

**GENERAL INFORMATION ON
SMALL CLAIMS COURT**

Small claims court is a court where you do not need an attorney to represent you. It is designed so that lay people can represent themselves. The maximum you can sue for in small claims court is \$5000. The filing fees in small claims court are based on how much money you are suing for. If your claim is for:

\$1.00 - \$99.99	you pay \$55.00 filing fee
\$100.00 - \$500	you pay \$80.00 filing fee
\$500.01 - \$2,500	you pay \$155.00 filing fee
\$2,500.01 - \$5,000	you pay \$255.00 filing fee

If you use the Sheriff to serve the Statement of Claim, it will cost you \$21.00.

If you use a court approved process server to serve the defendant (sometimes quicker than the Sheriff), it will cost approximately the same. The clerk's office can assist you with names of approved process servers.

You can file your small claim at any of the following court locations: (the numbers in parentheses are the branch court numbers)

Dade County Courthouse (05)
73 West Flagler Street
Miami, Florida 33130
Telephone: 375-5775

COUNTY COURT BRANCH LOCATIONS

Coral Gables Branch (25)
(South Central District)
3100 Ponce de Leon Blvd.
Coral Gables, Florida 33134
Telephone: 569-2500

Cutler Ridge Branch (South District) (26)
10710 S.W. 211th Street
Miami, Florida 33189
Telephone: 232-3807

Miami Beach Branch (East District) (24)
1130 Washington Avenue
Miami Beach, Florida 33139
Telephone: 535-4200

North Dade Justice Center (North District) (23)
15555 Biscayne Boulevard
North Miami Beach, Florida 33160
Telephone: 354-8707

You should know precisely who you are suing -- the correct legal name of the person or business you are suing.

If the defendant is a corporation, you may get a list of officers of the corporation from corporate information of the Florida Secretary of State, 1-850-488-9000 in Tallahassee. You may also write to the Secretary of State, Corporation Division, The Capitol, Tallahassee, Florida 32304. If you are suing a corporation, you can serve the president or vice-president of the corporation. "Serve" means having the sheriff or process server personally hand a copy of your lawsuit to that person. If the president and vice-president are absent, then you can serve treasurer, corporate secretary or general manager.

At the clerk's office you will have to fill out a Statement of Claim, and pay the filing fees. There will be clerks available to help.

After you have filed your suit, you will be notified of a place and date for a pre-trial conference. Be sure to attend the conference; if you do not, the judge will dismiss your case. If the defendant does not appear for the hearing, a default judgment may be entered against the defendant. The pre-trial conference is held to determine whether or not your lawsuit should go to a full hearing before a judge, or to see if it can be settled out of court.

Sometimes at the pre-trial conference the Judge will ask you if you want to try mediation. This is a process where you and the other party sit down with a mediator and try to make a settlement of the case instead of having a trial. The advantage is that your case is over right away and you are sure of the result, instead of taking a chance with a trial.

The judge at the pre-trial conference may also tell the parties what kind of evidence and witnesses should be presented at the trial.

WHAT WILL HAPPEN AT YOUR TRIAL

The trial is the final hearing in your case. At the trial all the witnesses testify and both sides present whatever documents or other evidence they have. The trial may be held in the Courtroom or the Judge's Chambers.

If you have filed the action, you are the plaintiff and you present your case first. You can start with an "opening statement" in which you explain to the court what the case is about, what you are going to prove and how you will prove it. The defendant can also make an opening statement but may decide to do that when he presents the defense.

After the opening statement you present your witnesses and all your documents and other evidence (such as pictures that there was no damage in the apartment, etc.). Your witnesses present their testimony by answering questions put to them by the plaintiff. This is called direct examination. When the plaintiff finishes questioning the witness, the defendant can cross examine the witness. After the cross examination by the defendant, the plaintiff can question the witness again. This is called redirect.

After the plaintiff has presented everything necessary to prove the case, then the defendant has the opportunity to present his side of the case. He can call witnesses and introduce documents

and other evidence. The plaintiff can cross examine the defendant's witnesses.

When the defendant is done with his defense, the plaintiff can present witnesses or evidence which rebut the defendant's case.

After both sides have presented their cases, then both the plaintiff and defendant can make a closing argument. In the closing argument, each party tries to persuade the court to rule in his favor. You can restate to the Judge what you have proved and why you should prevail. The Judge then decides the case and issues a decision. This is called the judgment and will be written. Usually the Judge rules immediately after the trial; sometimes the Judge will take additional time to rule.

Sometimes when the plaintiff sues the defendant, the defendant files a counterclaim against the plaintiff in the same case. A counterclaim is a claim that the defendant has against the plaintiff, which may or may not have arisen out of the same transaction that gave rise to the plaintiff's claim. For instance, a tenant may sue for a security deposit but the landlord may file a counterclaim for all the damage that the tenant did to the unit. If a counterclaim is filed, then at the trial, the defendant has to prove the counterclaim, just like the plaintiff has to prove the original claim.

The judge may award the prevailing party (this means the person who wins) court costs, and possibly attorney's fees, if the prevailing party was represented by an attorney, and there is a contract or statute that provides for attorney's fees.

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