

THE MEMORANDUM

The Digital Version

To: Exclusively for our clients and friends.
From: The Klammer Law Office, Ltd.

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Save On Attorney Fees

The Ohio Revised Code mandates that every municipal and county court establish a small claims division to aid litigants in smaller disputes. With some exceptions, these small claims courts have jurisdiction to consider disputes less than \$3,000.00. Generally speaking, small claims courts are used to resolve contract or negligence cases, but some disputes are expressly removed from the court's jurisdiction. For example, the small claims division cannot consider disputes regarding libel, slander, return of property, and malicious prosecution, or matters which demand punitive damages. Nonetheless, the small claims court is well situated to handle most disputes less than \$3,000.00.

And, unless the plaintiff intends to present a claim on behalf of a corporation, a party may appear without an attorney and argue to the court. Because corporations are a distinct legal entity, some courts have concluded that the Ohio Revised Code requires that a corporation be represented by an attorney; otherwise, the person representing the corporation might be found to have engaged in the unauthorized practice of law. For those persons representing their own claims though, the small claims division may be the ideal venue.

The small claims court is also appealing because the clerks within the office of the clerk of courts are generally very friendly and helpful. Knowing that most people who present small claims are apprehensive and cost sensitive, they often make an extra effort to answer many basic procedural questions. And, with a filing fee in

the \$40.00-60.00 range, costs to the plaintiff are at a practical minimum.

LAW FIRM NEWS

Joseph R. "Randy" Klammer was recently elected President of the Lake County Bar Association. He is now working the final draft of his first book, a user friendly guide to Ohio law for non-lawyers.

Darya Jeffreys Klammer was appointed co-chair of the Family Law Committee of the Lake County Bar Association.

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