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NYPIRG RELEASES “SMALL CLAIMS, SLOW JUSTICE: A LOOK AT AVERAGE WAIT TIMES IN NEW YORK STATE’S SMALL CLAIMS COURTS”

REPORT FINDS THAT THE “PEOPLE’S COURT” OFTEN FAILS TO DELIVER PROMPT JUSTICE

(Albany, N.Y.) Today, NYPIRG released a report analyzing court data on how long the average Small Claims Court case takes in the 13 most populous counties in the state. The report drew on data from the eCourts website and looked at cases filed from January 2022 to March 2024.

The report found that Small Claims cases in some counties are currently not living up to the promise found in Section 1802 of the Court Acts, which require Small Claims to provide a “prompt determination” of claims. Instead, some courts – in particular, the Small Claims courts in New York City – take, on average, an excessively long time to resolve claims. In Queens County Small Claims, cases take an average of 425 days, or 14 months, to reach a disposition date. Cases in Bronx County take an average of 274 days, or 9 months; cases in Kings County take an average of 257 days, or 8 ½ months; and cases in New York County take an average of 213 days, or 7 months. Many Small Claims courts outside New York City, in particular on Long Island and in Albany County, are far more efficient – cases in these courts tend to resolve in 3-4 months.

The excessive delays leave many litigants frustrated and feeling like the judicial system does not meet their needs. As one litigant whose case in New York County took nearly 2 years to reach a resolution stated, “The experience of having to wait so long for each appearance and having to travel back and forth each time was very emotionally and financially difficult.”

The NYPIRG report outlines a number of recommendations for improving the efficiency of Small Claims including: providing more resources to Small Claims Courts to process cases more efficiently and aid *pro se* litigants at every step of the judicial process; expanding pilot programs for virtual hearings put in place during the pandemic; and holding legislative hearings on the current state of Small Claims in New York.

“This report shows that many Small Claims Courts are failing to live up to their promise to provide prompt and efficient justice for New Yorkers. It is unacceptable that cases in some counties take on average a year or more to resolve,” said Kyle Giller, Consumer Justice Staff Attorney for NYPIRG. “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.’”

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A LOOK AT AVERAGE
WAIT TIMES IN
NEW YORK STATE'S
SMALL CLAIMS
COURTS

SMALL CLAIMS, SLOW JUSTICE

NEW YORK PUBLIC INTEREST RESEARCH GROUP
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Established in 1976, the New York Public Interest Research Group Fund (NYPIRG) is a nonpartisan, non-profit, research and advocacy organization whose mission is to educate the public on policy issues and advance reforms, while training New Yorkers to be advocates. Governmental accountability, political reform, consumer protection, environmental preservation, health care, higher education, public health, and mass transit are among NYPIRG's principal areas of concern.

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Small Claims, Slow Justice: A Look at Average Wait Times in New York State's Small Claims Courts

§ 1802. Parts for the determination of small claims established. The chief administrator shall assign the times and places for . . . the hearing of small claims as herein defined . . . ***Such practice, procedure and forms shall . . . constitute a simple, informal and inexpensive procedure for the prompt determination of such claims*** in accordance with the rules and principles of substantive law.¹

Executive Summary

New York's Small Claims Courts – the “People’s Court” – were designed to provide swift resolution of disputes over modest amounts of money without the need to hire a lawyer. But are these grassroots courts offering the prompt process they promise?

To find out, the New York Public Interest Research Group (NYPIRG) analyzed data from the New York State Office of Court Administration (OCA) in order to better understand how long it takes for a Small Claims Court case to move through the courts in New York State.

NYPIRG analyzed Small Claims Court case file data for the City and District Courts serving select areas, including the state's 13 most populous counties: Albany, Bronx, Broome (Binghamton), Cortland, Erie (Buffalo), Kings (Brooklyn), Monroe (Rochester), Nassau, New York (Manhattan), Queens, Richmond (Staten Island), Suffolk, and Ulster counties.

We examined two key metrics: 1) the length of time between when a case is filed and the first appearance date given by the court; and 2) how long it took a case to move from case filing to disposition or final court date. We reviewed data for cases filed for the 26-month period between 1/1/2022 and 3/29/2024. In total, we examined 46,458 cases.

Key Findings:

- The longest wait time between the initial filing of a case and the day assigned by the court clerk for the first court date was in Kingston City Court, which had an average wait time of 194 days, or over 6 months just to have the first court date. Not far behind were several of the New York City Small Claims Courts, which had wait times of approximately 166 days in Kings County (Brooklyn) Small Claims Court, 151 days in New York County (Manhattan) Small Claims Court, and 121 days in Bronx Small Claims Court.
- The longest average time between filing a case and getting to a final disposition on a case was in Queens Small Claims Court, which took on average 425 days, or 14 months. Bronx County cases took on average 274 days, Kings County cases took on average 257 days, Kingston City Court cases took on average 226 days, and New York County cases took on average 213 days.
- Courts outside of New York City, notably in Nassau County and Albany County, move cases along at a significantly brisker pace: Claimants filing in these courts typically only have to wait 1-2 months for their first court date and the cases resolve in 3-4 months.

