

SMALL CLAIMS FORMS

The most important thing to remember for small claims forms is to keep them simple. Since many parties are unrepresented, the language should be easy to understand. Since the timeframes are short – sometimes as little as a half hour is given to complete mediation – the forms should be easy to complete, with as little writing as possible.

Good Examples

Idaho – Order for Mediation

In this court, mediation is mandatory for any small claims case. Mediation is to occur prior to trial. Notice goes out before the mediation/trial date. This order to mediation provides a good explanation of what mediation is, the confidentiality of the process, and what happens after mediation.

Because many small claims parties are not represented by lawyers, courts adapting this form, might want to use less complex language that is accessible to those of all education levels. For example, the paragraph:

In mediation, trained, neutral third persons attempt to aid the parties in resolving their differences and settling the same without the necessity of a trial. If you reach a mediated settlement, that agreement will be reduced to writing by the mediator, signed by each of the parties and presented to the Court for approval and order.

could be written like this:

In mediation, a trained person (the mediator) who does not take either side of the dispute will try to help you to resolve your dispute without going to trial. If you reach agreement in mediation, the mediator will write the terms of the agreement and have you and the other party sign it. It will then be given to the Court for approval and order.

Illinois – 17th Judicial Circuit Small Claims Mediator Report

The best mediation reports not only gather information on what occurred in the mediation, but are also used as an opportunity for the court to collect data for more sophisticated analysis of the program's functioning. As such, a good form asks a number of questions about the characteristics of the case, such as what type of case it is, the timing of the mediation, the amount of time spent in mediation, and who attended. This information allows the court to more clearly understand which cases benefit from mediation and what impact it has on the courts and the litigants.

The best mediation reports also use checkboxes and structured-response questions as often as possible. This makes it easy to complete and to enter into a database, as well as eliminates ambiguity in responses.

In this report, mediators are asked to provide more information about the mediation than is typical for these cases. Such information includes who attended and how much time was spent in mediation. Having mediators complete this type of form with a little more information than is traditionally put in a report is very helpful for any future evaluations of the mediation program.

Illinois – Center for Conflict Resolution Mediation Agreement

In this program, mediation is conducted in the courtroom on the day of trial. Time is limited in this situation, which means that the mediation and the agreement need to be completed in a tight timeframe. By having common language already filled out, this mediation agreement form



provides a quick, easy way for the mediators to set out the monetary and/or eviction agreement between the parties. Also good is that it provides a section in which other, nonmonetary or eviction terms can be written. These terms are not enforced by the court; therefore, this part of the agreement is on a separate sheet so that it can remain confidential and not be presented to the court with the rest of the agreement.

IN THE DISTRICT COURT OF THE _____ JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF _____
SMALL CLAIMS DEPARTMENT

_____,)
Plaintiff,) CASE NO. CV-_____
v.)
_____) ORDER FOR MEDIATION
Defendant.)
_____)

TO THE PARTIES IN SMALL CLAIMS ACTIONS:

PLEASE TAKE NOTICE, that in all contested matters wherein the Plaintiff has filed a Complaint and the Defendant has filed a written Answer, no trial may occur before the Small Claims Court until the parties first submit themselves to mediation. Mediation offers the parties a final opportunity to maintain control over their dispute and to settle the dispute without the intervention of the Court.

In mediation, trained, neutral third persons attempt to aid the parties in resolving their differences and settling the same without the necessity of a trial. If you reach a mediated settlement, that agreement will be reduced to writing by the mediator, signed by each of the parties and presented to the Court for approval and order.

If the parties cannot resolve the matter, then trial in your case will be held on the same day, but at a later time, before the Small Claim's Judge.

You should bring any evidence which you wish to present to the Judge and provide any witnesses whom you wish to testify on your behalf. Please be aware that the mediator must keep confidential, all information received during the mediation process and cannot be called as a witness for either party. Further, the mediator cannot give the parties legal advice.

Failure to appear at mediation will cause your case to be dismissed if you are the Plaintiff or a default judgment to be entered against you, if you are the Defendant.

You will receive written notice from the Clerk of the Small Claims Court, setting the matter for mediation, and if mediation is unsuccessful, informing you of the time for trial on the same day.

DATED THIS _____ day of _____, _____.

MAGISTRATE JUDGE

17TH JUDICIAL CIRCUIT
SMALL CLAIMS MEDIATION PROGRAM
MEDIATOR REPORT

For ADR administration use only. All responses will remain confidential and be used solely for summary reporting purposes. No information on individual reports will be provided to the court.

Mediator Name: _____ Mediation Date: _____

Case Number: _____

1. Outcome:
 settled
 partially settled
 not settled

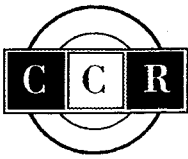
2. Minutes in mediation: _____

3. How many from each category attended?
___ Parties
___ Nonparties (please list type, e.g., witness, support person):

___ Lawyers

4. If agreement was reached, did the agreement include non-monetary elements?
 Yes
 No

5. Please provide any feedback to the program in the space below:



Center for Conflict Resolution

MEDIATION AGREEMENT

Court Case Number _____

Date _____

In the matter between _____ **and** _____

Parties request that:

- the case be dismissed immediately but can be reinstated (dismissed without prejudice).
- the case be dismissed immediately but can be reinstated (dismissed without prejudice). Defendant agrees to pay \$ _____ according to the schedule below. Defendant agrees that a judgment be entered if the payment schedule is not followed. The judgment amount will be the amount listed above, minus any monies paid, plus court costs.
- the Defendant Tenant agrees to move out of the premises located at: _____ and pay \$ _____ according to the schedule below. The parties request that this case be dismissed immediately (dismissed without prejudice), subject to reinstatement if the premises are not vacated by 11:59PM on: _____ or if the payment schedule is not followed. Defendant agrees that a judgment be entered if tenant does not comply.
- the case be dismissed immediately and cannot be reinstated (dismissed with prejudice)..
- the case be continued to _____.
- an agreed order be considered.

Payment Schedule: _____ on _____ _____ on _____ _____ on _____
 _____ on _____ _____ on _____ _____ on _____
 _____ on _____ _____ on _____ _____ on _____

THE AGREEMENT EXPRESSED ABOVE IS SUBJECT TO COURT APPROVAL

Other Terms:

Signature

Signature of Mediator

Signature