

What to Expect in a Conciliation Court Hearing

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Introduction

This booklet is for self-represented parties preparing for a hearing in Conciliation Court, which is also sometimes called Small Claims Court. It will explain:

- How to prepare for and participate in the hearing;
- Options for settlement; and
- Information about appeals.

For information on how to file a Conciliation Court claim, visit the [Conciliation Court Help Topic](https://mncourts.gov/Help-Topics/Conciliation-Court.aspx) (mncourts.gov/Help-Topics/Conciliation-Court.aspx). For information on how to enforce a judgment from Conciliation Court, visit the [Judgments Help Topic](https://mncourts.gov/Help-Topics/Judgments.aspx) (mncourts.gov/Help-Topics/Judgments.aspx).

Conciliation Court is a specialty court where people can have their cases heard without complicated legal procedures. Generally, claims of \$15,000 or less can be filed in Conciliation Court. If you want to file a claim that is for more than \$15,000, you must start a civil case in District Court. You cannot split your claim into multiple smaller claims to get around the limit and file in Conciliation Court. Review the [Civil Actions Help Topic](https://mncourts.gov/Help-Topics/Civil-Actions.aspx) (mncourts.gov/Help-Topics/Civil-Actions.aspx) for more information on civil cases in District Court.

Conciliation Court hearings do not involve a jury. Instead, a Judicial Officer (Judge or Referee) decides the outcome of the case. In Conciliation Court, witnesses and evidence are presented at the hearing. Bringing a case in Conciliation Court can be less expensive and simpler than filing in District Court.

In addition to reading this booklet, we encourage you to:

- Review the [Conciliation Court Help Topic](https://mncourts.gov/Help-Topics/Conciliation-Court.aspx) (mncourts.gov/Help-Topics/Conciliation-Court.aspx).
- Review the [Conciliation Court Rules](https://revisor.mn.gov/index/GP/) (revisor.mn.gov/index/GP/).
- Watch a [video of a Conciliation Court trial](https://mncourts.gov/Help-Topics/Conciliation-Court.aspx) (mncourts.gov/Help-Topics/Conciliation-Court.aspx; on the Tools & Resources tab).
- Contact a [Self-Help Center](https://mncourts.gov/Help-Topics/Self-Help-Centers.aspx) (mncourts.gov/Help-Topics/Self-Help-Centers.aspx).
- [Get advice from a lawyer](https://mncourts.gov/Help-Topics/Find-a-Lawyer.aspx) (mncourts.gov/Help-Topics/Find-a-Lawyer.aspx) about your case.

Communicating with Court Staff and Judicial Officers

It is important that you communicate with court staff and judicial officers appropriately. Court staff are ready to help you in whatever way they can. Their role is to provide you with information, not legal advice. For specific information about what court staff can and cannot do, visit the [What Court Staff Can and Cannot Do for You Help Topic](https://mncourts.gov/Help-Topics/What-Staff-Can-Do.aspx) (mncourts.gov/Help-Topics/What-Staff-Can-Do.aspx).

“Ex parte” is a Latin phrase meaning “on one side only; by or for one party.” An ex parte communication is when a party to a case, or someone involved with a party, talks or writes to or otherwise communicates directly with the judicial officer about the issues in the case without the other parties’ knowledge. Judicial officers cannot consider ex parte communications in deciding a case unless expressly allowed by law. This helps judicial officers decide cases fairly since their decisions are based only on the evidence and arguments presented to the court and the applicable law. The rule ensures that the court process is fair and that all parties have the same information as the judicial officer who will be deciding the case.

Please be respectful when communicating with court staff and judicial officers.

Settlement

Many cases settle before the hearing. “Settle” means that the parties involved reach an agreement. You may be able to settle by communicating directly with the other party or through a process called “mediation.” Mediation is where a neutral person, called a mediator, helps you and the other side try to settle your dispute. The mediator does not decide the case, but helps you talk with the other side and try to come to a mutual agreement. Review the [Alternative Dispute Resolution \(ADR\)/Mediation Help Topic](https://mncourts.gov/Help-Topics/AlternativeDisputeResolution.aspx) (mncourts.gov/Help-Topics/AlternativeDisputeResolution.aspx) for more information.

A settlement allows the parties to find creative solutions that fit their needs and allows them to have a “known” result. Going to trial means the Judicial Officer decides the outcome instead of the parties.

If you and the other party reach an agreement before the day of the hearing, call court administration in the county where your case is filed right away to ask about next steps. You

will likely need to confirm in writing that you and the other party have agreed to settle. Settlement forms can be found on the [Conciliation/Small Claims Court Forms page](#) (mncourts.gov/GetForms.aspx?c=10).

If you and the other party need more time to work out the details of your agreement, you can call court administration to see if the case can be postponed. The court may reschedule your hearing to a later date, or they may require you and the other party to appear for your original hearing date and explain the agreement.

Review the [Settle Out of Court Help Topic](#) (mncourts.gov/Help-Topics/Settle-Out-of-Court.aspx) for more information.