¹ Section 1802, New York City Civil Court Act. [Emphasis added.]

Key Recommendations:

- Increase funding specifically for Small Claims Court operations to ensure there are a sufficient number of clerks and judges to help the largely *pro se* litigants get through their cases promptly and efficiently.
- Expand virtual pilot programs to help deal with the backlog of cases.
- Ensure that judges are dismissing cases or granting default judgments after the first missed appearance, and not granting additional unjustified adjournments.
- Hold legislative hearings on the Small Claims Courts to hear from court personnel, litigants and groups assisting *pro se* parties.

Our analysis shows that cases typically take *far longer* from filing to final hearing in several of the New York City Small Claims courts than compared to courts outside the City. A case in Queens takes on average 14 months; a case in Brooklyn (Kings County) takes on average 8 ½ months. The one upstate city court exception is the Kingston City Court, where cases took an average of 7 ½ months from start to finish. These are average times, and some cases may be disposed of sooner. However, as described in our findings below, litigants report to NYPIRG that their cases can sometimes take significantly more time than the average.

While some of these delays are beyond the control of the court system, including litigants filing motions, defaulting, and requesting repeated adjournments, the courts can take steps to speed up cases in Small Claims, helping ensure that the largely *pro se* (unrepresented) litigants in this court are able to obtain justice in the expedited manner required under law. OCA could increase funding specifically for Small Claims Court operations to provide more clerks, judges, and mediators to help resolve cases more efficiently and expeditiously.

This survey is part of NYPIRG's long-standing commitment to improving justice in the Small Claims courts, work that includes running a consumer hotline – the Small Claims Court Action Center Project (SCCAC) – which provides help to Small Claims parties over the phone. NYPIRG also advocates for policy reforms to ensure that New York's Small Claims Courts fulfill their original mission: providing an inexpensive, fair and expedited opportunity for New Yorkers to have their day in court and ensuring that the largely *pro se* litigants in Small Claims have access to justice.

Introduction

Small Claims Court, also known as the “People’s Court,” is a low-cost, informal court where people without attorneys can bring claims for relatively modest amounts of money – up to \$10,000 in New York City; \$5,000 in city courts outside NYC and the District Courts in Nassau and Suffolk Counties; and \$3,000 in town and village courts located across the state. One of the virtues of Small Claims is that, in theory, it operates more quickly and efficiently than higher courts, and cases are supposed to resolve faster than cases in the higher trial courts. The Court is utilized by, among others, tenants attempting to reclaim their security deposits; homeowners who have hired contractors who have failed to perform services; employees who have experienced wage theft; and any consumer who has fallen prey to a deceptive or fraudulent business practice. In its tenth decade of operation, the Court remains an essential tool for New Yorkers to win back their hard-earned money without bearing the expense of hiring an attorney.

NYPIRG’s interest in the Small Claims Courts goes back to the 1970s. Our work includes running a statewide hotline called the Small Claims Court Action Center (SCCAC), where we provide free legal information, counseling and assistance to help litigants navigate through the process of Small Claims, from filing the case to collecting judgments. We typically speak to some 800 people utilizing the Small Claims Courts every year. Many of the New Yorkers contacting NYPIRG’s Small Claims Court Action Centers are referred to us by the Attorney General, the New York State Bar Association, the New York City Bar Association, New York City’s 311 service, and legal service organizations, among others. NYPIRG is the only organization in the state that focuses on providing assistance to those who need to use the Small Claims Courts.²

In recent years, the “People’s Court” has experienced a dramatic decline in the number of case filings. In 1997, there were more than 90,000 cases filed in Small Claims throughout New York State.³ In 2022, there were only about 25,000 cases filed in the Small Claims Courts,⁴ including NYC Civil, City Courts and District Courts (Long Island).⁵ Even before the pandemic reduced caseloads, there were only about 34,500 cases filed in 2019.⁶ This amounts to a decrease in case filings of approximately 75% over a 25-year period.

Notwithstanding the drop in case volume over time, many clients report they are experiencing excessively long wait times for their cases to be calendared. Particularly in New York City, claimants typically can expect to wait at least six months and sometimes up to a year to receive their first court date. Some clients report to us that it takes two years or more to fully resolve their case. These long wait times to have a case calendared are likely having a chilling effect on the overall filing numbers. Many consumers may simply give up on the possibility of reclaiming money they are owed, unsure whether they will be able to obtain justice in this forum. Again, it is worth emphasizing that Small Claims Court was designed to be an

² NYPIRG’s Small Claims Court Action Centers provide free information, assistance and counseling for clients with consumer and small claims court matters. Counseling is primarily conducted by undergraduate college students and interns and lay staff supervised by NYPIRG attorneys. Legal advice and courtroom representation are not provided. Services are provided free-of-charge and there is no means testing for our services.

³ *20th Annual Report of the Chief Administrator of the Courts* (1997), Page 9, Table 5, www2.nycourts.gov/sites/default/files/document/files/2018-05/ar20-1fin.pdf.

⁴ *New York State Unified Court System, 2022 Annual Report*, Page 67, Table 9 and Page 68, Table 11, www.nycourts.gov/legacyPDFS/22_UCS-Annual_Report.pdf.

