

# Court of Appeals

STATE OF COLORADO  
2 EAST FOURTEENTH AVENUE  
DENVER, COLORADO 80203  
720-625-5000

Michael H. Berger  
Judge

March 28, 2016

Honorable Allison Eid

Justice, Colorado Supreme Court

Re: Colorado Supreme Court Committee on Rules of Civil  
Procedure—Increasing the jurisdiction of the county courts

Dear Justice Eid:

I write to you in your capacity as the Liaison Justice to the Colorado Supreme Court Civil Rules Committee.

The Civil Rules Committee recommends that the Supreme Court support legislation to increase the jurisdiction of the county courts from the present \$15,000 to \$35,000.

I appointed a subcommittee to study this issue, chaired by former Chief Judge Janice Davidson. The other members of the Subcommittee are Judge Cathy Lemon, Judge Chris Zenisek, Richard Laugesen, Jeannette Kornreich, Richard Holme, Peter Goldstein, Debra Knapp, Cheryl Lane, Ben Vinci and Stephanie Scoville.

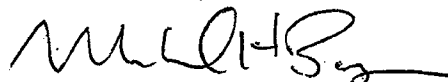
The Subcommittee's report dated March 11, 2016, is attached to this letter. I am also sending this letter, together with the

Subcommittee's report, to you electronically for the Court's convenience.

The Subcommittee's recommendations were addressed at the March 18, 2016 meeting of the full Committee. After discussion, the Committee voted 18-2 to recommend that the Supreme Court support legislation increasing the county court jurisdictional limits to \$35,000.

In addition to the matters addressed in the Subcommittee's report, I note that this recommendation is consistent with the amendments (and the purpose of those amendments) made by the Supreme Court to the Colorado Rules of Civil Procedure in 2015. To meet the overarching objectives of C.R.C.P. 1—"the just, speedy, and inexpensive determination of every action"—it is essential that the procedures required by the Rules be tailored to the needs of the cases before the courts. Increasing the jurisdictional limits of the county courts will take relatively low dollar value cases outside of the more complex, expensive, and usually unnecessary procedures that govern district court actions.

Respectfully submitted,



Michael H. Berger, Chair

Civil Rules Committee

Cc: Hon. Janice Davidson

Hon. John R. Webb

Jenny Moore, Esq.

## **MEMORANDUM**

**TO: Judge Michael Berger, Chair  
Supreme Court Civil Rules Committee**

**FROM: Subcommittee on Increasing County Court  
Jurisdictional Levels –  
Senior Judge Janice Davidson, Chair; Judge Chris  
Zenisek; Jeannette Kornreich; Richard Laugesen;  
Richard Holme; Peter Goldstein; Debra Knapp; Judge  
Cathy Lemon; Cheryl Layne; Ben Vinci; Stephanie  
Scoville**

**DATE: March 11, 2016**

**RE: Recommendations Concerning County Court  
Jurisdictional Levels**

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The Subcommittee unanimously recommends that the Civil Rules Committee send to the Supreme Court a recommendation in favor of the Court's support for legislation increasing county court jurisdictional limits. The Subcommittee voted for an increase of \$25,000-\$35,000 as most appropriate. The reasons for this recommendation, as expressed by subcommittee members, include:

a. An increase would encourage the filing of currently unfiled cases by providing greater access to county court -- district court is far too technical for the average person.

b. It would increase the average person's access to justice because costs would be decreased. People are not going to court now because it is too expensive and complicated.

d. The county courts are more accessible and better designed to serve pro se litigants.

e. Data from other states supports an increase to at least \$25,000. Most other states have jurisdictional limits higher than \$15,000. (A table of Civil Jurisdiction Thresholds, compiled by the NCSC, is included with this Memorandum.).

Although a more significant increase – e.g., to \$50,000 – was seriously considered, it was rejected on the grounds that such an increase could jeopardize county court simplified procedure by increasing requests for depositions/discovery and/or trigger a push to increase filing fees. It was agreed, therefore, that an increase that substantial would need to be further considered before implementation, to ensure it did not result in an increase in expenses to litigants and decrease access to justice. It was also suggested that an increase that high would simply be too great a shock.

The Subcommittee also seriously considered the concerns voiced by Jonathan Asher, Executive Director of the Colorado Legal Aid Society, who was invited to the November 24, 2015 meeting to share a legal services perspective. Mr. Asher thought that increasing the jurisdictional limit would simply increase default judgments, pointing out that it is collection agencies, not pro se litigants, who are filing the majority of cases in county court. He was concerned that a jurisdictional increase, rather than improving access to justice, could result in more judgments against indigent persons without counsel.

However, it was the consensus of the Subcommittee, in response to these concerns, that this was not a zero-sum, that is, an increase in collection cases does not impact an increased ability of a plaintiff (pro se or not) to afford to file his/her claim. Moreover, any increase in collection filings in county court would not be additional or “new” cases, but more likely, would come from a shift to the county court those cases seeking recovery over \$15,000, but less than \$25,000-\$35,000, that would have been filed regardless in the district court. Furthermore, any decrease in litigation costs necessarily benefits both parties, not just the collection agencies.

Please note that, while the Subcommittee was not charged with determining resource impacts, if any, of a jurisdictional increase, its discussions were informed by data presented from the SCAO Division of Court Services and the Presiding Judge and County Court Administrator of Denver County Court. For informational

purposes, included is additional information presented at the November 24, 2015 meeting:

The Division of Court Services, Jessica Brill, reported that the county courts should be able to absorb an increase under the current and forecasted workload studies at a level of \$15,000, a middle value of national jurisdictional limits. At this level, the courts would lose only about 2.67 FTE but that amount should be easily absorbed by shifting work from the district courts to the county courts without much of an impact on staffing levels. There is some anticipation of increased filings because of the lower court fees charged in county court.

Presiding Judge Marcucci and County Court Administrator Langham appeared on behalf of the Denver County Court and reported that Denver has had a drop in caseload the last couple of years, so the county court could handle an increase in the jurisdictional limit. Denver is in good shape based on time to disposition and the civil satisfaction survey. An increase to \$25,000 would be okay for now and they would perhaps consider \$35,000 down the road. PJ Marcucci expressed strong concern that \$50,000 would be too big of a jump without further analysis. County Court Administrator Langham was supportive of starting at \$25,000 but expressed concern with \$35,000 as too high a limit to begin with. In Denver district court, less than 1% of cases go to trial and Denver's docket is down 30% in the last five years. Denver currently has three county court judges, but might move around one or half of one of the county court judges elsewhere.