



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 \$7,500. You don’t need a lawyer.

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.
- 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, [H-29 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.
- 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 First Call for Help statewide at 211 or (651) 291-0211 from a cell phone.

- 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 arising from 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?

- Go to the Conciliation Court in the county where the person you are suing lives. If it is a business, sue them 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.
- Fill in the Conciliation Court form. The filing fee is about \$70. It 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 an IFP (Inability to Pay Form).
- Copies of the papers will be mailed 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: Secretary of State
180 State Office Building
St. Paul, MN 55155

If your claim is more than \$2,500 you have to mail the notice by certified mail. You must mail the notice 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, give it to the court clerk.

- Your court date will be about 5 months after you file, but might be less in some counties.

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. Then 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 stating your case 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 to see how they work.
- At the hearing, be **very** polite to the court 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!**



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

To find other Legal Aid Society materials, including the fact sheets mentioned in this document, go to www.lawhelpmn.org/LASMfactsheets.

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*Don't use this fact sheet if it is more than 1 year old.
Write us for updates, a fact sheet list, or alternate formats.
Fact Sheets aren't a complete answer to a legal problem.
See a lawyer for advice.*