⁵ The Town Courts and Village Courts in most areas of the state have Small Claims Parts, but their data is not included in the state Office of Court Administration reports.

⁶ *New York State Unified Court System, 2019 Annual Report*, Page 41, Table 9 and Page 42, Table 11, www.nycourts.gov/legacypdfs/19_UCS-Annual_Report.pdf.

expedited process. Justice delayed is justice denied is as true in small claims court as any other judicial forum.

Delays in other parts of the court system, including Criminal Court⁷ and Housing Court,⁸ have been extensively documented. Yet very little attention has been given to delays in the Small Claims Courts throughout the state. In section 1802 of the relevant Court Acts,⁹ which authorize and implement Small Claims Courts, the Legislature stated that a small claims case “shall constitute a simple, informal and inexpensive procedure for the *prompt* (emphasis added) determination of such claims.”

⁷ Weill, Joanna, et. al. “Felony Case Delay in New York City,” *Center for Court Innovation*, www.innovatingjustice.org/sites/default/files/media/document/2021/Case_Delay_Policy_Brief_3.29.2021.pdf.

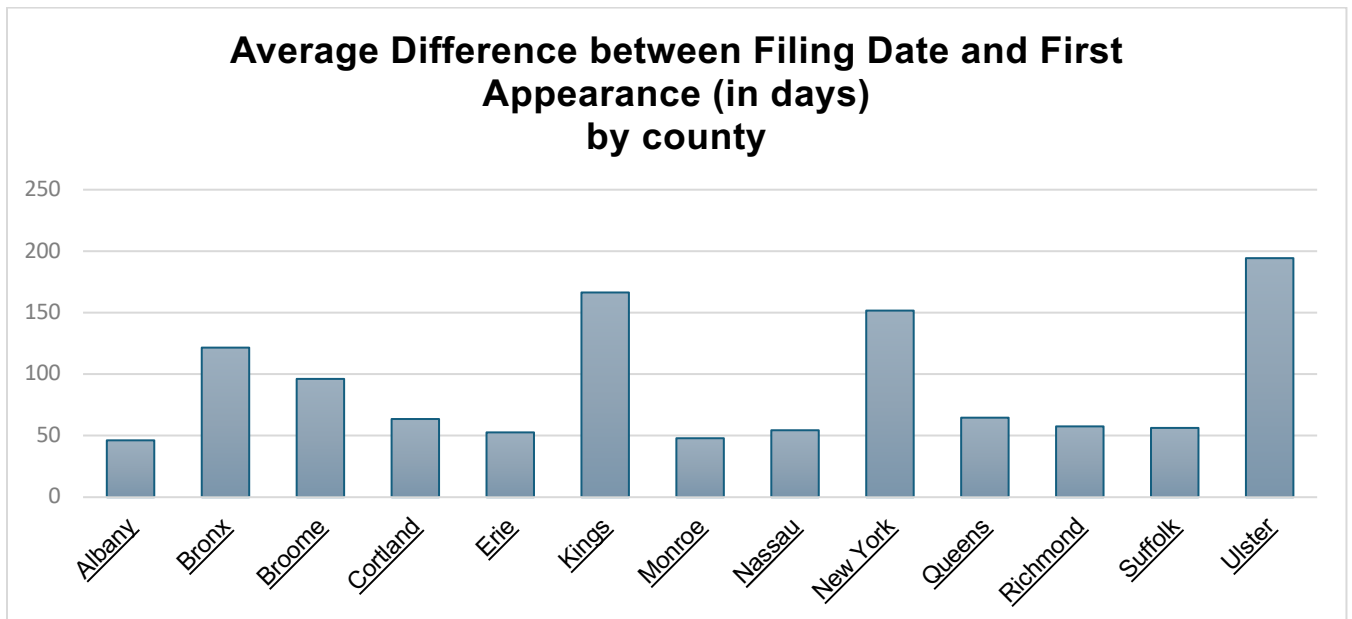
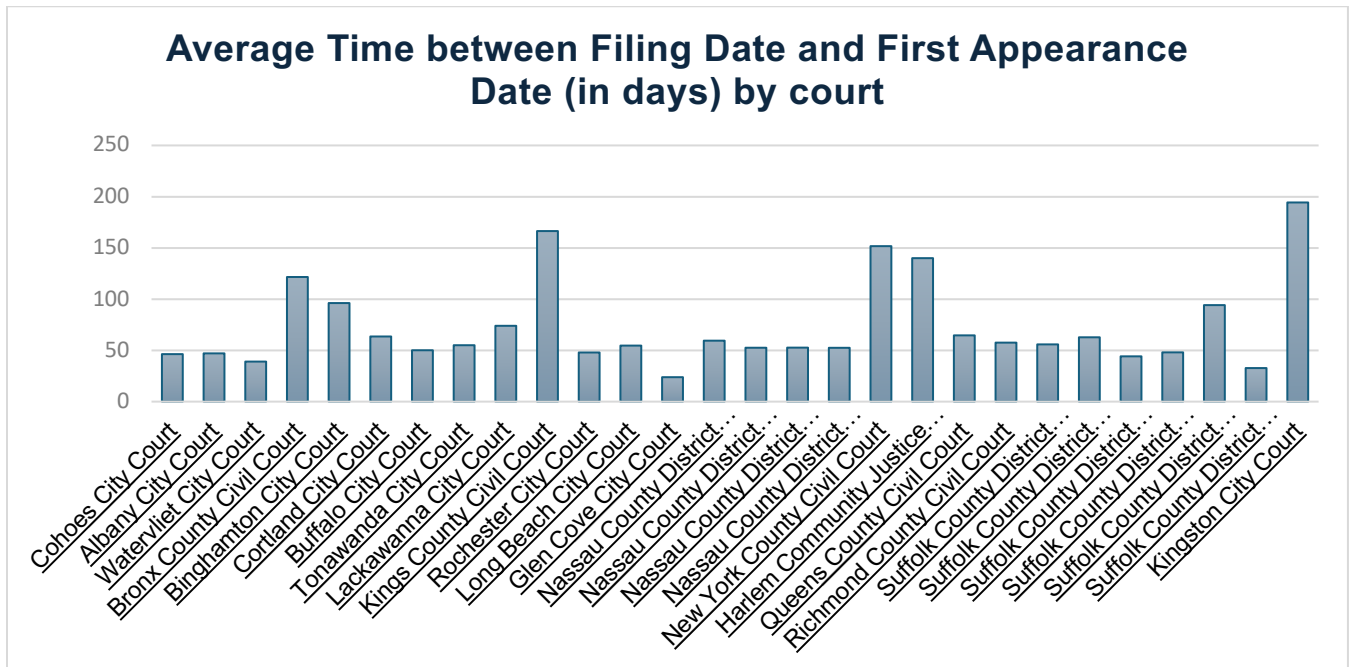
⁸ Denney, Andrew. “Property Owner Sues Court System Over Growing Delays in NYC Landlord-Tenant Proceedings,” *New York Law Journal*, February 25 2024.

