



INSTRUCTIONS ON HOW TO FILE A SMALL CLAIMS CASE IN THE DISTRICT COURT

Revised October 2021

Small claims cases are handled in the District Court and are designed to dispense speedy and final justice. The District Court has adopted simple procedures for handling these cases as well as specifically designed forms that do not require legal training to understand. The most current forms are located on the Judiciary's website at www.courts.ri.gov under the heading of Public Resources, Forms, District Court or on the small claims webpage of the District Court. The specific forms are Small Claims Notice of Suit – Complaint and Small Claims Notice of Suit – Answer.

When filing a small claims case or filing a counterclaim on a case, the amount you can sue for is \$5,000 or less exclusive of interest and court cost. If your claim is over \$5,000 you cannot divide up the case and sue several times for \$5,000. The filing fee to file a small claims case is \$75.75.

The clerks in District Court are not attorneys and they cannot give legal advice, fill out forms, or advise you as to how to handle your case. They can provide you with procedural information only.

Many of the normal rules of the District Court Rules of Civil Procedure are suspended to make the process easier and less expensive for the public. However, small claims cases are subject to the District Court Rules of Small Claims Procedure, rules of evidence do apply, and cases will be decided based upon the appropriate application of existing laws. The District Court Rules of Small Claims Procedure

can be found on the small claims webpage of the District Court at www.courts.ri.gov.

Matters that can be filed in Small Claims:

1. Contracts;
2. Collection matters (suing to recover for a bill or a fee that has not been paid);
and
3. Consumer claims (product or a service that is not satisfactory).

Matters that can cannot be filed in Small Claims:

1. Personal injury cases;
2. Negligence cases such as automobile accidents; and
3. Property damages.

Filing a Small Claims

When filing a small claims case, the court can only enter a judgment for a monetary amount. The court cannot order a person to do something or to stop a person from doing something. *For example, the court cannot order a person to move a fence, to stop making noise, or to keep working on your vehicle until the car is repaired properly. The court also cannot order a person to return property such as jewelry or pets.*

When filing a small claims case, you are the Plaintiff and the person you are suing is the Defendant. As the Plaintiff, you give up your right to appeal if you lose your

case or you are awarded a lesser amount than you originally requested in your complaint. If you win your case, the Defendant has forty-eight (48) hours to file an appeal to the Superior Court.

As the Defendant, if you file a counterclaim, you give up your right to appeal if you lose on your counterclaim or you are awarded a lesser amount than you originally requested in your counterclaim. If you win on your counterclaim, the Plaintiff has forty-eight (48) hours to file an appeal to the Superior Court.

The fee to file an appeal will be determined by the Clerk's Office and can range from \$25.00 to \$170.75. Upon the appeal being filed, the case will be transmitted to the Superior Court.

Service of Summons

The clerk's office will generate a summons. The summons along with the Small Claims Notice of Suit - Complaint, Small Claims Notice of Suit - Answer, and language assistance forms will be served upon the Defendant by a sheriff or an authorized constable. ***You will be charged a service fee by a sheriff or a constable.***

Once the summons and all relative documents have been served upon the defendant, the sheriff or constable will mail the served summons back to you. You must file the summons with the clerk's office for the case to proceed.

No Answer Filed

The Defendant will have twenty (20) days from the date the summons was served to file an answer to the claim. If the Defendant fails to answer the case within the twenty (20) days of the summons being served, the Defendant will be defaulted, a default judgment will be entered against the Defendant, and you will win your case by default.

Answer Filed

If the Defendant files an answer within twenty (20) days from the date of service of the summons, the clerk's office will schedule the case for trial.

Preparing for Trial

On the day of trial, you must bring anything with you that supports your claim, including, but not limited to, documents, pictures, receipts, contracts. Also, bringing an expert witness with you to trial to support your claims is in your best interest. *An expert witness is defined as an individual who is permitted to testify at a trial and is qualified to do so by evidence of the individual's expertise, training, and special knowledge in a particular field that is relevant to the case.*