

Is Small Claims Court Right for Me?

By Jeffrey A. Herman

In Missouri, Small Claims Court is for claims worth \$5,000 or less. Even if you have a claim worth more, it might be better to go for \$5,000 in Small Claims Court, just because it's so much easier.

Small Claims Court has a lot of upside. It's inexpensive to file (just \$17 in St. Louis County), and you can recover your costs if you win. You get a court date right away, usually within about a month from when you file. It's informal. There are no juries. The rules of evidence do not apply, so you can present pretty much anything you want to the judge. The judge is very conversational and usually pretty easy-going (or, at least, *more* easy-going). The parties don't exchange evidence beforehand, so it's quicker and less expensive. And even if you lose, you have 10 days to file a regular lawsuit and hope for a better outcome.

There are some disadvantages, however. The judge you get may not be very sympathetic to your case, or just might not agree with you. As a result, you might lose altogether or get very little in damages.

That is why Small Claims Court is ideal when it's very easy to determine who is at fault and the amount of damages. A good example is people breaching contracts and promises: "I hired him to paint my house blue and he painted it green." Or "He promised to pay me \$5,000 for painting his house six months ago and he never did." Results are harder to predict when dealing with something that requires expertise. For example, if you want to prove the paint fumes caused your child to develop a lung condition, you will need some experts. And if you are claiming damages for pain and suffering, who knows what a judge will do. Sure, you think your headaches are worth \$2,000, but the judge might think they are only worth \$100.

It can also be hard to collect the judgment from the defendant. But that is a problem in any lawsuit against an individual without insurance. It's no worse in Small Claims Court.

If you feel you have a claim appropriate for Small Claims Court, you might want to retain an attorney. A good attorney can help identify additional damages you haven't thought of, find good evidence to support your case, deal with all the paperwork, and help present the best case possible to the judge. Your case would have to be worth enough to make it worth the attorney's time, but he or she might be able to get you more money in the end.

For those of you in St. Louis County, there is a [very good website](#) with all the information you need to file a case in Small Claims Court.