



## 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 of up to \$20,000. 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?

You can ask for money that you are owed, or the return of property that is yours.

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 \$20,000).
- Your neighbor damaged your property.
- Your landlord won’t return your security deposit.

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

### What cases can’t go to Conciliation Court?

There are some kinds of cases that you can’t bring in conciliation court. If you have these kinds of cases, you have to go to district court, even if the amount you are asking for is under \$20,000.

Here are some examples:

- You can’t ask for ‘pain and suffering’ or emotional damages
- You can’t sue for medical malpractice
- You can’t sue someone for discriminating against you
- You can’t sue someone for defamation, libel, or slander
- You can’t bring cases about real estate titles or disagreements over property boundaries
- You can’t ask for ‘specific performance.’ This means you can’t ask the court to order someone to do exactly what they promised in a contract, like providing a service.

There are other types of cases that you cannot bring to conciliation court. If you are not sure whether your case is right for conciliation court, talk to a lawyer.



## 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 them to 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 sometimes 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 they are willing to try mediation.

To find mediation programs in your area:

Check Community Mediation Minnesota at <https://communitymediationmn.org>.

You can also call 2-1-1 statewide or text them your zip code at 898-211 for services in your area 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).

- If you have more than 1 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?

There are 2 options for filing a case.

1. **There is a new [Guide and File program](#)** that lets you create and file the forms you need for conciliation court. Go to [www.mncourts.gov](http://www.mncourts.gov), click on 'Get Forms,' click on 'Conciliation / Small Claims Court.' Everything you need and need to know is part of the program.

OR

2. **Download the forms and file on your own**

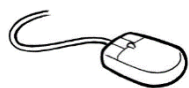
- File your case in Conciliation Court in the county where the person you are suing lives. If it is a business, sue them in the county where they have an office.



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 “Plaintiff's Statement of Claim.”

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



- Click on “Forms & Instructions” on the menu
- Click on “Conciliation/Small Claims Court”
- Click on “Plaintiff's Statement of Claim”

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.

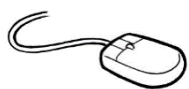
- Fill in the “Plaintiff's Statement of Claim.” You need the full name of the person or company you are suing and their address. To find the legal name of a business, contact the Secretary of State at (651) 296-2803, or online at [www.sos.state.mn.us](http://www.sos.state.mn.us).

You can also write to them for the information at:

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

- When you file the forms there is a filing fee. The filing fee is at least \$65. Some counties charge more. You can find what <https://mncourts.gov/Help-Topics/Court-Fees/District-Court-Fees.aspx> at <https://mncourts.gov/> under Help Topics – Court Fees – District Court Fees.

If you have a low income, you may not have to pay. Bring proof of your income. Ask the court clerk for a court fee waiver form. You can find [the form](#) at [www.mncourts.gov](http://www.mncourts.gov).



- Click on “Help Topics”
- Click on “Conciliation Court (Small Claims Court)”
- Click on “Forms” tab
- Click on “Fee Waiver Form - Affidavit of Inability to Pay Conciliation Court Filing Fee”

## **Serving Each Defendant**

Once your forms are filed, the court administration sends you a Summons and a hearing date in the mail. Each defendant has to be served with this Summons and a copy of your Statement of Claim. This is so that they know why you are suing them and when to go to court.

How each defendant is served depends on the amount of the claim and where they are located.

**If your claim is \$2500 or less, the defendant's address is in Minnesota, AND**

- **If the defendant's address is in the county you are filing in**, then court administration serves each defendant by first class mail. You do not need to file a proof of service.
- **If the defendant's address is NOT in the county you are filing in**, but still in Minnesota, the court administration MIGHT serve each defendant by first class mail. This depends on the type of case. If the court administration does not serve the defendants in your case, then you must serve each defendant by certified mail.

Then file proof of service with court administration within 60 days of when the Summons is issued by the court.

To prove service, file a completed [Conciliation Court Affidavit of Service form](#) after each defendant is served. Complete a separate Conciliation Court Affidavit of Service form for each defendant.

If you are not sure how to serve a defendant, you may need to get legal advice.

**If your claim is more than \$2,500, and the defendant's address is in Minnesota**

If the amount of your claim is more than \$2500, then you must serve each defendant by certified mail. Then file proof of service with court administration within 60 days of when the Summons is issued by the court.

To prove service, file a completed [Conciliation Court Affidavit of Service form](#) after each defendant is served. Complete a separate Conciliation Court Affidavit of Service form for each defendant.

If you are not sure how to serve a defendant, you may need to get legal advice.



**If a defendant's address is not in Minnesota**

Then the Summons usually must be handed to the defendant in person. You might need to ask a sheriff or civil process server to serve the Summons, even if the claim is \$2500 or less. To prove service, you need to file a separate [Conciliation Court Affidavit of Service form](#) after each defendant is served.

There are some types of defendants that have special rules of service, such as out of state insurance companies and certain types of corporations. If you are not sure how to serve a defendant, you may need to get legal advice.

## What is a counterclaim?

The person you sue (defendant) can file a counterclaim saying that you owe **them** money. The court hears 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 helps 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. Also, 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 like 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. It is a good idea to bring 3 copies of each piece of evidence. 1 for you, 1 for the defendant, and 1 for the Court.
- 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 do I get the court's decision?

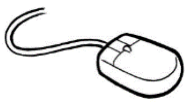
The court usually doesn't decide at the time of the hearing. They may help you and the defendant reach an agreement at the hearing. If not, the court decides the case later and you get a notice about the decision in the mail.

The orders in the decision are not effective until 20 days after the notice is mailed. The court administrator tells you about 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. You can win your case in conciliation court, but it doesn't mean the other side automatically pays you. If they don't pay you or they don't make an agreement with you about how they are going to pay, there are things you can do 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.

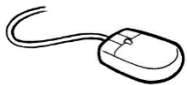
There are several steps to the [collection process](#). To learn about this process, go to: [www.mncourts.gov](http://www.mncourts.gov).



- Click on "Help Topics"
- Click on "Conciliation Court (Small Claims Court)"
- Click on the "FAQs" tab
- Scroll, then click on "How do I collect money after winning a 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](http://www.mncourts.gov).



- Click on "Forms & Instructions"
- Click on "Conciliation Court (Small Claims Court)"
- Click on "Appeals"

The notice of an appeal must be filed to the court administrator and served on the other party. This has to be done 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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