

HB 2734 -5 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Meeting Dates: 3/2, 4/5

WHAT THE MEASURE DOES:

Requires that small claims proceedings be prosecuted in name of real party in interest. Prohibits party from appearing through attorney or other representative in small claims mediation or litigation, without consent of circuit court judge. Requires governments, corporations and other non-natural parties to appear through officer or employee. Authorizes one spouse to appear on behalf of other spouse, with permission.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-5 Replaces the measure. Authorizes one spouse to appear on behalf of both spouses in small claims mediation or litigation with written consent of other spouse of declaration under penalty of perjury.

BACKGROUND:

Small claims cases are designed to handle civil cases involving relatively small dollar amounts. The goal of small claims departments is to handle these cases informally, while resolving cases promptly and economically. A civil case must be filed in the small claims department if the damages sought do not exceed \$750 and may be filed in the small claims department if the damages sought do not exceed \$10,000.