

Third Judicial District

Information Regarding Small Claims Answer Form

If you are a defendant in a small claims case, you have the option of requesting either a hearing or a jury trial. Below is a description of the process you will go through for each option.

1. Jury Trial

If you request a jury trial, your case may be referred to arbitration. Arbitration is an informal process in which you (and/or your attorney, if you choose to hire one) and the other side each present evidence to the arbitrator, and the arbitrator makes a decision. The arbitrator is not a judge, and usually conducts the arbitration in an office outside of the Courthouse. In addition to increased filing fees, **each party must pay the arbitrator \$125**, unless that fee is waived or deferred by the Court.

The arbitrator's fee will be higher for cases over \$5,000, and the plaintiff will have the opportunity to file a formal complaint that is not limited to the amount listed in the original claim, as long as it relates to the same controversy.

If you are not satisfied with the decision of the arbitrator, you may appeal the decision and have the case heard by a judge or jury. **This will require an extra fee of \$150**. If the judge or jury does not give you a better decision than the arbitrator, you may have to pay the costs for the other side as well as attorney fees. In summary, by the time you have a jury trial, you will have paid at least \$275 plus your own filing fees, and may be required to pay the costs and attorney fees for the other side if you lose at trial.

2. Hearing in Small Claims Department

The fee for requesting a hearing is \$44.50 if the plaintiff's claim is \$1,500 or less, and \$83.50 if the claim is \$1,501 or more. If you request a hearing, your case will be referred to mediation. A mediator will work together with you and the other side to help you resolve the problem that led to the court case. **There is no fee for mediation**.

If you cannot resolve the case working with the mediator, you may have a judge decide the case for you. **There is no extra fee for the Judge**. If you lose in front of the judge, you may have to pay court costs for the other side, but those costs are less than if you had requested a jury trial.