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Freedom and Equal Justice in Small Claims Court

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Freedom and Equal Justice in Small Claims Court

BY GERALD LEOVITS

ALL 1,800 SMALL claims arbitrators in New York City take special pride in celebrating freedom on Law Day. We celebrate freedom, pro bono, by dispensing quick, true and equal justice every time we serve.

Equal justice for all is a bedrock of freedom. Without equal justice, tyranny would reign. In the Small Claims Part — the People's Court — the freedoms celebrated by promoting equal justice resonate emphatically. In the Small Claims Part, the poor and un-

earned money, a bitter pill for most and a most bitter pill for those who cannot afford it.

Then ponder our Small Claims Part. Here, every year, thousands — from commercial claimants to pro se defendants — see the face of justice and our courts up close for the only time in their lives. Those affiliated with the Small Claims Part make an impression that will last a lifetime. For this we are proud on Law Day and every day. We

claims law allows arbitrators and judges to reach the merits of a case fairly, accurately and speedily. The only things discarded are procedural roadblocks that defeat meritorious claims and defenses.

More Help Needed

We celebrate freedom by celebrating democracy, and the People's Court is the most democratic of legal institutions. But we must preserve our freedoms. Attorneys admitted for five years in New York can help. Simply apply to the Administrative Judge, Civil Court, 111 Centre St., New York, N.Y. 10013.

Many have died defending freedom. I ask merely that you train to become the judge before whom you always wanted to appear.

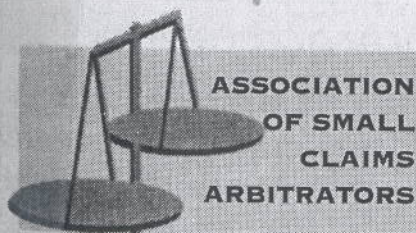
Since November 1996, the Association of Small Claims Arbitrators has trained 300 new arbitrators, in inductions held in every county in New York City. Even so, the Civil Court still does not have enough arbitrators for a small claims caseload of 60,000 a year and growing. And some small claims arbitrators are inactive. We seek their return.

We can continue to celebrate our freedoms by safeguarding our constitutional right to just and impartial trials for all.

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Freedom in the Small Claims Part means having your day in court notwithstanding the sum or principle. Every case is important. All facts must be ascertained honestly and applied rigorously; law must be followed scrupulously. Each proceeding must be conducted with dignity. Litigants, witnesses and counsel must always be treated with respect. So, too, everyone's right to due process. Small



represented, when law and fact combine in their favor, receive a judgment six weeks after they file a claim. One cannot underestimate what it means to be free to institute a small claim for a nominal fee that can be waived for indigency.

Imagine a place where those with legitimate claims have no forum in which to adjudicate their disputes. Some there take the law in their own hands. Others are denied the self-respect that comes from vindication. Still others cannot recoup hard-

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

Daily columns in the *Law Journal* report developments in laws affecting medical malpractice, immigration, equal employment opportunity, pensions, personal-injury claims, communications and many other areas.