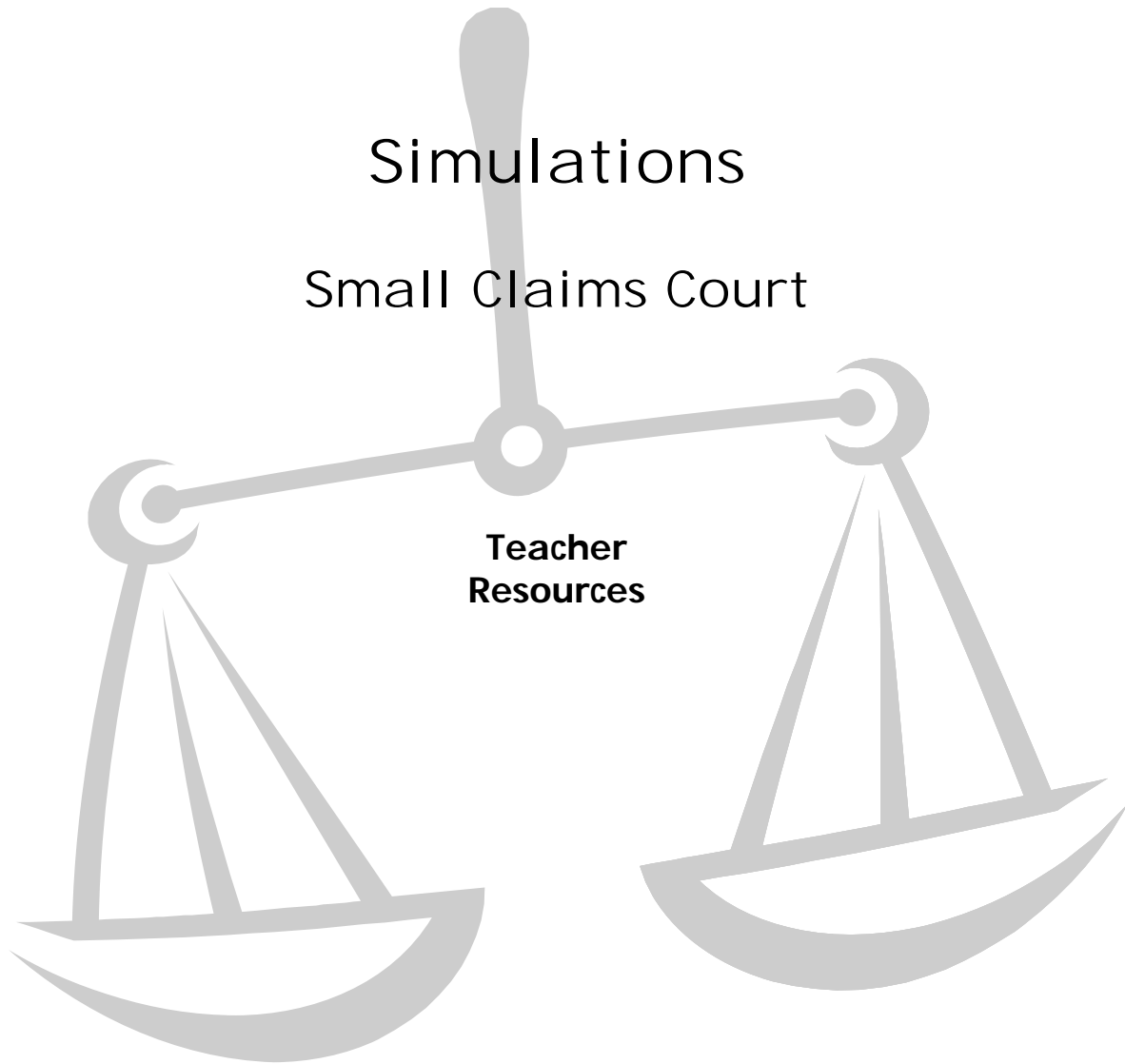


# Simulations

## Small Claims Court



**Teacher  
Resources**



**Michigan Supreme Court Learning Center**

925 W. Ottawa St.  
P.O. Box 30205  
Lansing, MI 48909  
517-373-7229  
web: [courts.mi.gov/plc/](http://courts.mi.gov/plc/)

# Introduction

Simulations of court proceedings engage students in real-life situations that require higher-order thinking. Small claims court proceedings, in which the parties represent themselves, are ideal simulations for students at all levels. The rules of evidence are common sense, and the types of disputes they resolve are situations from everyday life.