⁹ The four court acts – New York City Civil Court Act, Uniform District Court Act, Uniform City Court Act and Uniform Justice Court Act – contain nearly identical small claims court sections, Article 18. The acts also contain Article 18-A, which establishes the Commercial Claims Part courts, essentially a small claims court for businesses, with various limitations on use set out in the court rules. Commercial Claims Part cases were not part of this review.

Findings

Average Time Between Filing and First Appearance:

One of the major issues many people have with Small Claims is simply the length of time between filing their case and their first court date. The chart below shows the average length of time between a claimant filing and the first appearance for the courts we reviewed throughout New York.



Below are the 5 courts with the longest wait times:

- Kingston City Court (Ulster County) - **194 days**
- Kings County (Brooklyn) - **166 days**
- New York County (Manhattan) - **151 days**
- Bronx County - **121 days**
- Binghamton City Court (Broome County) - **96 days**

Below are the 5 courts with the shortest wait times:

- Glen Cove City Court (Nassau County)¹⁰ - **24 days**
- Suffolk County 4th District¹¹ - **32 days**
- Watervliet City Court (Albany County) - **39 days**
- Suffolk County 6th District: **44 days**
- Cohoes City Court (Albany County) - **46 days**

The longest wait time for a first court appearance for any court reviewed was Kingston City Court, which had an average wait time of approximately 194 days, or over 6 months. Not far behind were several of the New York City Small Claims Courts, which had wait times of approximately 166 days in Kings County (Brooklyn), 151 days in New York County (Manhattan), and 121 days in Bronx County. Queens County only had an average wait period of 64 days between filing and first appearance, which is more in line with the wait times at upstate city courts.

Testimonial:

"I filed a case in New York County Small Claims Court in November 2022 and the first appearance was not scheduled until August 2023. By this time, I had moved out of New York City, and I was forced to travel back to Manhattan for each appearance, which cost considerable time and money. After four court appearances, the case finally ended in settlement in October 2024, nearly two years after initial filing. The experience of having to wait so long for each appearance and having to travel back and forth each time was very emotionally and financially difficult." - *Matthew*

