

Small Claims Video, Part II – Pre-trial & Mediation (transcript)

The small claims court provides an inexpensive and simplified process for litigants to resolve legal issues where the demand or value of property involved does not exceed \$5,000.00.

It's the place where citizens come to resolve their everyday civil legal actions.

Once you have filed your case, the clerk's office will set a date for your pretrial hearing. The plaintiff, that is the person initiating the case, will receive a notice by regular mail.

The defendant, that is the person the case is filed against, will receive a notice by certified mail or may be served by a deputy sheriff or process server. The method in which the defendant is served is determined by the plaintiff.

The notice will indicate the date, time and location you need to appear for your hearing. Small claims hearings are conducted only at 2 locations in the county: 501 First Avenue North in Saint Petersburg or 324 South Fort Harrison Avenue in Clearwater.

It's very important to show up at the pretrial hearing. If you are the plaintiff and you do not appear at the pretrial hearing your case may be dismissed.

If the defendant does not appear at the pretrial hearing, and has been successfully served, the hearing officer will make a recommendation as to the outcome of the case.

If the defendant does not appear because they have not been successfully served, the pretrial hearing will be continued, or rescheduled, so that the defendant can be served.

You can check with the clerk's office or your private server to see if the defendant has been served.

To check the docket for the latest action on your case:

go to www.pinellasclerk.org.

- Next, click on search records, at the top right, in the court records blue box click on civil/small claims name/case lookup.
- Type in the 10 character case numbers in the box and hit submit.
- This brings up civil/small claims docket viewing screen where you can find the status of the case and docket information.

It is important for you to show up for your pretrial hearing even if you are not sure the defendant was served. If the defendant is not served, your pretrial hearing will need to be rescheduled.

It will be your responsibility to follow up and contact the clerk's office in writing to request issuance of an alias (second) or pluries (third or subsequent) summons with a new pretrial hearing date and time.

Your pretrial hearing will be heard by a hearing officer. A hearing officer is an attorney that has been appointed by the chief judge to oversee hearings and make recommendations to the judge.

A hearing officer should be addressed with the same respect as a judge. When addressing the hearing officer, it is appropriate to use ma'am or sir.

When you enter the courtroom you may be asked to state your name so that the court clerk and hearing officer know you have arrived.

If you bring in a cell phone please turn it off.

When it's your turn, you may be called upon to stand in front of the hearing officer and answer some questions prior to, and after going to mediation, so be prepared to speak in front of others.

It may be helpful to bring all documents you have to support your claim such as receipts, proof of payment, contracts, photos, or the item itself if it is a question of who is entitled to possession. However, affidavits of others will not be addressed by the court.

Only you or your attorney will be allowed to speak on your behalf at the pretrial hearing.

There are many cases set for each court calendar, therefore you may not be called exactly at the time you were scheduled to appear.

You should not schedule other activities after your pretrial hearing that would require you to leave at a specific time. There are many factors that may extend the time you are required to stay.

You will need to contact the clerk's office at 727 464-3267 if you can not make it to your hearing.

Mediation is a "process whereby a neutral third person called a mediator acts to encourage and facilitate the resolution of a dispute between two or more parties." It is an informal and non-adversarial process with the objective of helping the disputing parties reach a mutually acceptable and voluntary agreement.

In mediation, decision-making authority rests with the parties. The mediator is there to assist the parties in identifying issues, fostering joint problem solving and exploring settlement alternatives.

The mediator has no decision-making power. Any agreement reached will be by mutual consent of the parties.

At the pretrial phase of your case, if all parties are present, you will be directed to mediation by the hearing officer. The hearing officer will assign the case to one of the Florida Supreme Court certified mediators present in the courtroom.

The mediator will take both parties to a private conference room. No one else is permitted to attend the mediation unless all parties agree.

Mediation will be provided at no cost to either party.

After introductions and a brief opening statement that defines the mediation process, the mediator will set some ground rules for the conference.

The ground rules typically include: speak civilly to each party and the mediator, and do not interrupt when another party or the mediator is speaking.

The mediator will allow both parties to fully discuss their issues, and what is most important to them in terms of their interests and settling the case. It's a meaningful opportunity to discuss the issues because much of what is important may not be heard or considered by the judge. The confidentiality of mediation, except as provided by law, encourages the parties to speak freely.

The mediator may decide to "caucus". This is a technique in mediation where the mediator speaks to each party privately and confidentially, unless the party indicates that it is acceptable to divulge the information to the other party.

If you reach an agreement, the mediator will typically utilize a "stipulation to stay entry of judgment" form. This form will detail the terms of the agreement. Both parties will be asked to sign the form. The mediator will then ask the parties to return to the court room for the hearing officer to review the agreement for accuracy.

You may be asked to wait in the courtroom while the mediator takes the form to the duty judge for signature. Each party will receive a copy of the agreement.

Both parties in mediation may agree to dismiss the case. A simple voluntary dismissal form can be completed and submitted to the court to complete this agreement.

Parties in mediation often agree to continue the case for various reasons. They may be close to settling, want to add another party, need time to obtain additional information and share it with the other party, etc.

The mediator will let the hearing officer know your decision. The hearing officer may need to ask the parties some questions to clarify the type of continuance and length of time it needs to be continued on the courts calendar.

If you do not reach an agreement and the case is proceeding to trial. The hearing officer will explain the basic rules to prepare for trial, and questions regarding evidence and witnesses for the notice of trial.

The parties will be escorted to a judge's office to obtain a date and time for the trial.

We hope you found this video helpful in pursuing your small claims case.