## Grade Level & Curriculum Connections

This lesson plan can be adapted for use with students in later elementary through high school. The situations involve small monetary values.

### Social Studies

3 – C1.0.1, 3 – C3.02.2, 3 – C3.03, 3 – C3.0.4, 3 – C5.0.1, 4 – C2.0.1, 4 – C5.0.1, 4 – C5.0.2, 4 – C5.0.4, 4 – P3.1.3, HS – 2.2.5, HS – 1.1.3, HS – 3.3.4, HS – 3.4.5, HS – 5.3.4, HS – 6.2.10, HS – 6.2.11

### English Language Arts

CE 1.3.1, CE 1.3.2, CE 1.3.5, CE 1.3.6, CE 1.3.7, CE 1.3.8, CE 1.3.9, CE 1.5.1, CE 1.5.2, CE 1.5.3, CE 1.5.5, CE 2.1.1, CE 2.1.3, CE 2.1.4, CE 2.1.7, CE 2.1.10, CE 2.1.11, CE 2.2.2, CE 2.2.3, CE 2.3.1, CE 2.3.3, CE 2.3.4, CE 2.3.5, CE 4.1.1, CE 4.1.2, CE 4.1.3, CE 4.1.4, CE 4.2.1, CE 4.2.2

# Sequence of Activities

## Time Required

1-2 class periods.

## Objectives

Students will:

- Describe what they know about Small Claims Court.
- Compare it to similar procedures on television shows.
- Defend and decide cases.
- Discuss the results and alternative methods of resolving disputes.

## Instructional Resources

- Blackboard, whiteboard, or overhead
- Teacher's Discussion Guide, Judges' Script, Case Sheets
- Pencils
- Judges' robes, gavels (optional)
- Small Claims Matters handout (optional)
- Evidence (optional)

## Sequence of Activities

1. Brainstorm what students know about small claims court. An optional Small Claims Matters handout and Glossary are provided.
  - In Michigan, small claims are handled by a division of district court.
  - Parties represent themselves in cases of up to \$3,000.
  - Unlike some television programs, everyone is courteous to each other. It is the judge's job to be sure everyone is polite and follows the rules.
  - As in all civil cases, the burden of proof is a "preponderance of the evidence" (more likely than not).
2. Divide the class into groups of three. Distribute a judge's script and case sheet to each group. Optional evidence (estimates, pictures, receipts, etc.) is also provided, and you may wish to give the judges robes and/or gavels for props. Have the groups work on one case at a time and debrief between each case. The Discussion Guide lists the issue, a sample decision, and further information about the legal principles involved.
3. Debrief the exercise. Questions may include:
  - What was the most difficult role?
  - Can you think of other ways to solve this problem without going to court?
  - What advice would you give to someone if they had to go to court?

# Discussion Guide

## Babysitter Fees

- **Issue** – Is the plaintiff entitled to another \$2.50 per hour?
- **Sample Decision** – From the facts, it appears that the plaintiff agreed to babysit for \$5 per hour, and it is unfair to demand more money after the fact. The defendant understood that the charge was \$5 per hour, not \$2.50 per child. Giving the additional \$2.50 per hour would be unfair to the defendant. Judgment for the defendant.
- **Contracts** – A contract is an agreement between two or more parties to do or not do a particular thing. The agreement may be stated in an oral or written exchange of promises or implied by the parties' actions.
- **Minors, Capacity to Sue and Be Sued** – Under Michigan law, minors may sue and be sued. Depending upon factors such as age and competency, the court may or may not appoint a representative for the minor. (See MCL 2.201, 3.202, 722.43.)

