



Conciliation Court

What is Conciliation Court?

Conciliation Court is sometimes called “People’s Court” or “Small Claims Court.” It is for simple court cases for disputes up to \$15,000. If the case is to collect a consumer debt, like a credit card, it is limited to \$4,000. You don’t need a lawyer. Every county has Conciliation Court.

What cases go to Conciliation Court?

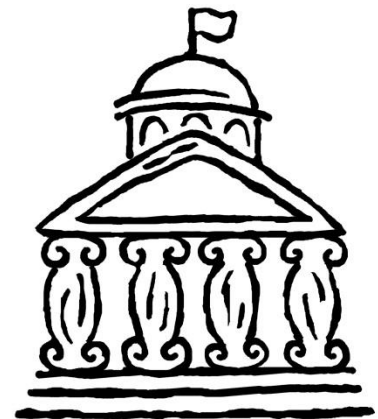
Here are some examples:

- You buy a used car, and the seller lied about what shape it was in.
- You worked for someone who won’t pay you.
- Your old roommate owes you money or has things that belong to you.
- Someone is claiming to own something of yours (worth less than \$15,000).
- Your neighbor damaged your property.
- Your old landlord didn’t make repairs, and you want some of the rent back.
- Your landlord won’t return your security deposit.

See our fact sheet, [Security Deposits](#).

Should I sue in Conciliation Court?

- Try to work the problem out with the other person first. Send a letter saying what that person owes you and why. Date the letter. Keep a copy. You can say you might file a lawsuit. Ask that they get back to you within 2 weeks. Don’t say angry or mean things – just state the facts. Remember that what you write in the letter may be read by a judge.
- Think about “mediation.” Mediation is a way to settle the problem out of court. Mediators are trained to get the facts of a dispute and help the people involved work out an agreement. They help write up any agreement so what each person needs to do is clear. The other person in the dispute has to agree to mediation. You can ask in your letter if s/he will try mediation.



For a mediation program in your area call 2-1-1 statewide. You can also text them your zip code at 898-211 or chat online at www.211unitedway.org. The state court website also has info and a list of mediators: www.mncourts.gov/Help-Topics/AlternativeDisputeResolution.

- If you have more than one claim, talk to a lawyer before you sue. You may not be able to sue separately for different things that happened in the same situation.

For example – you are in a car crash, and you sue in Conciliation Court just for the damage to the car. By suing only about the car, you may lose the right to sue in another case for injuries if you were hurt in the crash.

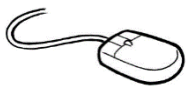
How do I file a case?

- File your case in Conciliation Court in the county where the person you are suing lives. If it is a business, sue them in the county where they have an office.

If you sue your landlord for a security deposit, repair problems, a lock-out, or for renting you a condemned property, you can file your case in the county where the property is located **or** where the landlord lives.

- Your county courthouse has the form you need. It is called “Statement of Claim and Summons.”

You can [find it online](#). Go to www.mncourts.gov.



- Click on “Get Forms” on the menu
- Click on “Conciliation/Small Claims Court”
- Click on “Statement of Claim and Summons”

If you want the court’s instructions along with the form, or if you need an “Affidavit of Service” form, click on the “Filing a Conciliation Court Claim” packet in the list.

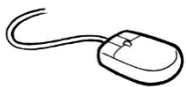
- Fill in the “Statement of Claim and Summons.” **Do not sign** until you are in front of a notary. There are notaries at the courthouses.
- The filing fee is about \$70. The fee is different in different counties.



If you have a low income, you don’t have to pay. Bring proof of your income. Ask the court clerk for a court fee waiver or IFP form. You can also find the form on the courts website

You can [create a completed IFP form online](#).

Go to <http://www.lawhelpmn.org/forms>.



- Under “Debts, Fees, Deposits”
- Click on “Court Fee Waiver (IFP)”
- Follow the step-by-step questions

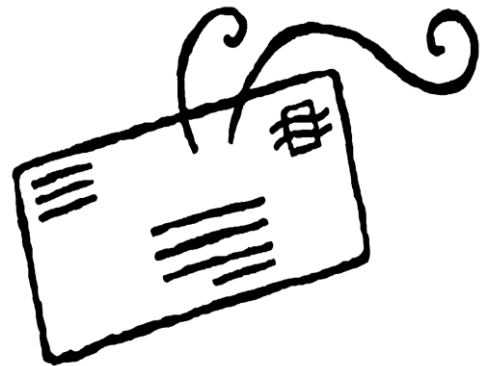
- **If your claim is less than \$2,500** the court will mail a copy of your “Statement of Claim and Summons” to the other side. You need the full name of the person or company you are suing and their address. To find the legal name of a business, contact the Secretary of State at (651) 296-2803, or online at www.sos.state.mn.us.

