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Consumer beefs handled cheaply in claims court

By SUE SWEGAN
For the Emerald

Most students are aware of some self-defense tactics, but few realize the self-defense strategies obtained by understanding small claims court.

Small claims is an economical vehicle for people at least 18 to have housing, consumer, business or accident complaints heard by a judge. Costs run roughly \$15 to \$25 for a complaint asking less than \$500 in damages. Filing costs vary with the amount of damages being asked, but the losing party must absorb court costs. The \$15 to \$25 filing fee is the only major court cost involved.

"A lot of tenants and landlords feel they have to go to an attorney to get their money back," said Sharon Hill, director of Off-Campus Housing.

"But small claims court is a very informal program where individuals represent themselves and don't use a lawyer. This keeps court fairly low cost and affordable."

Small claims court does have its drawbacks though. Anyone filing must wait 6 to 8 weeks before the case is heard, and the pressure on the individual to represent himself without the guidance of an attorney can deter some people. Also, "there is no appeal. If you don't like what happens there you can't go anywhere else," explained attorney Chuck Spinner of the Office of Student Advocacy.

Hill mentioned that sometimes people can avoid this court procedure by trying to get a better understanding of both sides of the argument.

"A lot of housing problems arise because tenants or landlords don't know their rights," she said. Hill added that most housing problems can be solved or kept out of court by better communication between the landlord and tenant, or by getting a copy of the Oregon landlord-tenant statutes or the OSPIRG Renter's Handbook.

If this doesn't work, Hill said, Off-Campus Housing, Suite 3, EMU, can explain small claims court to the landlord or tenant and provide the pamphlet "How to Use Small Claims Court."

Although claims under \$500 can be filed in small claims, disputes involving between \$200 and \$500 can be filed either in District or small claims court.

In district court an attorney must represent the client before both a judge and a jury. If the outcome is believed to be unfair or biased the decision can be appealed.

Both small claims and District Courts are intended to be a relatively easy process to ensure fair treatment to both parties, but sometimes difficulties can arise which make it frustrating.

University student Steve Edwards sued a landlord in small claims court, claiming his landlord owed him half a month's rent and the return of a cleaning deposit.

The landlord filed a countersuit in District Court. A misunderstanding caused the suit to be dropped and Edwards had to refile in court. The landlord then decided to settle out of court.

Settling out of court is not uncommon. Two large Eugene property owners agreed that only one of the three or four suits they might file in a month against tenants would go to court. The rest are settled out of court by both parties reaching a mutual agreement.

Usually, according to major rental companies in Eugene, a landlord sues a tenant either because of non-payment of rent or damage to a unit by the tenant.

When a tenant sues a landlord it is most often over the return of a deposit or a violation of the essential service laws (requiring heat, lighting, sanitary grounds, etc.) said Hill.

Spinner can help students either suing or being sued by briefing them on the court process itself.

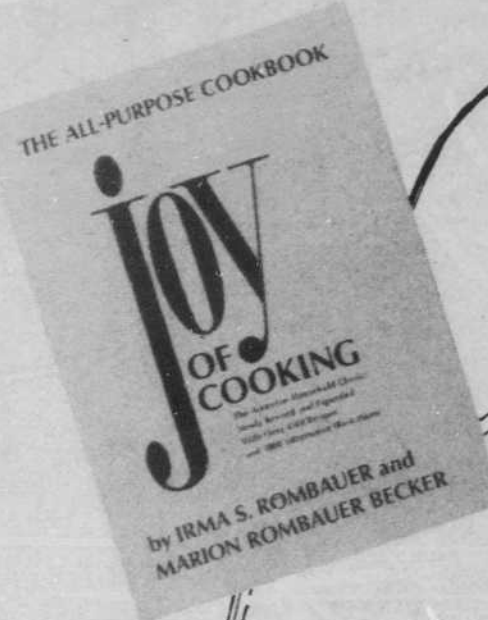
"I try and prepare them by giving them what my opinion is on what is important in the case, and what the perspective is. The judge is interested in the person being brief and non-repetitious," he explained.

