



SMALL CLAIMS COLLECTIONS PROCESS

Money Judgments

We are frequently asked to become involved in collecting bad debts. In many cases, the debt is not large enough to justify added legal expense, but is large enough that it should not be written off. Small claims court is designed and set up just for such cases, where the claim is for \$5,000, or less. Many times, a creditor can take care of the collection without the assistance of an attorney. As a service to our clients, we have prepared this outline of the small claims money judgment process. We hope that this explanation can help you collect your accounts and avoid additional legal fees.

In order to collect a debt, you must have some proof that the debt exists. At the beginning of any transaction, be sure that you document it. The order or contract should be put in writing, dated, and signed by the debtor. You may still be able to collect a debt without documentation, but proof in court will be more difficult.

The Wisconsin courts have developed a standard "fill-in-the-blanks" Summons and Complaint form which must be used to start an action in circuit court. The Summons and Complaint form and a detailed instruction sheet may be obtained from the clerk of court's office. Exact procedures vary from one county to another, and it is advisable to obtain and follow the instruction sheet for the county in which you file the lawsuit. In filling out the Summons and Complaint form, use street addresses for both the plaintiff and the defendant, not box numbers. If the defendant is a corporation, include the name of the principal or agent. Attach copies of documentation of the debt.

In preparing the Summons and Complaint form, keep in mind that each county has a different schedule for its small claims cases. The county clerk of court's office should be contacted for that county's schedule, filing fees and procedures.

Small claims trials are conducted by the same judges and in the same courtrooms as all other circuit court matters. Both sides have the opportunity to present evidence and to testify about the matter. Though the process of filing a Summons and Complaint is intended to be consumer friendly, it is a detailed procedural process which if not followed may jeopardize your claim. An attorney experienced in small claims court procedures should be contacted to insure a claimant's full rights.

Should you desire to have our office assist you in this or any other legal matter, please call us at 262-334-3471.

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