You can also write to them for the information at:

Secretary of State
60 Empire Drive, Suite 100
St. Paul, MN 55103

- **If your claim is more than \$2,500** you have to mail a copy of the “Statement of Claim and Summons” to the other side by certified mail. You have to mail it within 60 days. Ask at the post office for certified mail and a return receipt. When you get the return receipt back in the mail, make sure you hang on to it to show that you mailed the copy in case you need it for proof.

You also have to fill out an “Affidavit of Service” to show you mailed a copy to the other side. You can get this form from the courthouse or online. This form is in the conciliation court packet from the court talked about above. Give the “Affidavit of Service” to the court clerk.



- Your court date is usually 6 weeks to 2 months after the date you file. But sometimes it can take as long as 5 months, depending on the county.

What is a counterclaim?

The person you sue (defendant) can file a counterclaim, saying that you owe **them** money. The court will hear the counterclaim at the same time as your claim.

What is a settlement?

Many cases are settled by an agreement before court. You can even settle at the courthouse right before your trial. Think about a fair compromise and suggest it to the other side. Even if you win in court, you might have trouble collecting the money. So, a settlement that gives you some money right away may be smart.

Put any agreement in writing! Both parties must sign and date it. **Take the agreement to court on your hearing date**, and have the court make it into an order. This will help protect you in case there is a disagreement later.

How do I get ready for court?

- Write a list of everything you need to say.
- Talk to witnesses and ask them to come to the hearing. Testimony in court is much better than a written statement from them. Judges may not take a written statement from witnesses. If an important witness won't come, ask the court clerk for a "subpoena." A subpoena is an order to come to court or bring evidence to court.
- If the defendant has papers or evidence they won't give you, ask the court clerk about a subpoena for evidence.
- Practice explaining what happened to a friend as if you are in court.
- Bring all your evidence to court: photos, letters, receipts, estimates, leases. You need to prove your case and show evidence about the amount of money you should be paid.
- Go watch a Conciliation Court hearing before your court date to see how they work.
- At the hearing, be **very** polite to the judge and the defendant. **Don't interrupt** when others talk. Don't get mad at what the defendant says. **Your case depends on the impression you make!**



When will I get the court's decision?

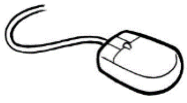
The court usually doesn't make a decision at the time of the hearing. They may help you and the defendant reach an agreement at the hearing. If not, the court decides the case later and you get a notice about the decision in the mail.

The orders in the decision are not effective until 20 days after the notice is mailed. The court administrator tells you the date in this notice. This 20-day period is called the "stay period." It gives both parties time to appeal.

How do I collect if I win?

Conciliation court DOES NOT collect the judgment for you. If you win your case in conciliation court and the other side doesn't pay you or make an agreement with you about how they are going to pay you, you can do some things on your own to try to get the money. It can take time so be patient! Remember, you have to wait 20 days after the decision is mailed to start any collection process.

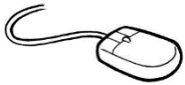
There are several steps to the [collection process](#). To learn about this process, go to: www.mncourts.gov.



- Click on “Help Topics”
- Click on “Conciliation Court (Small Claims Court)”
- Click on the “FAQs” tab
- Scroll, then click on “How do you collect a Conciliation Court judgment?”

If I lose or don’t like the decision, can I appeal?

Yes. Conciliation court decisions can be appealed to the district court of the same county. You have to file with the District Court. You can find the [forms and instructions](#) online at: www.mncourts.gov.



- Click on “Get Forms”
- Click on “Conciliation / Small Claims Court”
- Click on “Appeals”

The notice of an appeal must be filed to the court administrator and served on the other party within twenty 20 days of the date that the court mailed or delivered the decision from conciliation court. If you don’t file the appeal on time it will be dismissed.

If you don’t win in district court, you have to pay \$50 to cover the costs of the other party. If you do win, they have to pay you the \$50.



For more information on Conciliation Court go to the Attorney General website at <https://www.ag.state.mn.us/Consumer/Handbooks/ConCourt/Default.asp>

Fact Sheets are legal information NOT legal advice. See a lawyer for advice.

Don't use this fact sheet if it is more than 1 year old. Ask us for updates, a fact sheet list, or alternate formats.

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