

What is Small Claims Court?

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It is a department of the district court. It should be a quick, cheaper way to settle disputes about money that you could not work out on your own.

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- ❖ Small claims court should be easy for everyone to use. Some counties show a video about how to prepare and present a small claims court case. Ask the court clerk about this video.
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In small claims court, you can sue another person, a business, or sometimes the government for up to \$5,000. Lawyers usually may not take part. There are no juries, motions, or objections. The person who sues pays only a small fee to file the lawsuit. You may get a trial much faster than in other courts. Most trials are short, about 20 minutes. You may have to wait while the court hears other cases.

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- ❖ Small claims court procedures vary by county. Filing fees also vary. Contact your local court clerk. Get a copy of its procedures.
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Who are the plaintiff and the defendant?

The person who sues (starts the lawsuit) is the plaintiff. The person you are suing is the defendant.

What if I do not speak English?

If you do not speak English, or you have a speech or hearing impediment, ask for an interpreter in court. **Some** small claims courts provide interpreters. If you are the plaintiff (the one who starts the lawsuit), ask for an interpreter when you file your claim. If you are the defendant (being sued), ask for an interpreter when you file your answer. The court may provide one free. You may need to show you cannot afford one. When you go to court for your trial and the judge calls your case, say again that you need an interpreter.

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- ❖ People who are not U.S. citizens may use the court.
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Your interpreter helps you:

- Present your side of the case.
- Understand what the other participants say.

Details are important. If you think the interpreter is not translating what you want to say, tell the judge or your interpreter. Speak clearly and slowly. Tell the judge or your interpreter if you do not understand something.

What kinds of cases does small claims court hear?

Arguments involving money, \$5,000 or less, with a person, business, or sometimes the government.

Examples:

- ❖ Your landlord refuses to return your \$1,000 security deposit.
 - ❖ Your neighbor will not pay \$2,600 he agreed to contribute toward the cost of a shared fence between your yards.
 - ❖ Your new \$350 stove will not work. The dealer who sold it to you refuses to refund your money.
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Not disputes for more than \$5,000. To sue for more, go to a different court. To stay in small claims court, drop some of your claim. You cannot split the same claim into two different lawsuits.

Not disputes where you sue to make someone do something, such as perform a service or return property.

Examples:

- ❖ Your boss fires you. You may not sue your ex-employer to get her to rehire you. You may sue for unpaid wages.
 - ❖ You may not sue for the return of a car. You may sue for the money value of the car.
 - ❖ You may not sue your landlord to make him repair your toilet. You may sue for money: the difference between what your apartment is worth with a working toilet minus what it is worth without one.
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Can I add expenses to the amount I am suing for?

Yes, if they directly resulted from the original problem. Example: Someone damaged your car. You can sue for the cost of repair **plus** the cost of renting a car during the repair. You can include the costs of filing the lawsuit and having legal documents served on the other person. Generally, you may **not** add in lost wages or travel expenses connected with preparing the lawsuit.

Can I sue the government in small claims court?

State government - You may not sue the State of Washington.

Other government (examples, a city or county) - You usually must file an “administrative claim” first. Contact the clerk of the governing body you want to sue. Ask how to file an administrative claim. If the governing body denies your administrative claim against it, take the written denial to small claims court. Tell the clerk they denied your administrative claim. You now want to file in small claims court.

When should I file in small claims court?

You must usually file **within two or three years** after the problem occurred. If the other person broke a written agreement, you have **six years** to file.

You should file as soon as possible. Witnesses’ memories will still be fresh. You are more likely to have the evidence you need to make a strong case.

I am suing a business. Can a lawyer represent it?

Not in small claims court. The business may try to get the case moved to a regular courtroom. If it plans to do this, it must notify you of a hearing date. Go to the hearing. Tell the judge you do not want the trial moved. Explain that moving the case is unfair because you do not have a lawyer.

Should I try to settle before suing?

Yes.

- **Going to court can be stressful.** Settling saves time, money, and frustration.
- **You might lose.** The person you sue might bring a Counterclaim against you, asking you to pay money.
- Even if you win, **you might not be able to collect.** You might have to hire a lawyer or collection agency. If the person you sued has little or no money, you will probably not

be able to collect.

How can I settle out of court?