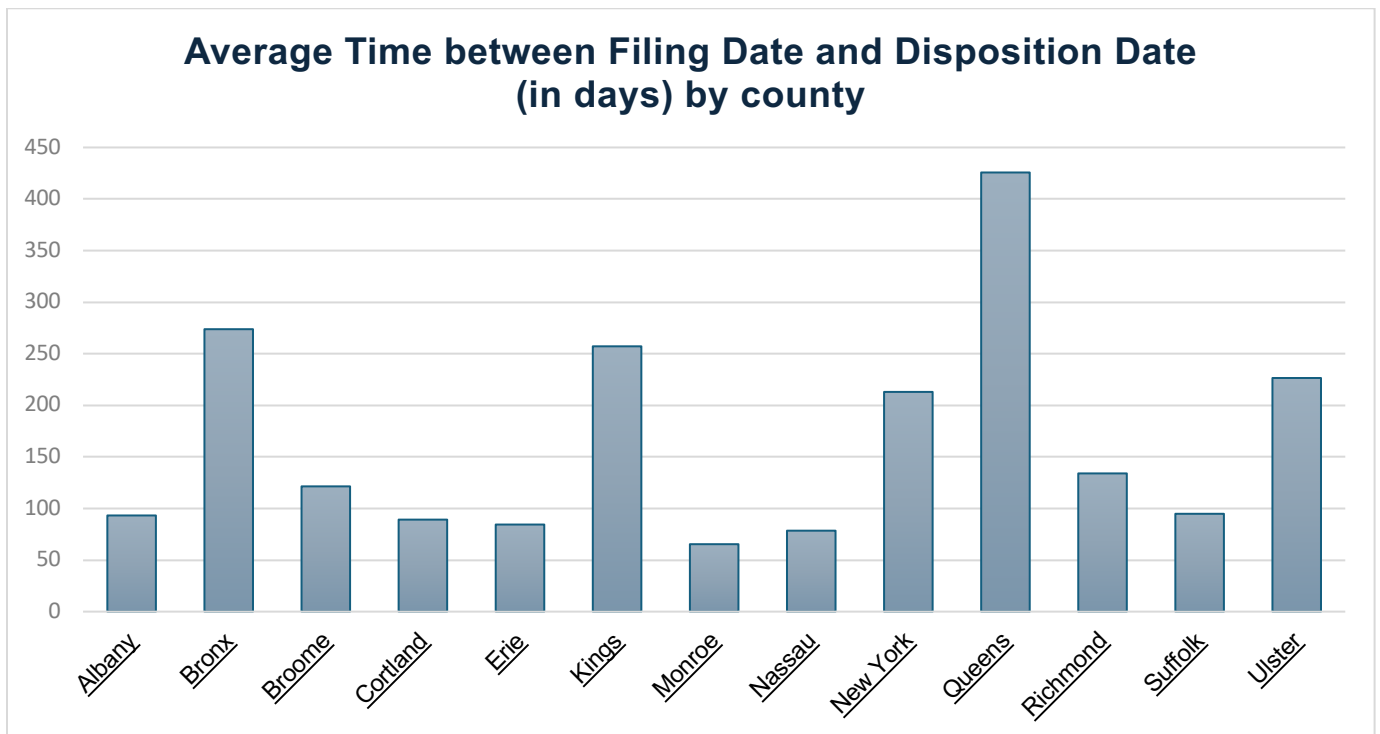
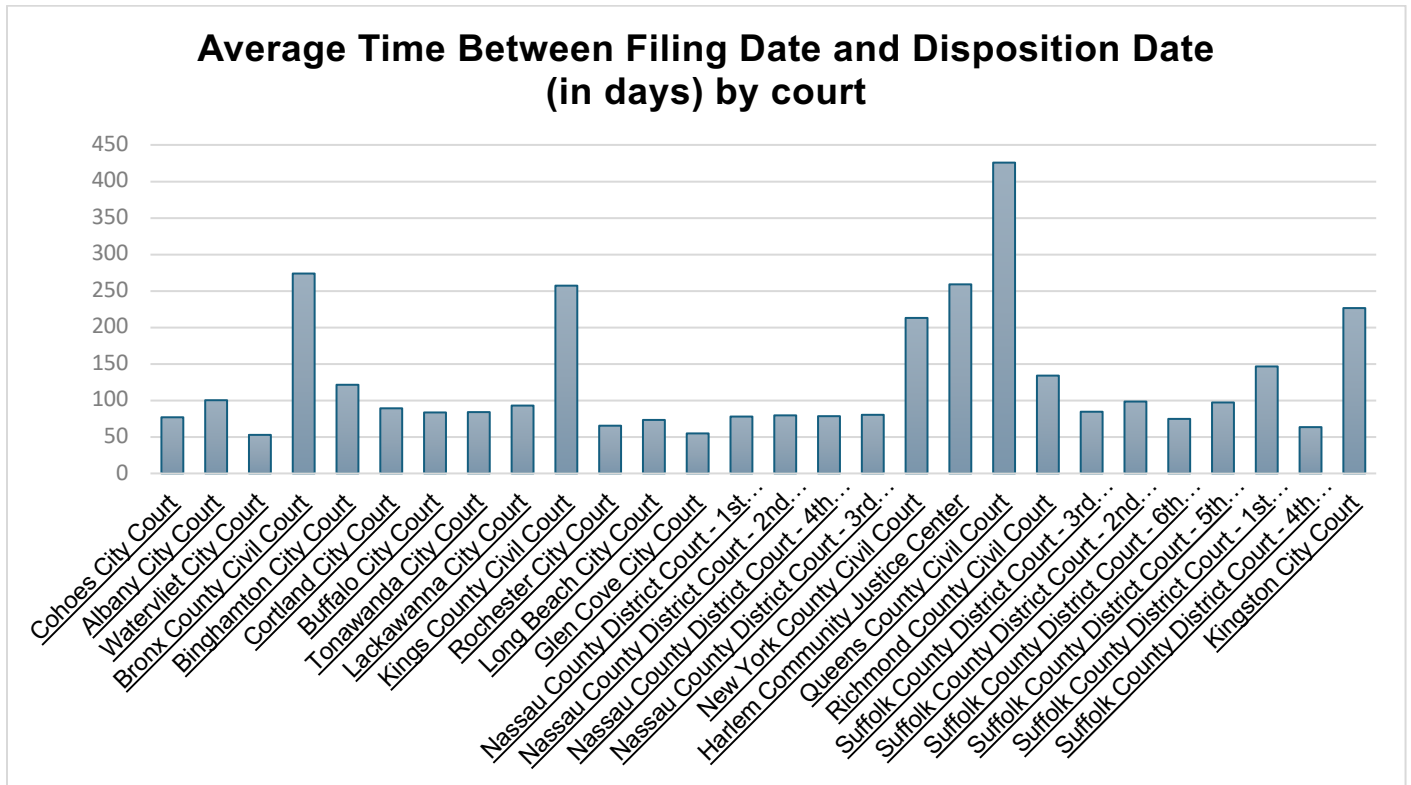
Average Time Between Filing and Disposition Date (Case Length):

