

City of Philadelphia



Council of the City of Philadelphia
Office of the Chief Clerk
Room 402, City Hall
Philadelphia

(Resolution No. 230286)

RESOLUTION

Authorizing the City Council Committee on Law and Government to hold public hearings examining the rate of judgments in small claims court.

WHEREAS, A Pew study focusing on debt cases, published on March 3, 2023, found that individuals were not being served properly, thus resulting in default judgments; and

WHEREAS, A default judgment is an automatic ruling in favor of the plaintiff, often resulting in harmful financial penalties for the defendant, including asset seizure and wage garnishment. The individuals being served improperly are usually socioeconomically challenged, meaning they are highly affected by these judgments, as they may not be able to acquire jobs and other important opportunities; and

WHEREAS, An inadequate notification of a case could either be when the individual never receives their service, through no fault of their own or when the individual receives the service but the documents are unclear due to legal jargon or a lack of critical information; and

WHEREAS, The failure to properly serve an individual not only disadvantages him or her in being able to advocate for themselves but also wastes court and taxpayer resources; and

WHEREAS, Courts have a duty to ensure that all parties can fully engage in a case. Therefore, it is in the hands of the court administrator to ensure that individuals, especially those without access to an attorney, are informed about and able to participate in a lawsuit; and

WHEREAS, A similar Pew report, published on October 26, 2022, examines this problem specifically in Philadelphia. The study finds high rates of default judgments, which can be attributed to faulty service of process; and

WHEREAS, The problem of failure of service aligns with a national concern for the legal adequacy and sufficiency of service of process practices. Reform needs to begin in Philadelphia where citizens are being profoundly affected; now, therefore, be it

City of Philadelphia

RESOLUTION NO. 230286 continued

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That it hereby authorizes the City Committee on Law and Government to hold hearings examining the rate of judgments in small claims court.

City of Philadelphia

RESOLUTION NO. 230286 continued

City of Philadelphia

RESOLUTION NO. 230286 continued

CERTIFICATION: This is a true and correct copy of the original Resolution, Adopted by the Council of the City of Philadelphia on the Thirteenth day of April, 2023

Darrell L. Clarke
PRESIDENT OF THE COUNCIL

Michael A. Decker
CHIEF CLERK OF THE COUNCIL

Introduced by: Councilmember Jones

Sponsored by: Councilmembers Jones, Squilla, Vaughn, Phillips, Gauthier, Driscoll, Gilmore Richardson, Lozada, Harrity, Brooks, Johnson and Bass