



## Checklist: Starting a Conciliation “Small Claims” Court Case

This checklist can help you file a case in Conciliation Court, sometimes called “Small Claims Court.” It is for simple court cases where you are suing for \$20,000 or less.

For each section, check off the items as you finish them. Depending on your situation, you may not need to do each step.

### 1. Try these things before filing in court

There are 3 things you can try before filing a court case. If you decide to try these, you don't have to try them all.

☐ **Try to work out the problem with the other party**

If you think you can work it out with the other party, try that first.

☐ **Try mediation**

If you want help working it out with the other party, you can ask the other party if they would go to mediation.

Try these mediator resources:

- Check Community Mediation Minnesota at <https://communitymediationmn.org>.
- 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](http://www.211unitedway.org).
- The state court website also has info and a list of mediators: [www.mncourts.gov/Help-Topics/AlternativeDisputeResolution](http://www.mncourts.gov/Help-Topics/AlternativeDisputeResolution).

☐ **Send a demand letter**

If you tried to work it out with the other party or tried mediation and couldn't agree, you can send a demand letter to them.

Send a dated letter saying what that person owes you and why. Give them 2 weeks to respond. Keep a copy of the letter.

It's a good idea to send the letter by “Certified Mail.” Certified Mail gives you proof that you mailed the letter. Also, the person getting the letter has to sign for it so there is also proof that they got it. To send Certified Mail go to the [post office](#) and tell them you want to send it as certified mail.

## 2. File your case in Conciliation Court

If you choose not to try the things listed in Step 1, or you tried and they didn't work, file a case in court. The person or business you are suing is called the Defendant.

- ☐ File online using the [Guide and File program](#) (select Conciliation Court) **OR** download the [Starting a Conciliation Court Case forms](#).

File your case in the county where the Defendant lives. If you are suing more than one person, file in a county where at least one of the Defendants lives. If you are suing a business, file in the county where they have an office.

- ☐ Pay the filing fee **OR** complete the [Fee Waiver form](#) if you are low income and can't pay it.

## 3. Serve the Defendant

When you file your forms, court administration gives you a **Summons** and a hearing date. Each defendant has to be served with a copy of your **Statement of Claim** and **Summons** so they know why you are suing them and when to go to court.

You need to know the name and address of the Defendant. If the Defendant is a business, find the legal name of the business by contacting the Secretary of State at (651) 296-2803, or online at [www.sos.state.mn.us](http://www.sos.state.mn.us).

How you serve the Defendant depends on the how much you are suing for and where the Defendant is located.

Where is the Defendant located?

- In the county you are filing in.
    - If you are suing for **more than \$2,500**, follow the steps in this section of the checklist.
    - If you are suing for **\$2,500 or less**, the court administrator serves the Defendant for you. **You don't need to serve the Defendant yourself.**
  - In a different Minnesota county. **Talk to court administration to find out how to serve the Defendant.**
  - Outside of Minnesota. **Follow the steps in this section of the checklist.**
- ☐ **Send** the Defendant a copy of your *Statement of Claim* and *Summons* using **certified mail**.
  - ☐ **Fill out** the [Conciliation Court Affidavit of Service form](#) after you send each defendant a copy of your *Statement of Claim* and *Summons*.

If you filled out your forms using the Guide and File program, it creates a copy of Affidavit of Service.

- ☐ **File** the Affidavit of Service with court administration **within 60 days** of when the *Summons* is issued by the court.

#### 4. Get ready for IN-PERSON court

- ☐ Watch the video: [6 Tips for Going to Court](#)
- ☐ **Do you need an interpreter?** If you need an interpreter for your hearing or trial, ask for one from court administration at [the court](#) where your hearing or trial is.
- ☐ **Write a list** of everything you need to say.
- ☐ **Practice** explaining what happened to a friend, like you are in court.
- ☐ Talk to **witnesses** and ask them to come to the hearing. Testimony in court is much better than a written statement from them.
  - If an important witness won't come, ask the court administrator for a "[subpoena](#)." A subpoena is an order to come to court or bring evidence to court. Check your *Summons* for the number to call. If you can't find the phone number to call, look it up on the [court's website](#).
- ☐ If the **defendant has papers or evidence they won't give you**, ask the court clerk about a subpoena for evidence. For more information see [Minnesota Court Info on Subpoenas](#).
- ☐ **Gather and organize your evidence** for court. Evidence could be things like photos, letters, receipts, estimates, and leases.

