

Conciliation court

This lesson will teach students about the conciliation court system. Because people often view the court system as too complex to deal with small problems, it is important that students understand the operation of conciliation court which limits the dollar value of actions to \$3,500 and usually does not permit lawyers to be involved in the cases. It is truly the *people's court*.

Students will:

1. Know the options and resources of the judicial system.
2. Understand the legal and judicial process.
3. Understand how legal and judicial decisions are made.

Materials needed: Copies of **Student Handout: CONCILIATION COURT**, **Student Handout: A CASE FOR CONCILIATION COURT?**, and **Student Handout: THE CASE OF THE AUTO REPAIR**

Time needed: 1-2 class periods

Grade level: Grades 5-12

Procedure:

1. Present students with the following hypothetical and ask students what they would do if they were in the same situation.

Toni parked her car along the street next to her older brother's apartment building. When she came out after visiting her brother, the top of her car was covered with a tar-like substance that was being used to repair the roof of the apartment building. Toni complained to the company doing the roof repair. They did not respond to her complaints.

Students will offer a variety of solutions including "Sue the company!"

2. Discuss the advantages and disadvantages of the students solutions. Students should talk about the cost of trials (hiring a lawyer, etc.) and the complexity (takes a long time) as disadvantages of choosing to go to court. Some students may be familiar with the concept of a "people's court."

3. Ask students to read the **Student Handout: CONCILIATION COURT**. For younger students, explain the information contained in the student handout.

Procedure cont.

- 4.** Have students working individually or in small groups decide the hypothetical cases presented in the **Student Handout: A CASE FOR CONCILIATION COURT?** Discuss the answers.
- 5.** Have students read **Student Handout: THE CASE OF THE AUTO REPAIR.** As a large group, briefly discuss the questions.
- 6.** Divide the students into groups of three. Assign one person to roleplay George, one to roleplay Wendy, and one to roleplay the judge. Give the students roleplaying Wendy and George a few minutes to prepare their arguments.
- 7.** Ask the Georges to begin presenting their cases to the judges. After a few minutes, tell the Wendys to begin their arguments. (This guarantees that each side will have some time to present its side of the case.)
- 8.** Tell judges to end the arguments and to take a few minutes to decide the case.
- 9.** Ask each judge to share his or her decision with the parties. Then ask the judges to share their answers with the rest of the students. Compare the answers. Ask judges to explain their answers.
- 10.** Tell students that in Minnesota, consumers can be protected in these kinds of cases. When bringing a car in for repairs, the consumer may ask for a *written estimate*. Once the estimate is prepared and the car owner authorizes the repair, the garage cannot exceed the estimate by more than 10% of the estimated cost without informing the owner of the additional costs and receiving the owner's permission to make the additional repairs.
- 11.** Review the value of conciliation court. Discuss the difficulties of presenting the information in a way that helps the judge understand the case. Ask the students to list items they would collect to help prove their side of the case if they were involved in an actual case similar to the auto repair case. (These items might include receipts, written estimates, notes about telephone calls, list of witnesses if any exist, etc.)

Student Handout: CONCILIATION COURT

Conciliation court is sometimes called “*the people’s court*” or in other states a “*small claims court*.” It is a division of district court that is limited to certain types of cases where money is the remedy sought. Only civil cases where the amount in dispute is less than \$3,500 will be heard in conciliation court. The goal of conciliation court is to provide inexpensive, speedy, and informal civil trials. The modern conciliation court came into existence in the United States around 1910. At that time political reformers, called progressives, were pushing for ways to make state and local government better serve the needs of the common people. Thus, conciliation court came to be called “people’s courts.”

Since the main purpose of conciliation court is to provide a quick way for people to settle their differences over money, many legal procedures found in other courts do not exist in the “people’s court.” Generally lawyers are not present, rather the people directly involved in the case represent themselves and argue their cases before the judge. The judge simply asks each person to present his/her arguments in everyday language. The judge makes the final decision in each case because there is no jury.

Any adult may file a lawsuit in conciliation court. For example, an individual as a consumer may sue a business in conciliation court. Sometimes the party bringing the case (*plaintiff*) is a corporation, collection agency or landlord. The cases brought to conciliation court must be relatively simple. Complicated cases involving technical or constitutional issues will normally be handled only in a full civil jury trial. And as stated earlier, the amount in controversy cannot exceed \$3,500.

There are many types of cases which are accepted in small claims court. For example, typical cases often involve disagreements over unpaid rent, property damage, auto accidents, contract enforcements, merchandise warranties, and faulty repairs. In some cases, the mere threat of legal action results in a quick settlement between the parties.

