Small Claims Court

consumer *brief*

Small Claims Court was created to promote the convenient, prompt, effective and inexpensive resolution of disputes at the grassroots level. The basic purpose of Small Claims Court is to help people recover small sums of money without having to hire a lawyer. You may file a complaint in Small Claims Court when you can show that a person or business owes you money or has harmed you financially, and will not pay. Generally, you can sue only for money. Normally, property or merchandise cannot be recovered. Small Claims is one of three sections of the Superior Court's Special Civil Part. The other two sections are Landlord-Tenant and the Special Section. Small Claims Court handles cases in which the demand is for $3,000 or less. If the amount of money you are seeking to recover is more than $3,000, but less than $15,000, your case should be filed in the Special Civil Part-Civil. Cases which involve more than $15,000 must be filed in the Law Division of the Superior Court.

Generally, you can present your case without an attorney, unless you are a corporation, in which case you must be represented by counsel or your case will be dismissed. However, in many cases at least one of the parties is represented by an attorney so it is important to consider your particular situation and make a careful decision before representing yourself.

WHAT KIND OF CLAIMS CAN I FILE?

Your case can be heard in Small Claims Court if your claim is for less than $3,000, and your case is based upon one of the following:

- A contract or agreement. The agreement doesn't need to be in writing.
- Damage to property caused by someone's negligent driving of a motor vehicle.
- A landlord/tenant dispute after the plaintiff has obtained a "judgment for possession" in the Landlord-Tenant Section of the Special Civil Part.

Consumers also have the option to file a complaint in the Special Civil Part-Civil of Superior Court. The claim limit in that section is $15,000.

HOW MUCH DOES IT COST?

The cost of filing in Small Claims Court is $15.00 if you are filing a case against one defendant, and $2.00 more for each additional defendant. In addition, there is a mileage fee based on the distance a court official must travel to deliver the papers to the person you are suing. The cost of filing in the Special Civil Part-Civil is $54.00 if you are filing a case against one defendant, plus $6.00 for each additional defendant.

HOW DO I FILE A LAWSUIT?

There are at least two parties in a suit. The "plaintiff," who must be at least 18 years old, is the person who sues another person by filing a complaint. The "defendant" is the person being sued.

The plaintiff files suit in the county where the defendant lives, where the business is located or where the problem occurred. You may file by mail in most counties. Call the court clerk and ask for a complaint form. On the form, you **MUST** give the following information:

- Your full legal name, street address and telephone number.
- The defendant's name, street address and telephone number.
- A short, simple statement explaining what happened and why you are suing.

Be sure to spell the name of the defendant correctly. If you are suing a business, use the full business name. You must also fill out a "summons" to go with each complaint. The summons is a statement requiring the defendant to appear at the trial. Once you have filled out the summons, return it to the court clerk who will then notify the defendant of your suit against him or her.

SPECIAL CIVIL PART-CIVIL V. SMALL CLAIMS COURT

You may represent yourself if your claim is for less than $3,000 or if it is between $3,000 and $15,000. However, in the Special Civil Part-Civil, procedures are more formal. Therefore, most people use an attorney to represent them in that section. In the Special Civil Part-Civil, the plaintiff does not have to appear in court if the defendant fails to answer the complaint. However, if you wish to obtain a default judgment against an absent defendant, you must appear in court to do so.

ALTERNATIVES TO SMALL CLAIMS COURT AND THE SPECIAL CIVIL PART

Consumers who believe they have been defrauded by a violator of the New Jersey Consumer Fraud Act (N.J.S.A. 56:8-1 to 8-60) can ask for assistance in filing a complaint by contacting the county or municipal consumer affairs office where the business is located, or the N.J. Division of Consumer Affairs (973-504-6200).

A 1993 Appellate Court decision permits courts to order the defendant to pay the plaintiff's attorney's fees if the defendant has been found to have violated the Consumer Fraud Act.

SMALL CLAIMS COURT/SUPERIOR COURT LAW DIVISION, AND SPECIAL CIVIL PART-CONTACT INFORMATION:

ATLANTIC COUNTY	(609) 345-6700
BERGEN COUNTY	(201) 527-2730
BURLINGTON COUNTY	(609) 518-2815
CAMDEN COUNTY	(856) 379-2200
CAPE MAY COUNTY	(609) 463-6513
CUMBERLAND COUNTY	(856) 453-4330
ESSEX COUNTY	(973) 776-9300
GLOUCESTER COUNTY	(856) 853-3392
HUDSON COUNTY	(201) 795-6680
HUNTERDON COUNTY	(908) 237-5820
MERCER COUNTY	(609) 571-4460
MIDDLESEX COUNTY	(732) 519-3200
MONMOUTH COUNTY	(732) 677-4240
MORRIS COUNTY	(973) 656-4125
OCEAN COUNTY	(732) 929-2016
PASSAIC COUNTY	(973) 247-8176
SALEM COUNTY	(856) 878-5050
SOMERSET COUNTY	(908) 231-7056
SUSSEX COUNTY	(973) 579-0918
UNION COUNTY	(908) 659-4900
WARREN COUNTY	(908) 475-6140