

How to Start Your Small Claims Suit

1. Choose the proper court. The courts are open daily from 8:00 until 4:30 p.m., Monday through Friday, exclusive of State holidays. You may ask the clerk to send the forms for you to fill out and return by mail, or you may go to the court in person. Be sure to ask for the clerk of the small claims court.
2. You will be asked to fill out a "complaint" on a form provided by the court, which basically asks who, why and for how much you are suing. You will be known as the "plaintiff", and the person or business you are suing as the "defendant". You will be required to provide your name, address, telephone number, and the name(s) and address of the defendant(s). You must provide the exact name(s) and a current address of the defendant(s), because the suit cannot proceed until the defendant(s) has/have received "notice" of the suit.
3. The complaint form will provide a space for you to explain the nature of your complaint against the defendant, and the amount you are suing for. Generally, a short but complete explanation of what happened and the extent of your loss or damage will be sufficient.
4. You will need to pay a filing fee of \$50.00 for a claim \$1000.00 or less or a fee of \$75.00 for a claim over \$1000.00. Checks or money orders should be made payable to "Superior Court of Vermont". Filing fees and any service costs may be waived if you qualify. That determination is made by the clerk after review of an application that you may obtain from the clerk for this purpose. This determination is based upon your income as compared to the Federal Poverty Guidelines.
5. The clerk will assign your case a docket number. You should keep this number and refer to it whenever you contact the court with a question about your case. The clerk will mail to the defendant(s) the "summons", which is a notice to the defendant(s) of the suit. The clerk will also send a copy of the complaint and an answer form to the defendant so that he/she may respond to the complaint.

Mediation: Mediation services may be available to you in some counties. Mediation is a way of assisting people in resolving their dispute. It's a confidential process where two or more parties choose to meet with an impartial third person (the mediator) to talk about ways to resolve their situation that is agreeable to both sides. The mediator controls the process, helps direct the session, keeps the parties focused on important issues, and searches for areas of agreement. In mediation, the parties have control of the outcome, so mediation more likely results in a solution that is mutually agreeable to both parties instead of the judge imposing the decision. Be sure to ask the court clerk if mediation services are available.