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Equal Justice, Cornerstone of Freedom, May Be Found in Small Claims Court

BY GERALD LEBOVITS

NEW YORK CITY'S 2100 small claims pro bono arbitrators take great pride in celebrating equal justice, a cornerstone of freedom, on May 1, Law Day.

While other courts undergo restructuring and reform, the Small Claims Part of the New York City Civil Court already works well, disposing of 60,000 cases yearly. Yes, court administrators and legislators take note, 50 percent of judgments go unsatisfied because of difficulties inherent in collecting small claims. But the court itself works well because it is the embodiment of equal justice in spirit and practice.

Our "People's Court" is for the rich and the poor; all are treated equally. Those who can afford counsel obtain no advantage, yet full due process remains, with or without counsel. Motion practice is discouraged. Formal rules of pleading are absent. Evidentiary rules are relaxed.

The requirement that judges and arbitrators do "substantial justice" means lowering the procedural barriers that prevent cases from reaching the merits quickly and fairly, but it also means adhering strictly to sub-

stantive law. The presence of attorneys lends integrity to the court, but no litigant needs one. Non-lawyers may represent individuals who need help, and authorized non-attorney employees may represent businesses.

Nor are litigants rewarded for being represented by lawyers. Attorney's



Volunteers Needed

In last year's Law Day article I wrote that to preserve equal justice in our most democratic court of all, more attorneys must volunteer to be Small Claims arbitrators. The rewards are great: being the judge before whom you always wanted to appear while enriching our community.

fees are unavailable unless authorized by statute or contract. Cross-examination, as fundamental a right in the Small Claims Part as elsewhere, is noteworthy for its absence. More successful than any lawyer-like technique to turn the tables on an adversary is the straightforward presentation of evidence.

Not only is the filing fee modest — and waivable for the indigent — but the defendant pays the fee if the claimant wins. Commercial claimants filing consumer claims are limited to five actions a month, so as to prevent this people's court from becoming a debtors' court.

Responding to last year's calls in the *New York Law Journal* and elsewhere were 300 lawyers, including many leaders of the bar. And still the court needs more arbitrators outside Manhattan and in the Harlem Small Claims Part, where recent shifts have included only one arbitrator. On this Law Day we again urge qualified attorneys admitted for five years or more to join the angels of the court system by applying to the Hon. Margaret Cammer, Deputy Administrative Judge, NYC Civil Court, 111 Centre St., N.Y., N.Y. 10013.

Gerald Lebovits is president of the Association of Small Claims Arbitrators of the New York City Civil Court.