Arranging for Witnesses

You can have witnesses at your Conciliation Court hearing. If you want to have witnesses, you are responsible for making sure they appear for the hearing. Plan ahead. The Judicial Officer will not reschedule the hearing to let you arrange for witnesses you could have contacted earlier. You should contact your witnesses as soon as the court schedules the hearing date.

A witness can be you, someone else who has first-hand knowledge about your claim, or an “expert witness.” An expert witness is someone with scientific, technical, or other special knowledge about a certain topic (for example, a roofing contractor, medical doctor, engineer, chemist, etc.).

If your witness agrees to appear for your hearing, you do not need a subpoena. If a witness will not agree to appear for your hearing, you may need to use a subpoena. A subpoena is a court order telling someone to appear in court and/or provide documents. If you need to subpoena a witness, do so as soon as possible.

You can request a subpoena from court administration in the county where your case is filed. To make the request, you can visit the courthouse in person or make the request in writing. There will be a small fee for each subpoena. Court administration will prepare the subpoena. Next, you will need to arrange for someone else (not you) who is 18 years or older to serve the subpoena on the witness, along with the witness fee. A subpoena must be served before the trial date. You should give the witness a “reasonable” amount of time to prepare for

the hearing and/or to produce the documents listed on the subpoena.

As explained on the subpoena form, if you subpoena a witness, you will need to pay that witness \$20 per day, plus mileage, if applicable. The fee for mileage is set by law and is stated in [Minn. Stat. § 357.22](https://revisor.mn.gov/statutes/cite/357.22) (revisor.mn.gov/statutes/cite/357.22).

Witness fees and mileage apply only to witnesses who are subpoenaed. To put it simply:

- SUBPOENA: You DO have to pay witness fees and mileage.
- NO SUBPOENA: You DO NOT have to pay witness fees and mileage.

If you cannot afford to pay the subpoena fees, including the witness fees, you can ask the court for a fee waiver (also called “In Forma Pauperis”). You can find more information about fee waivers, including the forms to complete and file, on the [Fee Waiver Help Topic](https://mncourts.gov/Help-Topics/Fee-Waiver-IFP.aspx) (mncourts.gov/Help-Topics/Fee-Waiver-IFP.aspx).

For more information about subpoenas and witness fees, review the [Subpoenas Help Topic](https://mncourts.gov/Help-Topics/Subpoenas.aspx) (mncourts.gov/Help-Topics/Subpoenas.aspx) and [Rule 45 of the Minnesota Rules of Civil Procedure](https://revisor.mn.gov/court_rules/cp/id/45/) (revisor.mn.gov/court_rules/cp/id/45/).

Preparing Evidence

Before your hearing, organize the evidence that supports your claim or your side of the story. Your evidence may include:

- Your testimony;
- Witness testimony;
- Communication between you and the other party such as emails, letters, etc.;
- Photos, written agreements, contracts, or other documents (for example, a lease if the case involves a landlord/tenant issue);
- Itemized bills, canceled checks, receipts or invoices, proof of payment, damaged items, etc.;
- Printed or electronic evidence from your computer or cell phone; and
- Audio/visual evidence (be sure to ask the court what format is required for this type of evidence).

Evidence must be presented during the hearing. If your hearing is in-person, you should have the original document or object and at least 3 copies of any documents. One copy

is for the Judicial Officer, one copy is for you, and one copy is for the other party (more copies will be needed if there are more parties). If you have a remote hearing and have an order or other instructions from the court about how to handle exhibits, follow those instructions. You can find other helpful information on remote hearings on the [Remote Hearings Help Topic](https://mncourts.gov/Remote-Hearings.aspx) (mncourts.gov/Remote-Hearings.aspx).

Rescheduling the Hearing, if needed

If you will not be able to appear for your scheduled hearing, you can ask the court to postpone or reschedule your hearing. You must have a good reason or the court may not agree to change your date. If you need to reschedule your hearing, you must contact court administration in writing at least 5 business days before your hearing date. If your hearing is rescheduled, court administration will send you and the other party a notice with the new hearing date.

Courtroom Behavior, including Remote Hearings

You do not have to buy new clothing for court, but remember it is a formal place and you want to be conservative and respectful in dress and behavior. Do not bring children to court. If your hearing is remote, make sure there are no distractions during your hearing. You can find more tips for remote hearings on the [Remote Hearings Help Topic](https://mncourts.gov/Remote-Hearings.aspx) (mncourts.gov/Remote-Hearings.aspx).

Certain behaviors are not allowed in a courtroom, including a virtual courtroom, because they are noisy, distracting, or disrespectful. You should not chew gum, eat, sleep, listen to earphones, use a cell phone, carry a weapon, or use a camera, including cell phone cameras (unless otherwise allowed). Some courts do not allow cell phones in the courtroom, even if they are turned off.