The charts below show the average time between a claimant filing their claim and the case reaching a "disposition" date. As noted in the "Limitations" section, how long a case takes to reach disposition is not entirely within the control of the Court and can depend on a variety of factors, including how many adjournments are requested and granted, and whether or not both parties show up to each court date. Some of the delays can also be attributed to the court recovering from pandemic closures in 2020 and 2021. Since circumstances leading to delays for the most part are not unique to any court and should equalize over time, it underscores the questions about disparities between courts. Despite these

¹⁰ The City of Glen Cove Civil Court is not part of the Nassau County District Court system.

¹¹ Note that Suffolk County breaks courts up by District.

variables, the overall numbers can still give us a sense of how long litigants can typically expect to spend on a particular case. The charts below break down the courts individually as well as aggregated by county.



Below are the five courts with the *longest* average case length:

- Queens County - **425 days**
- Bronx County – **274 days**
- Kings County - **257 days**
- Ulster County/Kingston City Court - **226 days**
- New York County - **213 days**

Below are the five courts with the *shortest* case length (Note that Suffolk County breaks courts up by District):

- Albany County/Watervliet City Court - **53 days**
- Nassau County/Glen Cove City Court - **55 days**
- Suffolk County 4th District - **63 days**
- Monroe County/Rochester City Court - **65 days**
- Nassau County/Long Beach City Court - **73 days**

Several of the New York City Courts lead the state in length of time to reach a disposition date. The longest time by far is Queens Small Claims Court, which takes on average 425 days to reach a disposition. This means that the average Small Claims case in Queens takes nearly a year and two months to resolve. Interestingly, Queens did not have the longest times between filing and first appearance, but based on the data, despite setting a relatively swift first court date, the cases can end up dragging on for a very long time. Other long average case lengths include Bronx County at 274 days; Kings County at approximately 257 days; New York County at 213 days (including New York County Small Claims downtown court and the Harlem Community Justice Center); and the Kingston City Court in Ulster County at 226 days.

Testimonials:

"I filed a case in Bronx Small Claims Court in December 2020. A mediation was held in April 2021, but we were unable to come to a settlement. I did not receive my next court date until April 2023, two years later. The case finally settled in March 2024 after seven total appearances. I essentially felt compelled to settle the case because of how long the matter had dragged on, and I no longer felt I could get justice in Small Claims Court. While the Court granted Respondent's untimely motion to vacate default judgment, it would not give me the courtesy of even considering my opposition to that motion. The experience left me extremely frustrated with our judicial system." - *Zachary Berman*

"I filed a case in Kings County Small Claims Court in May 2022 and my first court appearance was scheduled in October 2022, five months later. There were a total of 5 appearances and we finally reached a settlement agreed during a court appearance in June 2023. The process took far longer than I expected and because there were so many adjournments, I was forced to move my work schedule around multiple times, causing me a great deal of stress." - *Anonymous*

Methodology, Definitions, and Limitations

Methodology

In order to understand if New York's Small Claims Courts were meeting the goal of providing justice through a prompt process, NYPIRG analyzed anonymized court appearance data provided by the Office of Court Administration for select city and district courts in counties across the state.¹²

The data we requested includes everything normally available to the public on eCourts, to better understand the average case length. This includes the Filing Date, each Appearance Date, the Purpose for each Appearance Date, the Outcome Type for each Appearance Date, and the Disposition Date. We requested this information for all Small Claims cases filed in the City and District courts in Albany, Bronx, Broome, Cortland, Erie, Kings, Monroe, Nassau, New York, Queens, Richmond, Suffolk, and Ulster counties, between 1/1/2022 and 3/29/2024. This data request yielded a total of 46,458 cases to analyze. Only city and district courts were reviewed, because the Office of Court Administration does not maintain such records for town and village justice courts.¹³

To understand the average case length in each county, we calculated the average of the time between Filing Date and the first Appearance Date, as well as the average time between Filing Date and Disposition Date.

