

Topic: SMALL CLAIMS COURT
Section: LIABILITY/PROPERTY
INSURANCE PROGRAM
Number: XXIII.13

Date Issued: June 1, 1994
Date Revised: March 29, 2013

PURPOSE:

To establish procedures for defense of small claims court actions which may result in judgments against the Liability/Property Insurance Fund.

POLICY:

It is the policy of the County of Santa Cruz that the Liability/Property Program Manager will defend the County in Small Claims Court in actions which may result in judgments paid from the Liability/Property Insurance Fund, as established in Resolution No. 436-93. The Risk Manager will perform this function if the Liability/Property Program Manager is unavailable.

PROCEDURE:

1. Departments and/or individual employees shall advise the Liability Program Manager immediately upon receipt of a small claims court summons which might result in a judgment being paid from the Liability/Property Insurance Fund.
2. The Liability/Property Program Manager with the assistance of County Counsel, as necessary, will determine:
 - a. If a claim against the County was filed by the plaintiff and acted on by the Board of Supervisors;

If a claim against the County was not filed or acted upon by the Board of Supervisors, then an appropriate defense will be prepared using sections of the Government Code and any additional information which will provide the best possible defense.

- b. If the small claims action was not filed in a timely manner;

If the small claims court action was not filed in a timely manner, then a defense will be prepared using sections of the Government Code and any additional information which will provide an appropriate defense.

- c. If the jurisdiction is not proper;

If the court's jurisdiction is not correct, the Liability/Property Program Manager will write the Court requesting that the Court dismiss the case based on facts presented as to why the jurisdiction is incorrect.

- d. If all appropriate parties are not named in the action;

If all appropriate parties are not named in the small claims action the Liability Program Manager will file with the court any necessary cross complaints or documentation to include all appropriate parties.

- 3. The Liability Program Manager will assist County employees in preparing their defense to small claims actions arising out of the course and scope of their County employment.
- 4. The Liability Program Manager will meet with employees from each department who will best assist in the defense of the action. They will provide facts and assist in the preparation of a defense and appear in court as witnesses, if necessary.
- 5. If appropriate, department staff will appear with the Liability/Property Program Manager to defend the small claims action. They will be fully briefed on court procedure and their role as a witness.
- 6. In the event of an adverse decision by the Court, County Counsel will be consulted to determine if an appeal should be filed. An appeal of a judgment must be filed within strict time deadlines set by the Court after the date the Notice of Entry of Judgment was mailed. Small Claims appeals are heard in Superior Court and are presented by County Counsel, with the assistance of the Liability/Property Manager.