## Vehicle Repairs

- **Issue** – Is the defendant entitled to full payment after making a repair that cost more than was authorized by the plaintiff?
- **Sample Decision** – The service shop may not take advantage of the customer by completing more repairs than authorized. Because the car cannot be returned in the original condition, judgment is for the plaintiff. The plaintiff pays only the cost of the original estimate since the additional amount was not approved.
- **Motor Vehicle Service and Repair** – Under Michigan law, a motor vehicle repair facility must give the customer a written estimate, itemizing the price for labor and parts necessary for a specific job prior to starting the work, if the total cost will be \$20 or more. A facility cannot charge for work done or parts supplied in excess of the estimated price, or the limit stated by the customer, without the customer's written or oral consent. If the facility or mechanic informs the customer that the price for repair will exceed the written estimate or the stated limit in the waiver and the customer does not want the repair work performed, then the customer is liable for all reasonable costs to return the vehicle to the condition it was when it entered the facility. The customer also has the right to receive or see the replaced parts. See Motor Vehicle Service and Repair Act MCL 257.1332 et seq.

## Leaky Tent

- **Issue** – Is the plaintiff entitled to a refund after purchasing an all-weather tent that leaked?
- **Sample Decision** – The plaintiff has a reasonable expectation of receiving compensation for new goods that appear to have been defective at purchase under implied warranty of merchantability. The defendant must replace the tent with a new one.
- **Warranties** – Under Michigan’s Uniform Commercial Code, buyers have the reasonable expectation that they can rely on the seller to provide suitable goods and that the goods will perform as advertised on the container or label. See Uniform Commercial Code, MCL 440.2313 et seq.

## Extension Activities

- Replay the cases as if they were in mediation. The mediator allows the parties to explain their positions and helps them come to a consensus by asking what each side wants. The mediator must not take sides during the resulting negotiation. Afterwards, debrief the cases, comparing the outcomes, how the consensus was reached, and the relative satisfaction of the parties.
- Write a letter of complaint to a business, discussing a problem with a product or service.
- Complete SCAO-approved court forms for the cases:  
<http://courts.michigan.gov/scao/courtforms/smallclaims/scindex.htm>.
- Visit your local district court to observe actual court proceedings. Teacher resources are available through the Learning Center's Educational Resources web page:  
<http://courts.michigan.gov/plc/resources.htm>.
- Invite a judge, magistrate, or mediator to talk to the class about how he or she helps people resolve disputes.
- Prepare a small claims simulation for use in class by writing the facts of the dispute and investigating the possible outcomes.
- Discuss the importance of professional dress when appearing before a court. Many trial courts list dress codes/expectations on their web sites. Related lesson plans (Career Planning & Skills: Dress Codes & Professional Dress) are also available through the Learning Center's Educational Resources web page:  
<http://courts.michigan.gov/plc/resources.htm>.

## Judge

You must see that both sides have an equal chance to present their cases to you. You must be polite to both sides and be sure they are respectful to each other.

Listen to the facts from the plaintiff first and then the defense. If the parties have questions for each other, they must direct the questions to you. You may also ask questions to make sure you understand the facts. Then, decide whether the defendant is responsible for paying, and, if so, how much.

## Script

### Start the case.

"Good morning/afternoon. I am Judge \_\_\_\_\_, and will hear the case of \_\_\_\_\_ v \_\_\_\_\_."

"For the record, please say, 'I do,' if you understand and agree to waive (give up) the following: the right to sue for more than \$3,000, the right to a jury trial, the right to be represented by an attorney, and the right to appeal."

"Please raise your right hand. Mr./Ms. \_\_\_\_\_, do you swear to tell the truth, the whole truth and nothing but the truth? If so, please say, 'I do.'"