- 1) Contact the other party. Try to work out an agreement.
- 2) Get someone to act as a “mediator,” a neutral third party who helps you settle. Local dispute resolution centers often have free mediators. Use this directory to find one near you: <https://resolutionwa.org/dispute-resolution-centers/>.
- 3) Send a “demand letter” if you cannot speak with the person you want to sue. In the letter, say what the problem is. Explain how you want it solved. Say that you plan to sue in small claims court if you cannot come to an agreement. A well-written demand letter shows you are serious. It gives the other person/business a chance to reconsider. A sample demand letter is at the end.
 - Type the letter.
 - Be polite. Do not use insults.
 - Summarize the problem. Use details. Be clear. Give names and dates as needed.
 - Stick to the facts. State only what relates directly to the problem.
 - State clearly what you want the other person to do: pay for repairs, return a security deposit, and so on.
 - State why they should do what you want. If you know what law applies, refer to it. If you do not have a legal reference, explain why your proposal is fair.
 - Explain what you will do if they do not meet your demand. State what you want simply. Do not make threats. Example: “I believe what I am asking for is fair. I hope you will recognize this. If you do not do (fill in the blank), I am ready to file a claim against you in small claims court.”
 - End the letter by asking them to respond to you, preferably in writing. Ask them to answer as soon as possible so you can resolve the issue.
 - Print and sign your name at the bottom.
 - Keep a copy of your letter and any response you get.

❖ **If you do not settle, bring the demand letter to trial.** It shows the judge you tried to reach an agreement before suing.

4) If this is over a car accident, you might be able to settle out of court even if the other person is uninsured and will not pay you damages. If s/he was possibly at fault, you can have the state suspend their driver's license. They might pay you to avoid that. To use this procedure:

- Fill out an accident report. Get a written estimate of damages.
- Send these to the Washington Department of Licensing in Olympia within 180 days of the accident.
- If the other person agrees to pay you, sign a form reversing the license suspension.

❖ **Talk to a lawyer before using this procedure.** It can lead to the license suspension of **any** uninsured driver who may be even partly liable for the accident. If you are uninsured, they might suspend your license, too.

We reached an agreement before the hearing. Now what?

- Sign a written agreement with the other person.
- Give the court clerk a copy of this agreement. Tell the clerk to dismiss the case.
- If the other person agrees to pay later, ask the court in writing for a “continuance” (delay). Deliver a Notice of Continuance to the other person by hand or certified mail.
- If the other person pays before the new hearing date on the Notice of Continuance, tell the clerk to dismiss the case.

❖ If you dismiss, the court will not refund your filing fee and service costs. You might add these costs to the settlement agreement.

Can I sue someone who lives out of state?

Yes. You can sue an owner or landlord who lives in a different state in small claims court. [RCW 3.66.100](#).

What if I need legal help?

- Apply online with [CLEAR*Online](https://nwjustice.org/get-legal-help) - <https://nwjustice.org/get-legal-help>
or
- Call CLEAR at 1-888-201-1014

CLEAR is Washington’s toll-free, centralized intake, advice and referral service for low-income people seeking free legal assistance with civil legal problems.

- **Outside King County**: Call 1-888-201-1014 weekdays, 9:15 a.m. - 12:15 p.m.
- **King County**: Call 211 for info and referral to an appropriate legal services provider Monday – Friday, 8:00 am – 6:00 pm. You may also call (206) 461-3200, or toll-free 1-877-211-WASH (9274). You can also get info on legal service providers in King County through 211’s website, www.resourcehouse.com/win211/.
- **Persons 60 and Over**: Persons 60 or over may call CLEAR*Sr at 1-888-387-7111, regardless of income. Assets limits may apply. Seniors in King County may call 2-1-1.

Deaf, hard of hearing or speech impaired callers can call CLEAR or 211 using the relay service of YOUR choice.

211 and CLEAR will conference in free interpreters when needed.

Free legal education publications, videos, and self-help packets covering many legal issues are available at www.washingtonlawhelp.org.

This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice.

This information is current as of February 2018.

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Sample Demand Letter

Jill Landlord
69 Main St.
Tacoma, WA 98425

Dear Ms. Landlord:

I moved out of your rental property located at 38 Sycamore, Elbe, WA 99302, over two weeks ago. I gave you written notice on May 10, 2017 that I would be moving out on May 31. I was out by the end of that day.

When I moved in, I paid you a damage deposit of \$500. You must return my damage deposit in full or provide a written explanation why you have withheld any of it within 14 days of my moving out. RCW 59.18.280. The law also provides that you are liable for twice the amount of the deposit plus court costs and attorney fees for not following the damage deposit requirements.

In our phone conversation earlier today, you claim that you do not have to refund my deposit due to damage to the property. The damage you claim is ordinary wear and tear. Under state law, you cannot hold this against me. I have pictures of the place when I moved out, and a witness who will testify that it was as clean when I moved out as it was when I moved in.

I also have a copy of the checklist we both signed when I moved in. It shows that most of the conditions you complain about existed when I moved in.

Please send me a check or money order for \$500 by July 1, 2017. If I do not get my deposit refund by that date, I will file a case against you in small claims court for the entire amount of money provided for in the Residential Landlord Tenant Act.

Sincerely,

Joe Tenant
1234 Main Street, #B
Tacoma, WA 98425