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NYPIRG RELEASES “SMALL CLAIMS, SMALL CHANGES: A SURVEY OF ALBANY SMALL CLAIMS COURT 45 YEARS LATER”

(Albany, N.Y.) Today, NYPIRG released a report documenting a survey of litigants who participated in cases in the City of Albany Small Claims Court in 2021. The survey and subsequent findings follow up on a report that NYPIRG published in 1978 surveying litigants in this same court in 1977.

The report found that litigants in Small Claims Court in the 2020’s face many of the same problems as litigants in the 1970’s did. Primarily, many claimants who win their cases struggle with collecting their judgments. While nearly 80% of claimants we surveyed said they won their case, 75% of those who won said they had been unable to collect any part of the judgment. As one litigant stated, “Although it was fairly easy to win the case, it is very difficult to collect the money owed if the debtor doesn’t want to pay.” The main obstacles judgment creditors face include the inability to locate the debtor’s assets and lack of understanding of the collections process.

The report also found that some litigants faced abnormally long wait times between filing the case and getting their day in court. While most litigants reported that it took between 3 and 6 months to get a resolution in their case, some told us it took closer to a year.

The NYPIRG report outlines a number of recommendations for improving the efficiency of Small Claims and helping judgment creditors collect the money they are owed. Those recommendations include: providing new tools for enforcement of judgments; ensuring compliance and enforcement of laws already on the books meant to aid in the collections process; providing more resources to Small Claims Courts to process cases more efficiently and aid *pro se* litigants at every step of the judicial process; and holding legislative hearings on the current state of Small Claims in New York.

The following statement is attributable to Kyle Giller, Consumer Justice Staff Attorney for NYPIRG:

“This report shows that many of the issues that plagued litigants in Small Claims Court in the 1970’s continues to affect them today. It is unacceptable that such a high percentage of claimants are unable to collect their hard-won judgments. Litigants in Small Claims Court are largely without lawyers and need more help to ensure they are receiving justice. Our report provides many recommendations for providing additional resources and tools to ensure that Small Claims lives up to its name as ‘The People’s Court.’”