

1 **Rule 4-801. Filing small claims cases.**

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3 **Intent:**

4 To establish a procedure for filing small claims cases in the appropriate justice court.

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6 To require that documents in small claims cases be filed electronically.

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8 To provide for exceptions.

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10 **Applicability:**

11 This rule shall apply to the courts of record and not of record.

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13 **Statement of the Rule:**

14 (1) Jurisdiction. Small claims actions shall be filed in a justice court with territorial jurisdiction. If  
15 there is no justice court with territorial jurisdiction, the case may be filed in the district court, and  
16 the plaintiff shall state why no justice court has jurisdiction. If a small claims affidavit, without the  
17 required statement, is presented for filing in a district court, the clerk shall reject it with  
18 instructions to file in a justice court with jurisdiction. If the clerk fails to reject it initially, the  
19 affidavit and filing fee shall be returned to the plaintiff when the deficiency is first noticed.

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21 (2) Mandatory electronic filing. Except as provided in paragraph (3), pleadings and other  
22 papers filed in small claims cases shall be electronically filed using the electronic filer's  
23 interface. The electronic filer shall be an attorney of record or licensed paralegal practitioner and  
24 shall use a unique and personal identifier that is provided by the electronic filer's service  
25 provider.

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27 (3) Exceptions.

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29 (3)(A) Self-represented parties. A self-represented party who is not a lawyer may file  
30 pleadings and other papers using any of the following methods:

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32 (3)(A)(i) email;

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34 (3)(A)(ii) mail;

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36 (3)(A)(iii) the court's MyCase interface, where applicable; or

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38 (3)(A)(iv) in person.

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40 (3)(B) Hardship exemption. A lawyer or licensed paralegal practitioner whose request  
41 for a hardship exemption from this rule has been approved by the Judicial Council may  
42 file pleadings and other papers using any method permitted by the Judicial Council. To  
43 request an exemption, the lawyer or licensed paralegal practitioner must submit a written  
44 request to the District Court Administrator outlining why the exemption is necessary.

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46 **Effective:** ~~September 1, 2010~~ December 19, 2022