

## SMALL CLAIMS COMMISSIONER HEARINGS

If a defendant contests the claim at the return date, the matter will be set for a 30-minute commissioner hearing. The defendant will be required to file a written **Answer** within ten (10) business days of the return date. The original must be filed with the court, and a copy must be provided to the plaintiff or plaintiff's attorney. If no Answer gets filed, the commissioner hearing will be canceled and judgment will be entered in favor of the plaintiff.

### **Special provision for eviction cases:**

If a damages hearing is scheduled before the tenant has moved and the landlord has determined the amount claimed, the tenant is not required to file a Statement of Defenses before the commissioner hearing. All parties are required to attend the commissioner hearing on the money damages; the landlord must prove all damages and the tenant may dispute any items claimed. However, if the tenant has a counterclaim, an **Answer and Counterclaim** must be in writing and filed with the court at least ten (10) days before the commissioner hearing, and a copy must be mailed or provided to the plaintiff or plaintiff's attorney.

Commissioner hearings are held in the B-15 courtroom and are informal. **Both parties must be present.** Documentary evidence may be presented, but no exhibits are marked. The parties may bring witnesses, although testimony will be strictly limited in order for each side to present its case in 15 minutes or less. Settlement is encouraged. If a compromise cannot be reached, the commissioner will decide based on the summarized facts presented. If necessary, the commissioner may issue a written decision.

Parties will receive a **Demand for Trial** at the end of the commissioner hearing. If a formal hearing with a circuit court judge is desired, the Demand for Trial must be filed within ten (10) business days of the commissioner hearing. If neither party demands a trial, judgment will be entered based upon the commissioner's decision.