

Alexis F. Johnson, Esq.



**WIN YOUR CASE:
SMALL CLAIMS
COURT
EXPLAINED**

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Who Am I?

My name is Alexis F. Johnson of AFJ Law Group PLLC, a Detroit-based business litigation firm. I started my practice after working in large law firms so that I could help business owners and individuals navigate the legal system in a more effective way.

This book will explain the process for filing a claim in small claims court, benefits and drawbacks, as well as strategies for success to prevail on your claim. As the old adage goes, failing to plan is like planning to fail. Get everything in order so you are in the best position to win your case.

Let's get started.

What Is Small Claims Court?

Small claims court is designed to help parties quickly resolve legal disputes where the damages are nominal (generally under \$6,500) without the added expense of hiring a lawyer. You can't have a lawyer represent you even if you wanted to. In fact, the goal of small claims court is to allow every individual the ability to bring a lawsuit in an informal manner without the requirement that they be represented by an attorney.

What Are The Advantages of Small Claims Court?

1. No Attorneys. The main advantage is the most obvious - neither party can be represented by an attorney. This levels the playing field as well as saves you money. The only costs you'll pay are filing costs, which are usually only a couple hundred dollars at most.
2. Time. The next benefit is time - it's likely that your claim will be heard and decided by a judge in a much quicker timeframe than traditional litigation, which can take months or even years.
3. Informal Environment and Less Paperwork. Small claims court is designed for people without law degrees, so for the most part all you have to submit to the court are forms you can find online that are relatively straightforward and easy to complete.

What Are the Disadvantages of Small Claims Court?

1. No Attorneys. While small claims court is more informal, you still have to go in front of a judge to make your case. If you aren't used to going to court regularly (which most likely, you are not), this can be intimidating and impact your presentation. We'll go over some presentation

strategies for winning your case, but understand that results vary based on a variety of factors.

2. Only for Small Claims. If the money damages you seek exceed \$6,500, you're capped to that amount. Otherwise, you have to file in a higher court, where the other side could hire an attorney to dispute your claim.
3. Collection. Even if you win, you still have to collect money from the other side. This means you may have to hunt that person down, which often incurs more expense, just to get the money a court has determined you are owed.

Small Claims Court Process

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File Affidavit and Claim with court clerk

Defendant is served personally or by certified mail

Defendant can either: Settle, Appear at Hearing, Default, or Remove Case to District Court

The court may order parties to resolve through mediation

Matter is heard and decided by judge or magistrate if not resolved before

YOU COLLECT MONEY DAMAGES FROM JUDGMENT IF YOU WIN

A quick guide for small claims court procedure

Small Claims Court Process

1. Complete an Affidavit and Claim and file with the district court clerk. These can usually be found online. **Note:** You must file the claim where the dispute occurred or where the Defendant lives. For example, if the dispute occurred in Royal Oak, Michigan, you must file the Affidavit and Claim in the Royal Oak District Court.
2. The court will typically send a copy of your claim to each Defendant named in the lawsuit, which is called serving the Affidavit and Claim on the Defendant. You will have to pay additional fees depending on your choice of

service: personal (where an individual personally delivers the document to the Defendant) or certified mailing.

3. Once the Defendant is served, they have options to respond, including:

- Settling with you privately outside of court;
- Appearing for a hearing in Small Claims Court;
- Failing to respond to the suit and having a default entered against them;
- Removing the case to district court. Removal is the legal process where the case is transferred to a higher court (in this instance, district court). It also means there is no monetary limit on damages, both parties can have lawyers represent them, and likely will take much longer to resolve the claim.

4. If the Defendant responds, the Court may require the parties complete mediation prior to the hearing. Mediation is a form of alternative dispute resolution where the goal is to resolve the issue in one sitting with a mediator.

5. If the parties cannot resolve through mediation or other means, the matter will be heard and decided by a judge or magistrate, a.k.a. you get your day in court.

6. Once the judge or magistrate has decided the outcome of the case, you can either collect the money damages

owed to you under a judgment, or the case is closed because the case was not found in your favor.

Strategies to Win Your Case

1. Prepare. Understanding the small claims court procedure only goes so far. The whole point of filing in the first place is to win. This makes it that much more important that you practice what you are going to say so it can be articulated them in an effective way. Public speaking can feel intimidating, especially when you may have emotions or frustrations about the situation. Taking time to practice so that you present your position in an understandable and clear way will make it more likely that the judge will rule in your favor. Also, organize any important documents in a way that will be easily digested by the judge.
2. Avoid drama and blame games. Judges hear excuses all day. While you likely feel that the other side is responsible for the dispute, it's important take ownership for your part. Point out any efforts you made to try and resolve the dispute prior to filing your claim. Lastly, explain how the dispute was unavoidable despite all of these efforts. Judges will appreciate your candor and humility much more than pointing the finger at the opposing party.
3. Don't assume you will win. Often, we get caught up in the facts of our position and cannot possibly see how the other side could be right. This is a mistake. This

sense of false confidence makes it easy to slack on preparation, which can kick you in the behind on the day of your hearing.

4. Dress the part. Small claims court is informal, but that doesn't mean that you should be. Showing up in professional attire shows that you take the matter seriously and respect the Court's time.

The Bottom Line

While smalls claims court is an effective way to quickly resolve a legal dispute with lower stakes, it doesn't mean that you just need to sign a couple forms and send them off to the court to wait for your money; preparation and presentation go a long way. Understanding the procedure and following the strategies in this book will give you the best opportunity to win. And that's what it's all about, right?

Best of luck on your small claims journey!

ABOUT THE AUTHOR



Alexis F. Johnson is the managing member of AFJ Law Group PLLC, a Detroit-based law firm specializing in business litigation and real estate transactions, including complex commercial litigation, contract claims, real property sales and acquisitions, title disputes, leasing, and commercial development. Ms. Johnson posts weekly legal information videos on the firm's YouTube channel to spread awareness for those interested in growing their small business, and also discusses issues that affect both large and small businesses.