Hearings for small claims court are held at the Lane County District Courthouse on Mondays beginning at 9:30 a.m. Persons scheduled to appear in court that day must be present then and stay until their case is heard. Those who do not show up automatically lose the case. Judgements are made immediately and sessions are usually finished by noon.

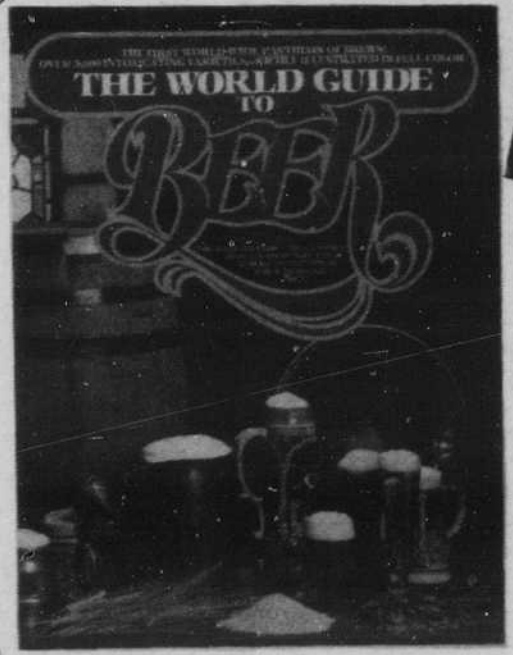
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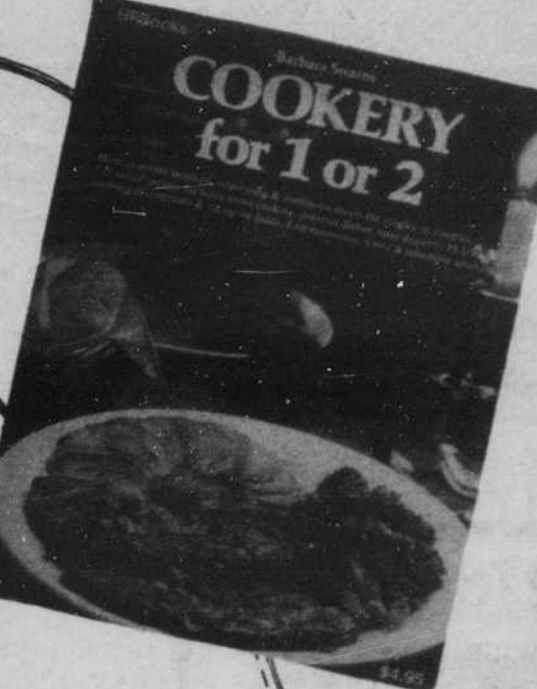
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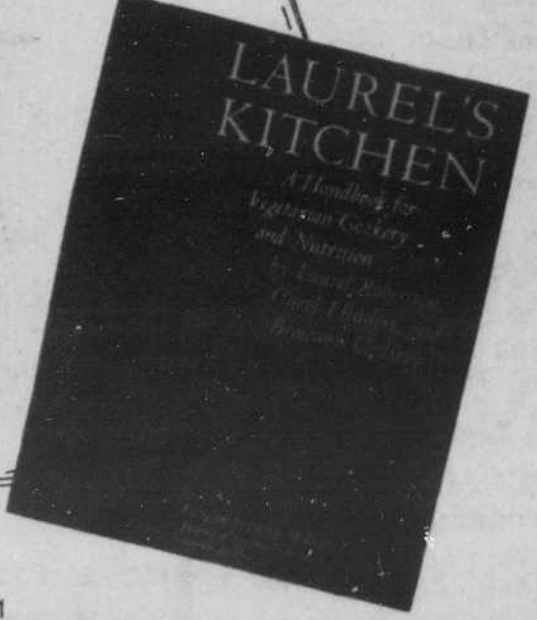
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