You need to prove your case and show evidence about the amount of money you should be paid.

Make sure you have your **original copy and print 2 extra copies** of each piece of evidence.

- ☐ Make sure you know **how to get to the courthouse**. Plan how to get there. If you drive, make sure you know where to park.
- ☐ Make plans for **time off from work** and **childcare** for the day of the hearing. Your *Summons* has a time on it, but your case probably won't start at that time. It's

possible you might be there all day.

- ☐ Watch a Conciliation Court hearing before your court date to see how they work. Call the [court administrator](#) to ask how you can watch a hearing.

## 5. Get ready for **ONLINE** court

- ☐ **Write a list** of everything you need to say.
- ☐ **Do you need an interpreter?** If you need an interpreter for your hearing or trial, ask for one from court administration at [the court](#) where your hearing or trial is.
- ☐ **Practice** explaining what happened to a friend, like you are in court.
- ☐ Talk to **witnesses** and ask them to join the hearing. Testimony in court is much better than a written statement from them.
  - If an important witness won't join, ask the court administrator for a "[subpoena](#)." A subpoena is an order to come to court or bring evidence to court. Check your *Summons* for the number to call. If you can't find it, look it up on the [court's website](#).
- ☐ If the **defendant has papers or evidence they won't give you**, ask the court clerk about a subpoena for evidence. For more information see [Minnesota Court Info on Subpoenas](#).
- ☐ **Gather and organize your evidence** for court. Evidence could be things like photos, letters, receipts, estimates, and leases.

You need to prove your case and show evidence about the amount of money you should be paid.

Your *Summons* should tell you how to submit your evidence for online court, or who to call for more information.

- ☐ Make sure you know **how to log on to the online hearing**. Check the *Summons* or call court administration if you have questions about how to join the online hearing. The court's website also has [information on online hearings](#).

If you don't have a computer, check if there is a free [Legal Kiosk](#) you can use.

- ☐ Make plans for **time off from work** and **childcare** for the day of the hearing. Your *Summons* has a time on it, but your case probably won't start at that time. You could be online for several hours.

If you can't find childcare, make sure your kids won't interrupt you while you are online.

- ☐ Watch a Conciliation Court hearing before your court date to see how they work. Call the [court administrator](#) to ask how you can watch a hearing.

## 6. At the Hearing

The court probably won't decide your case at the hearing. You usually get the decision in the mail after the hearing.

- ☐ **Be early!** If you are late or not logged on, you might lose your case.
- ☐ **Try to settle with the Defendant.** You can settle at any time up until your hearing. Think about a fair compromise and suggest it to the other side.

**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 helps protect you in case there is a disagreement later.

- ☐ 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!**

## 7. After the Hearing

- ☐ **If you won,** learn about how to collect the money your judgment says you should get.

Conciliation court **DOES NOT collect the money for you.** If the Defendant doesn't pay you, or make an agreement about how they are going to pay you, you can take steps to try to get the money. It can take time so be patient!

You have to wait 20 days after the decision is mailed to start any collection process.

The Court's website has information on the steps for [Collecting a Judgment](#).

- If you **lost** or you don't like the decision, you get **20 days to appeal**. This is called "Removing" the case to district court.

To appeal a conciliation court decision, file with the District Court in the same county where your conciliation court case was. The Court's website has [forms and instructions](#) on how to appeal.

You have 20 days to file the notice of appeal and serve the other party. The 20 days is from the date when the court mailed or delivered the conciliation court decision. If you don't file the appeal on time, the judge dismisses it.

## 8. If you need more help

Your local legal aid office may be able to help if you qualify. Call 1(877) 696-6529 (877-MY-MN-LAW).

Go to LawHelpMN's [Providers and Clinics search](#) to look for other programs that may help.

If you don't qualify for free or low-cost legal help, the [Minnesota Lawyer Referral and Information Service](#) can help you get a referral for a paid lawyer.

You can also contact the **Minnesota Attorney General**:

- Call 651-296-3353 or 1-800-657-3787

OR

- Fill out the [Consumer Assistance Request Form](#)

**Checklists are legal information NOT legal advice. See a lawyer for advice.**

*Don't use this checklist if it is more than 1 year old. Ask us for updates or alternate formats.*

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