

Small Claims Court Protocol

We attend small claims court regularly on Tuesday mornings for the 9 am docket. The small claims docket extends into the afternoon, but the cases scheduled for 9 are the ones most likely to result in referrals for mediation. The small claims court is usually presided over by Judges Benckart or Stafford, but occasionally there will be pro tem or visiting judges some of whom are familiar with our work and some not.

Arrive at the court about 8:45. Bring with you a supply of the small claims referral form and the agreement to mediate. Introduce yourself to the court reporter and ask her for a copy of the 9 am docket. (This assures us we have correct names of parties and case numbers.) The reporter will inform the judge you are present to represent CJAM.

The judge will announce your presence at the opening of the court session, and some parties may ask to speak to you while waiting for their cases to be called. Otherwise, parties may be referred when the case is called and the judge learns that the claim is disputed. She will set a trial date and refer the parties to you if they say they are willing to consider mediation. (If the docket is light, the judge may try some cases at this hearing.)

Where the parties indicate an interest in mediation, go with them into the corridor or the small conference room just behind the information desk. Explain to them about CJAM, mediators' role, and confidentiality. Answer their questions. Some parties are already substantially in agreement about the money owed and can agree easily on a payment plan. In these cases, you can help the parties settle the details and send them back to court for the court reporter or the judge to record their agreement and dispose of the action. Otherwise, we do not mediate on the spot. Ask them to tell you briefly what the dispute is about and explore the possibility of mediation. They are not committing to mediate at this moment, but merely a willingness to talk about the matter further on the phone. If they are willing, ask them to fill in a copy of the referral form. Give them copies of the agreement to mediate to review, but do not ask them to sign it now. If they already have a trial date, they do not need to return to court. Review the court's case file (if the judge hasn't already lent it to you, ask for it) to see if there are papers of which it would be useful for us to have copies. The court reporter or you can make copies.

We are usually done by 10 a.m., sometimes much earlier. You can count on being done by 10:30.

Later in the day, send the case manager a report on the cases referred to us at admin@cajmcenter.org AND mediate@cajmcenter.org. Be sure to include the case number and the trial date. You can scan and attach .pdf copies of their referral forms, if that is convenient for you. Or you can stop by the office after court and leave the referral papers there and then send an e-mail with any observations you have that may be useful to the case manager.