Definitions

Basic Small Claims Procedure

Small Claims cases follow a simplified procedure outlined in Article 18 of the relevant Court Acts.¹⁴ Claimants typically file a claim form in person, and the court will mail out two copies of the notice to the defendant - one by regular first-class mail, and one by certified mail return receipt requested. As long as the first-class letter does not bounce back to the court as undeliverable in 21 days, the defendant is deemed served.¹⁵ The clerk will generally provide the claimant a first appearance date on the day the claim is filed. In some jurisdictions, depending on how busy the court is on a given day, litigants might meet with a court attorney during their first appearance, who will listen to the claims and see if the parties can reach a voluntary resolution or settlement. Parties are also sometimes given the option of participating in mediation,¹⁶ and they are sometimes required to go to arbitration¹⁷ and forgo Small Claims entirely. If the parties cannot reach a settlement, the case will go to a hearing in front of the judge, who will then mail the parties a written decision. Depending on how busy the court is, and how long the parties

¹² NYPIRG received this data in a convenient format directly from the Office of Court Administration. The same data can be accessed by the public via the New York State Unified Court System's eCourts service. eCourts is a website that provides basic information about court dates in New York State, including the date and time of an appearance and a basic purpose for the appearance. See <https://iapps.courts.state.ny.us/webcivil/ecourtsMain>.

¹³ The Town Courts and Village Courts in most areas of the state have Small Claims Parts, but their data is not included in the state Office of Court Administration reports.

¹⁴ As mentioned previously, Small Claims cases are governed by Article 18 of the relevant Court Acts.

¹⁵ See <https://www.nycourts.gov/courtsnycsmallclaims/startingcase.shtml#starting>.

¹⁶ See <https://ww2.nycourts.gov/ip/adr/mediation>.

¹⁷ See <https://ww2.nycourts.gov/courts/7jd/courts/city/civil/arbitration.shtml>.

take to present their cases, the process in court can sometimes require five or six court appearances before a judge is available to hear the case and render a decision.

Defaults

If one or more parties is not present at a court appearance, the court may consider them in default and rule against them, resulting in the dismissal of a claim. The case can be dismissed if the Claimant fails to show, or the court can issue a default judgment if the Defendant is a no-show. Most commonly, if a defendant does not appear at the scheduled court appearance, a judge may order an inquest of the claim and subsequently issue a default judgment. While a default sometimes ends a case more quickly than if both parties appear to litigate the issue, a default can sometimes drag a case on even longer. Sometimes, instead of ordering an inquest, a judge will delay the case and give the absent party another opportunity to appear.¹⁸ Even when a default is entered, parties still have the opportunity to file an Order to Show Cause to vacate the default judgment. Defaults are important to understand because they add an additional element of uncertainty when it comes to how quickly and efficiently courts can dispose of a case.

Disposition Date

The Disposition Date is a general term that refers to the date the court has ended the case. The Disposition Date entered into the eCourts system can sometimes refer to a final appearance in court, or the date the parties notified the court that they reached a settlement. The reasons that a case may be considered disposed vary greatly and include: the parties settled out of court; a verdict was rendered after trial; or one of the parties defaulted. Sometimes, the disposition date does not exactly track when the litigants understand the case to be over. It can sometimes appear late, if the parties report a settlement to the court after the fact; or it can appear early, if the disposition date reflects the final court appearance and the parties do not receive a decision in the mail for a month or more afterwards. Although tracking how long a case takes based on the Disposition Date is an imperfect method, it still gives us a general idea of how long cases are taking by county.

Limitations

We acknowledge that each case includes a unique set of circumstances, and there are factors beyond the court's control that dictate how long a case might be delayed. As stated above, when one or more parties do not show up for a court date, this can sometimes counterintuitively prolong a case. The court may grant an adjournment to give the absent party another opportunity to appear. The defaulting party might also make a motion to vacate the default judgment and re-open the case at a later date. Any subsequent court dates, even after a default, are added to the same case on eCourts, prolonging the length of the case. Defaults are thus a limitation on our study of how the courts themselves contribute to case delays because defaults are caused by the litigants themselves.

eCourts and the Office of Court Administration use a number of different labels to indicate that one or more parties defaulted. Below is a list of the different default labels, and the number that appeared in our analysis:

- 78 cases were "Denied - Index Disposed"
- 268 cases were "Denied - No Appearance Either Side"
- 304 cases were "Denied - No Appearance Movant"

¹⁸ Parties are typically notified by certified mail of any subsequent court dates.

- 7647 cases were “Dismissed NAES”
- 3589 cases were “Dismissed NAP”
- 195 cases were “Granted on Default”
- 17 cases were “Marked Off NAES” or “Marked Off NAP”

In total, our review identified 12,098 cases determined to be defaults in our specified time range. This is 26% of the total number of cases analyzed.

Cases can also frequently be delayed by one or both parties requesting an adjournment. While the data does not specify why an adjournment was granted, it is often the case that a party is requesting the adjournment rather than the court acting unilaterally.

It is also worth mentioning the large disparities in the number of cases filed between different courts. In the Watervliet City Court, for example, which had the fastest average time from filing to disposition, 128 cases were filed for the 26-month period we examined for this report. In the Glen Cove City Court, just 61 cases were filed. Both of these cities are orders of magnitude smaller than each county in New York City.¹⁹ By contrast, in the Bronx, 4,758 cases were filed; in New York County (Manhattan), 6,387 cases were filed; in Queens County, 7,330 cases were filed; and in Kings County (Brooklyn), 8,476 cases were filed. While the New York City courts typically have greater resources to accommodate the much larger caseload, it is also likely that the sheer volume of cases contributes to the delays in some courts.

