

What is Conciliation Court?

Minnesota law created the Conciliation Court also called small claims court. This court allows citizens to bring their legal claims to court without expensive costs or complicated legal procedures.

Do you have a claim to file in Conciliation Court?

The Conciliation Court can accept claims for filing that are below the limit set by law. You cannot file a claim involving title to real estate in Conciliation Court.

Conciliation Court cannot accept for filing a claim that exceeds the limit set by law. If you reduce your claim to the limit of Conciliation Court, you cannot claim more later. This rule may apply to any other claims related to the same incident. Obtaining a judgment in Conciliation Court may prevent you from bringing any other claims based on the same transaction or occurrence.

It will cost you some money to make your claim. In deciding whether to file your claim you should consider whether the person the claim is against (the defendant) will be able to pay you.

Where do you file a claim in Conciliation Court?

You must file your claim in the county where the person against whom you are making a claim (the defendant) lives. You may, however, seek recovery for dishonored checks in the county where the check was issued. You may make a claim for a security deposit on rental property in the county where the rental property is located. You may sue corporations in the county where their business office or branch office is located.

How do you file a claim in Conciliation Court?

If you are filing a claim, you are the plaintiff in the action. You should contact the Court Administrator's office in the county courthouse where you are filing the claim. The uniform Conciliation Court form for filing your claim is available from any Court Administrator's office. Upon request, a person from that office will help you complete the form. You must have the following information:

Your name and address and the name and address of the defendant (home address if the defendant is an individual); the amount of your claim and the reason for it; and the date your claim arose.

The claim must be verified by you. (Sworn/affirmed) to and signed before a notary or court deputy.) You will also pay the filing fee. If you win your case, the court may order the defendant to pay these fees to you.

The Court Administrator's office will mail notice to you and the defendant stating the date and time your case will be heard. (The time from filing to the hearing may be from 2 to 6 weeks.) Many cases settle when the defendant receives notice of the hearing. It is your responsibility to tell the Court Administrator if you and the defendant settle your case by signing and returning your copy of the notice of hearing.

What happens if a defendant files a counterclaim? (claim against you)

The defendant may also make a claim against you. The defendant must file the claim at least 5 days before the date set for a hearing (Saturday, Sunday, and holidays not included).

The defendant must also pay a filing fee. The Court Administrator will notify you if a counterclaim is filed. The counterclaim is heard by the Conciliation Court at the same date and time set for your claim.

Your claim will be transferred to District Court if the counterclaim against you is above the legal limit for Conciliation Court. The Court Administrator will notify you if transfer is necessary. If the defendant fails to file the counterclaim in District Court after giving notice of intent to do that, you may have your claim reinstated in Conciliation Court. You may do this anytime after thirty (30) days and before three (3) years expire by filing an **affidavit** with the Court Administrator. The **affidavit** must say that the defendant has not served you with a **summons** to District Court.

How do you prepare for the hearing?

Although Conciliation Court hearings are informal, be adequately prepared to present your case. Conciliation Court does not allow attorneys except by permission of the court. All parties and witnesses who appear will testify under oath. The witnesses should be present and ready to testify. If a witness is reluctant to appear, you may get a **subpoena** to compel them to appear. You can get a **subpoena** from the Court Administrator by paying a fee for each name. You should know that written statements and affidavits of persons not present in court have very little value.

You should also bring to court all other evidence, such as receipts, repair bills, estimates, and other items which help prove your claim. You can also get a **subpoena** for documents which relate to your claim which the defendant or some other person has but is unwilling to give you.

You should prepare a list of facts you wish to present before you go to court. Organize your presentation to make it as clear and complete as possible. Important facts of a claim are frequently forgotten.

What happens if you do not appear for the hearing?

All parties should appear. If you do not appear for the hearing, the court may dismiss your claim or award a default judgment against you. This may happen even if you originally brought the claim. If the defendant does not appear, the court may award a default judgment in your favor.

What happens after the hearing?

The court usually does not rule on your claim at the time of the hearing. The Court Administrator will mail notice of the court's decision to all parties. The judgment will not become effective until twenty days after mailing the notice. This twenty day period allows you to appeal or make a motion to vacate the judgment. The court may vacate the judgment and order a new hearing if a party that did not appear has a good reason for not appearing. Before it grants a new hearing, the court may require the party who did not appear to pay costs to the other party.

How do you appeal a judgment of the Conciliation Court?

Appeal procedures are more complex than Conciliation Court rules. Although it is not required, it is suggested that the appealing party be represented by an attorney. Court administration staff are not attorneys and cannot practice law. Therefore, they cannot assist you in preparing your appeal. However, forms are available at the Court Administrator's office.

Your case may be appealed (removed) to the District Court if either you or the defendant are dissatisfied with the Conciliation Court judgment and all parties appeared at the Conciliation Court hearing. To do this, file a **Demand for Removal**, an **Affidavit of Good Faith**, and an **Affidavit of Service** with the Court Administrator within twenty (20) days of the date the judgment was mailed. You must also pay an additional filing fee. **Rules of Civil Procedure** apply to cases removed to District Court where proceedings are more formal.

What happens upon an appeal?

Filing an appeal (removal) means a completely new trial will take place. You may file a **Jury Trial Demand** if you wish the appeal be heard before a jury. Attorneys may represent both parties. Again, you should prepare to present your case, have your witnesses ready to testify, and have all your other evidence available.

If you appeal and do not win, you will pay the other party \$50 as costs.

You will not have to pay the other party \$50 if:

- 1) you win your case in District Court and get either 50% of what you asked for or more than \$500 in money or goods.
- 2) the other party wins some amount in Conciliation Court but nothing in District Court.
- 3) you win at least \$500 in money or goods or 50% more in District Court than you received in Conciliation Court.
- 4) the other party has the amount won from you in Conciliation Court reduced by at least \$500 or 50% by the District Court.

How do you collect a Conciliation Court judgment?

Although a case is decided in your favor, it is not always easy to collect a judgment. Conciliation Court is not a collection agency and cannot assist you in locating assets of the other party.

If you received a judgment and the other party (judgment debtor) does not appeal or voluntarily pay, you may choose to have the judgment enforced. You will have to pay additional fees but these will be included in the collection from the judgment debtor if funds are collected. To do this, you must first have the Conciliation Court judgment transcribed to the District Court. Then file an **Affidavit of Identification** with the Court Administrator. This creates a lien against real estate the debtor owns in this county. It also affects the debtor's credit rating. The judgment may be enforced for up to ten years from the date of the original Conciliation Court judgment.

After you transcribe the judgment to District Court, you may request the Court Administrator to issue a **Writ of Execution**. Deliver the **Writ of Execution** to the Sheriff's office with a specific list of property or bank accounts which belong to the judgment debtor or the name of the debtor's employer. Some assets are exempt from collection by the Sheriff.

You may request the Court Administrator to issue an **Order for Disclosure** if you are unable to determine what assets the debtor owns. This order requires the debtor to reveal all non-exempt property and financial information to you within ten days. The judgment must have been transcribed a minimum of thirty days before the request. If the debtor fails to respond, you may request the court to issue an **Order to Show Cause**. An **Order to Show Cause** will require the judgment debtor to appear in court and explain why the **Order for Disclosure** was disobeyed.

The preceding information is not intended as legal advice but as a guide to the legal process. If you do not understand any of these procedures, we suggest you consult an attorney.