

# dispute resolution



## Small Claims Court

WHEN MEDIATION AND OTHER RESOURCES HAVE BEEN EXHAUSTED, Small Claims Court grants renters and property providers a legal means of resolving disputes arising out of tenancies or roommate issues.

### General Information

The Small Claims Court system was instituted as a practical, informal and inexpensive alternative to conventional litigation. There are no attorneys involved, there are no formal pleadings, there are no rules concerning the use of evidence and there is no jury.

Individuals aged 18 or older can pursue claims of up to \$7,500 in Small Claims Court. Claims exceeding \$7,500 must be pursued through Municipal or Superior Court.

### Filing a Claim

To file a claim, individuals need to fill out a one-page form and submit it, with the required fees (that range from \$30 to \$75 and are reimbursable if you win your case) at this address:

**Santa Barbara Municipal Court**  
**Attention: Small Claims Court**  
**118 East Figueroa Street**  
**Santa Barbara, CA 93101**

Forms can be obtained in person at the courthouse or on-line at [www.sbcourts.org/general\\_info/case\\_types/smallclaims.htm](http://www.sbcourts.org/general_info/case_types/smallclaims.htm).

### After You File

Once you've filed your claim, the person or organization against whom you're initiating the action will be notified. You can choose to have the notice delivered by certified mail

at a cost of \$8.00, by the Civil Bureau of the Sheriff's Department for \$30.00, or by a process server. The fees charged by individual process servers will vary. The notice will inform the defendant of the trial date and makes it clear that s/he has 14 days in which to respond to your claim.

### Going to Court

Before you go to court, be sure to prepare a concise statement of the facts and to have all your receipts and other documentation on hand. Be on time for your court hearing. Consultation with an attorney in advance of the hearing can sometimes be helpful if you have particular questions about your claims. No attorney will be allowed to represent you in court.

### Court Decisions

In court, a judge will listen to both sides of the case and will render a verdict. The losing party will be required to pay damages and fees as directed by the court. The defendant has the right to appeal the judge's decision within 30 days of the date on which the letter recording the decision was mailed.

The judge may ask if parties are willing to pursue a mediated resolution. Trained mediators are available through the court to facilitate that process immediately.

### IF YOU NEED LEGAL ADVICE

**A Small Claims Court Advisor** is available at 568-2984 during business hours to answer questions and to help with paperwork. For more information, visit their website at [www.sbcourts.org/srl/](http://www.sbcourts.org/srl/)

**The Associated Students Legal Resource Center (ASLRC)** provides legal counseling services to UCSB students free of charge. The ASLRC attorney is available for consult on legal matters such as property provider—tenant disputes and contract issues. Because of conflict of interest issues, ASLRC cannot advise students on roommate—roommate conflicts and disputes. Call AS Legal Services at **893-4246** or visit [www.as.ucsb.edu/aslrc](http://www.as.ucsb.edu/aslrc).