¹⁹ According to U.S. Census data, the population of Watervliet in 2023 was 10,170 and the population of Glen Cove was 27,879. By contrast, the population of Bronx County alone according to 2022 Census data was 1.443 million.

Recommendations

Fund Small Claims courts to ensure that cases are processed efficiently.

One of the main reasons for the increasingly long delays in Small Claims may well be that current funding levels are inadequate to provide an efficient and expedited judicial result. Per the annual OCA budget reports, funding for courts of original jurisdiction (which includes most criminal and civil filings throughout the state) has not kept up with inflation. In 2008 (the earliest publicly available budget report on OCA's website), courts of original jurisdiction were allocated approximately \$222 million.²⁰ In fiscal year 2024, they were allocated \$293.5 million.²¹ If funding levels had kept up with inflation, courts of original jurisdiction should receive at least \$322.6 million in fiscal year 2025.²² While courts of original jurisdiction received a budget of \$307.4 million for fiscal year 2025²³ – a substantial increase over the previous year – this is still approximately \$15.2 million short of basic levels of inflation.

It is difficult to find data on specific funding levels for Small Claims, as OCA distributes funds to local court administrators throughout the state, who then have discretion to decide how to allocate the funds amongst the courts under their supervision. From years of advocating on Small Claims Court issues, however, we do know that this is typically an overlooked and underappreciated court that likely has not seen increases in the number of judges and clerks in many years.

For Fiscal Year 2026, OCA has proposed an overall budget increase of \$268.2 million, bringing the budget for the state judiciary to \$3 billion.²⁴ We urge OCA, as well as local court systems that distribute funds, to prioritize funding for Small Claims Court operations in particular.

There are a few ways in which increased funding could be used to help expedite Small Claims cases:

- **Increase the number of pro se clerks.** More than any other court, Small Claims is designed to allow New Yorkers to file claims and win money without needing to hire an attorney. In some areas, however, particularly in New York City, claimants report that they are unable to reach clerks by phone for days at a time and are unable to get important questions about their cases answered. Small Claims Courts must be adequately staffed with clerks to provide litigants the assistance they need to properly file their claims and receive instructions on how to collect their judgments, if necessary. While in person staffing would be the best option, having centralized clerks prepared to answer questions from across the state – by phone, by instant message, by video chat – is worth exploring as a way to address this need. Attorneys earning continuing legal education credits, appropriately supervised law students and lawyers serving pro bono could augment court resources.
- **Increase the number of Small Claims judges, arbitrators and mediators.** By increasing the number of judges, arbitrators and mediators in Small Claims, the court could begin to work

²⁰ New York State Unified Court System Budget, Fiscal Year 2008-2009, page 152, ww2.nycourts.gov/sites/default/files/document/files/2019-03/0809BudgetWhole.pdf.

²¹ New York State Unified Court System Budget, Fiscal Year 2024, page 30, https://ww2.nycourts.gov/sites/default/files/document/files/2022-11/FY2024_FINAL_JudiciaryBudget.pdf.

²² Calculated using the Bureau of Labor Statistics Consumer Price Index Inflation Calculator, www.bls.gov/data/inflation_calculator.htm.

²³ New York State Unified Court System Budget, Fiscal Year 2025, page 67, www.nycourts.gov/LegacyPDFS/admin/financialops/FPCM-PDFs/V2_jdbgt/FY2025_FINAL-JudiciaryBudget.pdf.

²⁴ Lee, Brian, "NY Court Leaders Ask for 10% Judiciary Budget Increase," *New York Law Journal*, December 2, 2024.

through the immense backlog that exists and be able to schedule new case court dates more quickly.

- **Expand virtual hearing pilot programs that were put in place during the pandemic.** One way to try and work through the backlog is to provide additional resources to the virtual pilot programs that were initiated during the early days of the COVID pandemic. Although more research needs to be done, initial anecdotal reports indicate that these programs were successful and made appearances more efficient.²⁵
- **Ensure that judges are not granting adjournments to defaulting parties.** We have heard anecdotally from many claimants, particularly in New York City Small Claims Courts, that judges are adjourning cases when the defendant has defaulted, instances where judges should instead conduct an inquest with the claimant. This can cause further delays in the system and frustrate many litigants who believe they should receive a default judgment after the first default. Judges should ensure they are conducting inquests after the first default so as not to create an additional backlog of cases.
- **Hold a legislative hearing on the Small Claims Courts.** There has been no dedicated legislative hearing on the functioning of the state’s small claims courts in memory. A public hearing would provide an opportunity to hear from court personnel, service agencies and litigants about how well the court acts, court personnel, systems and judgment collection agents are doing and whether the “People’s Court” is living up to its mission to administer justice quickly, inexpensively and without the assistance of a lawyer.

²⁵ Reimagining Access to Justice: Should we Shift to Virtual Mediation Programs Beyond the COVID-19 Pandemic, Especially for Small Claims? Donna Erez-Navot, New York State Bar Association, <https://nysba.org/reimaginingaccess-to-justice-should-we-shift-to-virtual-mediation-programs-beyond-the-covid-19-pandemic-especially-for-small-claims/>.