

# LANE COUNTY LAW LIBRARY LEGAL RESEARCH GUIDE -- # 8: SMALL CLAIMS

## Lane County Law Library

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## Small Claims Court Procedures

### General History and Jurisdiction of Small Claims Court

Small Claims Court is a state court resolves disputes involving relatively small amounts of money -- usually between \$2,000 and \$10,000, depending on the state. Adversaries usually appear without lawyers -- in fact, some states forbid lawyers in small claims court -- and recount their side of the dispute in plain English. Evidence, including the testimony of eye witnesses and expert witnesses, is relatively easy to present because small claims courts do not follow the formal rules of evidence that govern regular trial cases. A small claims judgment has the same force as does the judgment of any other state court, meaning that if the loser -- now called the "judgment debtor" -- fails to pay the judgment voluntarily, it can be collected using normal collection techniques, such as property liens and wage garnishments. .

Definitions available from Nolo.com at: <http://www.nolo.com/dictionary/home.html>. Accessed 2/18/10

### SUGGESTED RESOURCES

#### A. LANE COUNTY LAW LIBRARY CATALOG

<http://opac.libraryworld.com/cgi-bin/opac.pl?command=signin&libraryname=lanecountylawlib>

(TIP: Select "All Words" in the drop down menu, and search the word "consumer", "bankruptcy", "consumer protection")

(TIP: You will not find everything on line, so please be prepared to use some of these resources and others to help answer your questions.)

#### **1. EVERYBODY'S GUIDE TO SMALL CLAIMS COURT, by Ralph Warner :** **KF 8769 .Z9 .W37 2008 RES**

- Many Oregon Public Libraries have a variety of legal self-help books, specific legal self-help publishers include: Nolo Press, Halt, and Self-Counsel Press. Your local Public Librarian or Law Librarian can assist you in finding material by these publishers. You may also want to consult this particular book published by NOLO Press: *Everybody's Guide to Small Claims Court*. By Attorney Ralph Warner. This title can be found at most Public, Academic, and Law Libraries.
- Please note that not all legal self-help books are Oregon-specific, but they will still have very useful information.



- A directory of Oregon Public Libraries can be found at the following link:  
<http://oregon.gov/OSL/LD/directories/PLDirectoryJan2009.doc>
- A directory of Oregon Law Libraries can be found at the following link:  
<http://www.occll.org/directory.php>

## **B. OTHER RESOURCES**

The following is general legal information, which may answer some of your questions. This is provided at no charge as a public service by Oregon's lawyers. The information is not intended to be legal advice regarding your particular problem. Note that changes may occur in this area of the law. (*OSB website, Accessed, 01/29/2009*)

**Please note: not everything is online! Librarians are here to help you meet your information needs please do not hesitate to contact your local Public or Law Librarian.**

### **State & County Resources**

- 1. Oregon State Bar :** <http://www.osbar.org/public/pamphlets/smallclaims.html>  
Online pamphlet on small claims
- 2. Legal Aid Services of Oregon (Also has Spanish-language pages)**  
<http://oregonlawhelp.org/OR/index.cfm>
- 3. Oregon State Bar Legal Aid Services Directory:**  
<http://www.osbar.org/public/ris/LowCostLegalHelp/LegalAid.html>  
If you are unsure about your options or understanding of "legalese," Legal Aid services are available in most counties in Oregon. For an interactive map of Legal Aid offices by county, go to: <http://www.lawhelp.org/program/1173/index.cfm>
- 4. Information about Small Claims Court in Lane County:**  
*(The information below contains excerpts from the Lane County Circuit Court website on Small Claims Court. Accessed 2/18/10.)*

Small claims are filed to resolve disputes between parties without an attorney. The maximum amount claimed cannot exceed \$7,500. The small claims instructions and forms are available at the Information Booth on the second floor of the Lane County Courthouse, 125 E. 8 th Ave, Eugene, Oregon 97401. There is no appeal of a small claims judgment.

To file a small claims case in Lane County Circuit Court, one of the following requirements must be met: 1) the defendant must reside in Lane County, or 2) the wrongful act charged must have occurred in Lane County, or 3) when the claim is based on a contract, the defendant must have contracted to perform an obligation under the contract in Lane County.

When filing a small claims case, it is important that all the parties (plaintiff and defendant) are identified correctly and that all names are spelled correctly.

At the time of filing, the plaintiff will be required to pay a filing fee.

The Lane County Circuit provides online instructions on: how to file and respond to a small claims case, filing fees, how to prepare for your hearing, and information on what happens after your hearing.

<http://courts.oregon.gov/Lane/SmallClaims/SmallClaimsPage.page?>



The Civil Department of Lane County Circuit Court is open Monday - Friday, except court holidays, from 8:00 a.m. - 5:00 p.m. Please refer to the for court phone numbers:

<http://courts.oregon.gov/Lane/Contact/Phone.page?>

### Legal Assistance for Low-Income persons in Lane County

1. [Lane County Legal Aid and Advocacy Center](#) is a non-profit organization which provides civil legal assistance to low-income persons in Lane County.

### Other Internet Resources

1. **General Legal Information offered by Nolo Press** : <http://www.nolo.com/legal-encyclopedia/small-claims-court/> This website includes access to a free, online legal encyclopedia. It is useful to become aware of legal terms and definitions but keep in mind that appropriate legal information varies by jurisdiction. Jurisdiction can vary by city, county, state, or federal. Each court has its own required procedures and forms, please ensure that you are following the rules and procedures of the court particular to your case.

## C. FORMS

**Plaintiff:** The party filing the claim is the plaintiff; the party being sued is the defendant. To initiate (start) a case, the plaintiff must fill out the Claim and Notice of Claim form and pay the required [filing fee](#). The claim may be filed for any amount or property value of \$7,500 or less, and the claim form must be signed in front of the court clerk or a notary public. **Forms are available for a small fee at the Information Booth on the 2nd floor of the Lane County Circuit Courthouse, 125 E. 8 th Avenue, Eugene, OR 97401.**

**Defendant:** The defendant must respond to the plaintiff's claim within 14 calendar days after being served with a copy of the claim. When the defendant is served, they will receive the Claim and Notice of Claim and the Notice of Defendant's Election. The defendant must complete and file the Notice of Defendant's Election with the court. On this form, the defendant chooses one of four options: 1) admits the claim and pays the amount of the claim; 2) denies the claim and demands a hearing; 3) denies the claim, demands a hearing and files a counterclaim, or 4) denies the claim and demands a jury trial. There are various filing fees associated with choices 2, 3 and 4. If the defendant does not file the Notice of Defendant's Election, the plaintiff may apply for a Default Judgment.

