Civil Procedure 117.41 (West 1982) prohibits representation of a non-natural entity by a person whose exclusive duty is to provide such representation.

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