### Listen to testimony from the plaintiff and then from the defendant. You may ask questions.

"Is there anything else anyone wants to tell that I haven't already heard?"

"Testimony is finished and the Court will make a decision."

### Make your decision, stating your reasons according to your knowledge of the law.



# Babysitting Fees

In small claims matters, there are three roles: the judge, the plaintiff (the party that brought the case), and the defendant (the party being accused by the plaintiff). The rules of evidence (what you can say and show) are common sense. The judge introduces the case. Then the plaintiff speaks, and finally the defendant.



## Facts

1. The plaintiff is a babysitter.
2. The defendant is a parent with two children.
3. The plaintiff agreed to babysit for the defendant's two children for \$5 per hour. When the babysitter arrived, there was a third child, a cousin, present. The plaintiff said nothing about an increased rate, but demanded another \$2.50 per hour when the defendant returned home three hours later. Plaintiff claimed the rate to be \$2.50 per child for a total of \$22.50. The defendant refused to pay more than \$15.

**What is the issue? (What must the judge decide?)** \_\_\_\_\_

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**What is the decision? (Who is the judgment for and how much?)** \_\_\_\_\_

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**Why?** \_\_\_\_\_

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**Judge** \_\_\_\_\_ **Plaintiff** \_\_\_\_\_ **Defendant** \_\_\_\_\_

# Vehicle Repairs

In small claims matters, there are three roles: the judge, the plaintiff (the party that brought the case), and the defendant (the party being accused by the plaintiff). The rules of evidence (what you can say and show) are common sense. The judge introduces the case. Then the plaintiff speaks, and finally the defendant.



## Facts

1. The plaintiff owns a car that needed new brakes.
2. The defendant runs the CarGO auto repair shop.
3. The defendant estimated that the work would cost \$600 with parts and labor. When the defendant made the repair, the only parts available were more expensive. The repair was made and the original parts were sent to the salvage yard. The defendant charged \$800 to cover the cost of the parts. The plaintiff refused to pay the additional money.

**What is the issue? (What must the judge decide?)** \_\_\_\_\_

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**What is the decision? (Who is the judgment for and how much?)** \_\_\_\_\_

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**Why?** \_\_\_\_\_

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**Judge** \_\_\_\_\_ **Plaintiff** \_\_\_\_\_ **Defendant** \_\_\_\_\_

**Car = GO**  
123 Main St.  
Big City, MI 49000  
866-555-1212

**ESTIMATE**

Brakes (front).....	\$150.00
Brakes (rear) .....	\$150.00
Labor .....	\$300.00
 TOTAL.....	 \$600.00



# Leaky Tent

In small claims matters, there are three roles: the judge, the plaintiff (the party that brought the case), and the defendant (the party being accused by the plaintiff). The rules of evidence (what you can say and show) are common sense. The judge introduces the case. Then the plaintiff speaks, and finally the defendant.



## Facts

1. The plaintiff bought an All-Weather tent for \$500 from the defendant.
2. The defendant makes and sells the tents, which are advertised as rainproof.
3. The plaintiff went camping and claims that when it rained, the tent leaked. The defendant suspects that the plaintiff just wants the money and will not refund the \$500.

**What is the issue? (What must the judge decide?)** \_\_\_\_\_

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**What is the decision? (Who is the judgment for and how much?)** \_\_\_\_\_

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**Why?** \_\_\_\_\_

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**Judge** \_\_\_\_\_ **Plaintiff** \_\_\_\_\_ **Defendant** \_\_\_\_\_

