

## Small Claims Answer Form Information

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 general information and a brief description of the court process you will go through for each of those options.

### General Information Regarding Hearings and Counterclaims in Small Claims

- 1) The filing fee for an Answer in a Small Claims case to request a hearing or counterclaim is:
  - a) \$40.00: If the claim is \$1,500.00 or less
  - b) \$77.00: If the claim is more than \$1,500.00
- 2) The maximum amount of a counterclaim in small claims court is \$5,000
- 3) There are no attorneys allowed in Small Claims hearings.
- 4) **ALL DEFENDANTS WHO WISH TO HAVE A HEARING MUST SIGN THE ANSWER FORM.**

Once an answer has been filed with the appropriate filing fee, both parties will receive a notice by mail advising them of the hearing date.

When you request a hearing, your case will be referred to mediation. A mediator will work together with you and the plaintiff to help you resolve, or reach an agreement regarding, the problem that led to the court case. There is no mediation fee. If you cannot resolve the case through mediation, a new hearing will be set with a Judge who will determine the outcome of the case. There is no additional fee for a hearing in front of a judge. If you lose, however, you may have to pay the plaintiff's court costs and a prevailing party fee.

### General Information Regarding Requesting a Hearing with a Jury Trial

- 1) The filing fee for an answer in small claims when requesting a jury trial is \$241.00 (includes trial fee).
- 2) In order to request a jury trial, the amount of the claim must be over \$750.00.
- 3) When requesting a jury trial with a counterclaim, you may exceed the \$5,000.00 limit.

A jury trial requested in a Small Claims case moves the case on to a regular Circuit Court calendar. The Court will notify the plaintiff by mail that the defendant has requested a jury trial. The plaintiff has 20 days to respond by filing a formal complaint. If the plaintiff does not file a formal complaint and pay the appropriate filing fee within the 20 days, the case will be dismissed without prejudice and the case will be closed. If the plaintiff does respond within the time period, you, the defendant, have 10 days from the date of service of the Summons and Complaint

submitted by the plaintiff to file a response. Once a response is filed, the matter will be referred to arbitration, and both parties will be required to pay for the arbitrator's services. A jury trial will not be held unless the arbitrator's decision is appealed.

\*This form is for informational use only. If you wish for further information or clarification, aside from what is provided, we suggest researching the Oregon Statute for Small Claims, which is ORS Chapter 46, or you may consult an attorney. Court staff cannot give legal advice or help you to complete documents.