Day of the Hearing

Be on time for your hearing and make sure you know in advance if it is in-person or remote. If in-person, allow yourself extra time in case you run into bad traffic or weather, and to allow time to find parking and go through security when you enter the courthouse. If your hearing is virtual, make sure you test your technology ahead of time and allow plenty of time to log in.

If you are not in the courtroom (in-person or virtual courtroom) when the court clerk calls your case, you may lose the case by “default” (by not appearing). If you have an emergency or are delayed, call court administration and let them know. Even if you call, the court may hold the hearing without you, and you could lose by default.

If your hearing is in-person, find your courtroom, then look for the daily court calendar which is usually posted outside the courtroom. Look for your name or case on the calendar. If your case is not listed or if there is no calendar posted, ask the court clerk in the courtroom for help. You may need to check in with the court clerk in the courtroom even if your case or name is listed on a calendar.

The Hearing

The plaintiff, defendant, and any other witnesses who will testify will take an oath to tell the truth. The plaintiff (the person who filed the claim) will go first at the hearing. After the plaintiff’s testimony, where they tell their side of the story, the Judicial Officer and the defendant may ask them questions about the case. If the plaintiff has witnesses, they will testify next. The Judicial Officer and defendant may ask them questions, too. After the plaintiff has presented their evidence, it will be the defendant’s turn to explain their side of the story. The defendant can show their evidence, and witnesses can testify on their behalf. The plaintiff and the Judicial Officer can ask the defendant and the defendant’s witnesses questions. It is up to the plaintiff to prove their claim, and the defendant must prove their counterclaim, if any. This is called having the burden of proof.

During the hearing, you should listen carefully to the Judicial Officer and the other party. Ask the Judicial Officer for permission to speak. You should talk directly to the Judicial Officer, not to the other party. When you talk to the Judicial Officer, start by saying, “Your Honor.” Speak loudly and clearly. Avoid arguing with or interrupting another person and try to control your emotions. Try to tell your side of the story calmly, clearly, and concisely. If you disagree with something said by the other party, ask the Judicial Officer if you may respond.

Default

If the plaintiff, the person who filed the claim, does not appear when the hearing starts,

the Judicial Officer will likely dismiss the case. But if the defendant, the person against whom the claim is filed, has filed a counterclaim and they appear for the hearing, the court may enter a default judgment against the plaintiff.

If the defendant does not appear for the hearing, but the plaintiff does appear, the Judicial Officer may enter a default judgment against the defendant.

If neither the plaintiff nor the defendant appears for the hearing, the case will be dismissed. A case can be dismissed with or without prejudice. If a case is dismissed without prejudice, it means that the claim can be re-filed. If a case is dismissed with prejudice, it means that the case cannot be re-filed.

Decision

If all parties appear for the hearing, the Judicial Officer will listen to the testimony and evidence presented. They will decide the outcome of the case. In a Conciliation Court case, the Judicial Officer may “rule from the bench,” which means they decide the case at the end of the hearing. If they do not rule from the bench, they will issue a written decision, called an order, after the hearing.

If you win the case and are awarded a money judgment against the other party, the judgment will not be effective until 20 days after the order is mailed to the parties. This is called a “stay” of the judgment and allows the parties time to appeal.

Appeals

If you had a hearing but are not satisfied with the Judicial Officer’s decision, you may be able to appeal to the District Court. This means that you are moving the case to a higher court and starting over from the beginning. In District Court, you can ask for the case to be decided by either a judge or a jury (there are more fees if you would like your case decided by a jury).

Appeals are more complicated. You are encouraged to get legal advice about an appeal or consider hiring a lawyer. You can find information about free legal advice as well resources for finding a lawyer on the [Find a Lawyer Help Topic](#) on the MN Judicial Branch website (mncourts.gov/Help-Topics/Find-a-Lawyer.aspx).

If you did not appear at the hearing, and the Judicial Officer awarded a default judgment

against you and in favor of the other party, you may be able to open the case again and have another hearing if you have a good reason for not being at the hearing. To request that the case be reopened and have another hearing, you need to complete and file a Request to Vacate (Cancel) Order for Judgment and Grant a New Trial. This must be filed within the 20-day stay period, and you must show that:

- You were not given proper notice of the hearing;
- You were mistaken about the time of the hearing; or
- You missed the hearing for some other valid reason.

The court may grant your request to have another hearing, or they may deny your request. If the court grants your request, they will schedule another hearing. You will need to appear for the hearing (trial).

If the court denies your request, you may file a Demand for Limited Removal to District Court. This is a limited removal, which means that the District Court Judicial Officer will only decide if the default judgment should be vacated and a new hearing scheduled. If your limited removal is granted, you will go back to Conciliation Court for your hearing.

You can find more information about Conciliation Court appeals in the [Conciliation Court](https://mncourts.gov/Help-Topics/Conciliation-Court.aspx) (mncourts.gov/Help-Topics/Conciliation-Court.aspx) and [Appeals Help Topics](https://mncourts.gov/Help-Topics/Appeals.aspx) (mncourts.gov/Help-Topics/Appeals.aspx).