## All-Weather Tents

111 Camping Way  
Lansing, MI 48909  
517-555-1212

### Sales Receipt

All-Weather Tent	\$471.70
6% Sales Tax	\$28.30
TOTAL	\$500.00

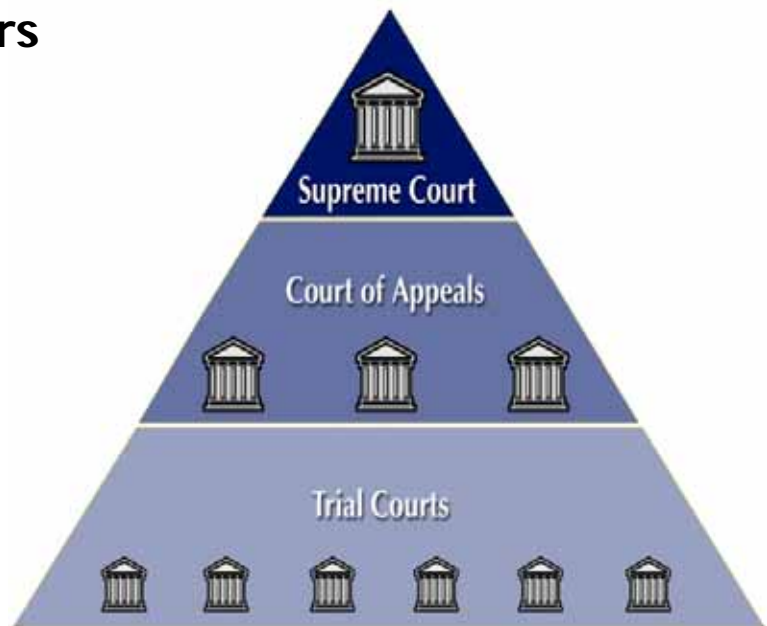
Dry as a bone,  
even if it's raining cats and dogs.



# Small Claims Matters

## Trial Courts

Trial courts include:  
**District Court**  
**Circuit Court**  
**Probate Court**



Like most cases, small claims cases begin and end in a trial court. These are the types of courts familiar to most people. Trial courts are located in cities around Michigan, and every county is represented by at least three trial courts: district court, probate court, and circuit court.

## District Court

The small claims division is part of district court. With millions of cases per year, more people have contact with district court than any other court. District courts handle:

- Criminal cases.
- Civil cases for no more than \$25,000.
- Most traffic violations.

A small claims case is a special type of civil case.

## Small Claims Division

The small claims division handles cases somewhat differently than the general civil division of district court. All cases involve disputes of \$3,000 or less. The parties represent themselves. (They do not have attorneys with them in the courtroom.) The right to an appeal is limited, and juries are not used. If either party in a small claims matter does not agree to these terms, the case can be sent back to the general civil division of the district court for a hearing.

## It's Not Television

Although several popular television shows use a format in which the parties represent themselves, courts in Michigan are different from those shown on television.

Michigan Court System	Television
<ul style="list-style-type: none"> <li>Judges are elected. They must be licensed to practice law in Michigan and have practiced for at least five years in the state.</li> </ul>	<ul style="list-style-type: none"> <li>Television personalities are hired because they are entertaining. They might adopt the title "Judge," but they do not work for a court system.</li> </ul>
<ul style="list-style-type: none"> <li>Judges' salaries are set by the state legislature.</li> </ul>	<ul style="list-style-type: none"> <li>Television personalities negotiate multimillion-dollar contracts.</li> </ul>
<ul style="list-style-type: none"> <li>Everyone involved must be respectful to others.</li> </ul>	<ul style="list-style-type: none"> <li>Rude behavior is often encouraged.</li> </ul>
<ul style="list-style-type: none"> <li>The parties bring cases to court. They pay all fees, costs, and judgments.</li> </ul>	<ul style="list-style-type: none"> <li>Television producers invite the parties to appear. The parties are often paid to be on the show, and the producers typically pay the final judgment.</li> </ul>
<ul style="list-style-type: none"> <li>Rulings and proceedings follow Michigan laws and court rules.</li> </ul>	<ul style="list-style-type: none"> <li>Rules and outcomes are determined by the television producers.</li> </ul>
<ul style="list-style-type: none"> <li>Cases may take weeks from start to finish. This allows time for the parties and the courts to act thoughtfully and carefully.</li> </ul>	<ul style="list-style-type: none"> <li>Viewers watch 15 or 30 minutes of a case. Only the most exciting portions are included.</li> </ul>

## Other Ways to Solve Disagreements

Taking a case to small claims court is one option for solving disagreements, but courts encourage people to try to work out problems in other ways first. Often, talking to the other party or writing a letter resolves the issue. In other instances, mediation can help the parties come to an agreement. Many courts offer programs that bring the parties together with mediators who listen to both sides and help them find a solution.



