

MAGISTRATE COURT, A.K.A. SMALL CLAIMS COURT

Often when people are injured by another, the amount of damage they have suffered would not justify the hiring of an attorney. You should always attempt to settle disputes prior to considering legal action to right a wrong or enforce your rights. However, if you have been injured and the other party refuses to compensate you for your injury, the solution may lie in pursuit of a civil action in “Small Claims Court,” known in Georgia as Magistrate Court. The Georgia Governor’s Office of Consumer Affairs gives the following non-inclusive list of common lawsuits filed in Magistrate Court:

1. Damages to a rental facility by tenant which is in excess of the security deposit;
2. Refusal of the landlord to return a security deposit;
3. Refusal of a merchant to replace, repair, or refund faulty merchandise;
4. Refusal of someone to return money or property which they borrowed;
5. Refusal of a dry cleaner to pay for lost or damaged clothing;
6. Refusal of an at-fault driver to pay for vehicle repairs;
7. Faulty workmanship, unnecessary repairs or fraudulent charges by an auto mechanic.

Every state has the equivalent of a small claims court. These courts may have different names and different limits on the amount of damages you can claim. In Georgia, the maximum amount of loss must be less than \$15,000.00 in an action filed in Magistrate’s Court. Any action equal to or above that amount must be pursued in Superior Court, which usually requires the assistance of an attorney.

Small claims court is not the place to take every dispute. However, if you can prove someone owes you money and that person has property or a steady income, you have a good chance of recovering your loss. Collecting on a judgment will be up to you. The Magistrate Court in the county in which you file should provide you with instructions on how to collect after you receive a judgment in your favor. If the person you are suing is an individual, you must file in the court located in the county in which he resides. If you are suing a corporation, you may have to file in the county where the registered agent for the corporation is located. To discover whether a business is a corporation and the name and address of the registered agent, you should contact the Corporate Office of the Secretary of State at (404) 656-2817 or at www.sos.state.ga.us. If you sue a business that is not incorporated, you file in the county in which the business is located.

For as little as \$73.00 in court costs, which may be recovered if you win, you have the opportunity to have a judge hear your case. The court provides complaint forms for you to fill out. You must furnish bills, photographs, estimates, contracts, and other legal documents that support your claim. You should bring the originals and extra copies of your evidence for the other party and the judge. You should bring your witnesses with you on your trial date or request subpoenas from the court for witness attendance.

The procedure is informal. In fact, it is often compared to the once popular “People’s Court”, with Judge Judy presiding. You should come to court with your “theory” of the case written out. You should have a list of questions relating to your “theory” to ask each witness. It would be helpful to watch a few other cases prior to going to trial on your own case.

In Houston County, the Magistrate Court is located at 89 Cohen Walker Drive, Warner Robins, Georgia, and the telephone number is 987-4695. You can also access the Houston County Magistrate Court online at <http://www.georgiacourts.org/courts/magistrate/houston/index.html>.

Pursuing an action before the magistrate will consume your time and energy. Only you can decide whether the cost is worth the effort.