



August 2014 Tip of the Month

Conciliation Court Update: Jurisdictional Claims Limit Raised 8/1/2014

Submitted by Glendon Drew, VLN Resource Attorney

Effective **August 1, 2014**, the jurisdictional cap on the amount of a claim that can be filed in Conciliation Court is increasing from \$10,000 to \$15,000¹. Whether or not this increase will result in more attorneys filing cases in Conciliation Court remains to be seen, but now is an appropriate time for any attorney thinking of practicing in Conciliation Court to brush up on some of the major differences between Conciliation Court and District Court. Perhaps most importantly, and something of which many attorneys may not be aware, is that Conciliation Court has its own unique set of practice rules, separate from District Court rules.

Some Highlighted Differences

The General Rules of Practice for the District Court contain a subsection of Conciliation Court Rules. The Conciliation Court Rules seem designed to improve access to court for *pro se* parties. As a result, the Conciliation Court Rules can differ dramatically from the Rules of Civil Procedure and the Rules of Evidence that attorneys study as law students and encounter in practice in district court. For example, a Defendant who is sued in Conciliation Court is not required to serve an Answer to the Statement of Claim and Summons (*i.e.*, the Complaint) and only need attend the hearing to defend the lawsuit.

Another important difference between the rules of Conciliation Court and District Court is that while the Conciliation Court judicial officer (or referee) shall normally only receive evidence that is admissible under the Rules of Evidence, he or she may also receive evidence in the exercise of discretion and in the interests of justice² that would otherwise be deemed inadmissible.

Finally, Conciliation Court is not a court of record and a court reporter may not take official notes of any trial or proceedings in Conciliation Court.³

Tip

If you're interested in learning more about these and other differences between the two courts, please consider volunteering to represent clients in Conciliation Court hearings or in Conciliation Court

¹ The limit of \$4,000, still applies to claims that involve a consumer credit transaction. See Minn. Stat. § 491A.01.

² See Conciliation Court Rule 512(d) regarding evidence and other matters related to Conciliation Court trials.

³ Minn. Stat. § 491A.03.

Appeals to District Court. For more information about these programs, please contact Glen Drew, Resource Attorney at glen@vlmn.org.