# Glossary

**Appeal** – a request to review a case to decide if laws and procedures were followed properly. In small claims court, the decision of a judge may not be appealed; however, the decision of a magistrate may be appealed to a judge of the district court.

**Case** – a legal dispute brought before the court.

**Damages** – money paid to a person who has been injured by the actions of another person. In small claims court, the plaintiff may only ask for the amount of money lost. Punitive damages (such as “pain and suffering”) are not awarded. In addition, the plaintiff may not ask for money to reimburse for time involved in the case.

**Defendant** – the person against whom a civil lawsuit is started or a crime has been charged.

**District court** – the trial court in Michigan that handles less serious crimes and civil matters of up to \$25,000. In one year, the district courts in Michigan hear 3 million to 4 million cases total.

**Evidence** – facts presented during court proceedings to convince a judge or jury. Witnesses, objects, documents, photos, charts, and other materials can be used as evidence.

**Hearsay** – second-hand evidence given a person who tells the court what someone else says they saw. Hearsay is usually not allowed as evidence.

**Judge** – an elected public official who makes decisions in court proceedings. To be qualified as a judge for the Michigan courts, a person must be licensed to practice law in the state and have practiced for at least five years. The decision of a judge in small claims court may not be appealed.

**Magistrate** – an appointed official who has the authority to make decisions in particular types of court proceedings, including small claims matters. The decision of a magistrate in small claims court may be appealed to a judge of the district court.

**Party** – a person or group of people involved in a case.

**Plaintiff** – the person or business bringing a case to court.

**Proceeding** – a general term used to describe any part of a case that takes place before the Court.

**Small claims division** – a division of district court for civil cases with claims of \$3,000 or less. No lawyers are present and juries are not used. Decisions generally cannot be appealed. If a party does not agree to these terms, the case can be sent to the general civil division.

**Trial court** – a court on the first level of the court system. Almost all cases begin in a trial court.

## Further Resources

### 42nd District Court

Small Claims Division

[http://www.macombcountymi.gov/district\\_court/smallclaims.htm](http://www.macombcountymi.gov/district_court/smallclaims.htm)

### American Bar Association

Syndi-Court Justice: Judge Judy and Exploitation of Arbitration

<http://www.abanet.org/dispute/essay/syndicourtjustice.pdf>

### Kalamazoo Public Library

Law Library in a Nutshell, Small Claims Division

[http://kpl.gov/pdf/LawLibrary/Small\\_Claims.pdf](http://kpl.gov/pdf/LawLibrary/Small_Claims.pdf)

### Legal Aid of Western Michigan

Small Claims Court, Frequently Asked Questions

[http://www.legalaidwestmich.org/resource.2005-07-06.6541503359/html\\_view](http://www.legalaidwestmich.org/resource.2005-07-06.6541503359/html_view)

### Michigan Legislature

Michigan Compiled Laws Search

<http://www.legislature.mi.gov/>

### State Court Administrative Office

Community Dispute Resolution Program (Mediation)

<http://courts.michigan.gov/scao/dispute/>

SCAO Approved Small Claims Forms

<http://courts.michigan.gov/scao/courtforms/smallclaims/scindex.htm>

Self Help: Small Claims

[http://courts.michigan.gov/scao/selfhelp/smallclaims/sc\\_help.htm](http://courts.michigan.gov/scao/selfhelp/smallclaims/sc_help.htm)

Self Help: Small Claims Matters

<http://courts.michigan.gov/scao/selfhelp/intro/civil/small.htm>