The person bringing a case to conciliation court (plaintiff) must complete a form provided by the court clerk. Information needed to complete the form includes names and addresses of the parties, the amount of the claim, and the reasons why the plaintiff is suing the defendant. The plaintiff has to pay a small filing fee (\$25.00 or less) and make sure the defendant receives the notice. If the plaintiff wins, he or she can collect the filing fee from the defendant. The conciliation court clerk will then schedule the case, usually within thirty days.

A defendant may file a counterclaim against the plaintiff for any claims he or she may have. When this happens, both cases will be tried together.

Before trial, both parties need to collect items necessary to prove their side of the case; for example, repair bills, estimates, and photographs. Witnesses may testify to help prove the case. The conciliation court can issue subpoenas requiring witnesses to appear.

If a defendant fails to appear at the scheduled trial, the court will enter a *default judgment* against the defendant after the plaintiff has proven his or her claim. This means that the defendant has lost the case.

After the parties have presented their sides of the case, the judge usually takes the case under advisement. This means that the judge will research the law and issue an answer at a later date. Once a party has won, that person is responsible for collecting the amount of money awarded by the court. The process of collecting a judgment is difficult in some cases. Occasionally, a party will file to move the case to regular district court, where there are additional ways to collect the money owed.

Student Handout: A CASE FOR CONCILIATION COURT?

Which of the following disputes do you think can be settled in conciliation court? Be prepared to explain your answer.

- 1.** A high school senior is expelled for wearing a swastika armband on a Jewish holiday. He seeks to sue to be re-admitted into school.
- 2.** Jim Dean, 14 year old papercarrier sues Harold James, customer, for \$12.40 overdue for delivery of daily newspaper.
- 3.** Nineteen year old Bill Wright purchased marijuana from Reef Carlson (local dealer). He paid \$40.00 as Wright was told the pot was only the finest South American import. Wright later recognizes the pot to be nothing more than low grade home-grown marijuana. He sues to receive a \$25.00 refund.
- 4.** Jane Wayne, homemaker, takes her 1985 Chevette automobile to “Quickie” tune-up clinic which guaranteed her a \$29.00 tune-up. She returns to pick up her car and finds a \$97.00 bill.
- 5.** Tammy Reynolds, 15 year old foster child with the Wainwright family, seeks to have foster care arrangement terminated.
- 6.** Jack Simmons, who owns an apartment building, is faced with expensive repairs after some rowdy tenants damaged the apartment. The tenants refuse to pay. Jack is suing the tenants for the \$1,900 needed to fix the place up.

Student Handout: A CASE FOR CONCILIATION COURT? cont.

- 7.** Dave Parker, professional basketball player, sues the Minnesota Timberwolves to recover \$800,000.00 in past salary.

- 8.** College junior Phil Hanson purchases \$72.00 in used textbooks. When he bought the books, he was told that there is a no return policy but that he can sell the books back to the bookstore at the end of the term. Phil's class is cancelled and Phil sues the bookstore. He does not want to wait until the end of the term to get his money back.

- 9.** High school senior Bill Waters is jilted by his sweetheart. He demands the return of his class ring which Connie refuses to give back.

- 10.** Bill Mann, 24, purchases a \$600.00 stereo system from a local electronics store. The system carried a 90-day warranty; after 100 days the system fails to operate. Bill takes the stereo back to the store. The owner promised to repair the system without cost and then charged \$200.00.

- 11.** Smalltown Community College has several students who owe payments on their student loans. Each of the students owes at least \$4,000. Smalltown files a complaint.

Student Handout: THE CASE OF THE AUTO REPAIR

George Morris left his 1983 Mustang at Wendy's Repair Shop one morning for an estimate on work that needed to be done. George called Wendy later in the day and was told that front end work was necessary and would cost from \$125.00 to \$150.00. George told Wendy to go ahead and fix the car. The next day George went to the shop to pick up the car and was presented with a \$220.00 bill. He refused to pay. The repair shop would not give up the keys without full-payment.

After five days of argument, George picked up the car, paying \$220.00 for repairs plus \$6.00 a day storage fee which came to a total of \$250.00. George paid by check. He then stopped payment on the check and claimed that Wendy was entitled to nothing because of the fraudulent practices. Wendy filed suit against George for recovery of payment.

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What are the issues in this case?

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What are the arguments for each side?

Divide into groups of three: one person takes the role of George, one takes the role of Wendy, and one takes the role of the judge.

Conduct a conciliation court hearing. George, the defendant, presents his case last. Wendy, the plaintiff, presents her case first. The judge then takes a few minutes and decides how much, if anything, George should pay to Wendy.

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