

Defaults on small claims?

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Millmore, Laura

<Laura.Millmore@lansingmi.gov>

unread,

Aug 5, 2020, 7:40:41 AM



to madcm@googlegroups.com

Good morning.

I have been conducting small claims via zoom since June and we have the policy of not defaulting and resetting the hearing because we really don't know if defendants have access to zoom. But now it is August and I am conducting resets on many of those cases. In all zoom notice, we are advising defendants to contact the court if unable to appear for zoom and the court would set alternate methods of hearings.

I am going to default those who are being reset and have not contacted the court and I'm reasonably certain they have received adequate notice of hearing. What are you doing in your jurisdiction? With the defaults, the defendant will have the opportunity to motion the court to set aside.

Any comments are greatly appreciated. Thank you

Laura Millmore

54-A District Court

Lansing

Sent from my iPad



Sharon Brinks (brinkslawfirm@brinkslawfirm.net)

<brinkslawfirm@brinkslawfirm.net>

unread,

Aug 5, 2020, 7:44:03 AM



to madcm@googlegroups.com

We offer zoom and if they cannot zoom they are to attend in person. Michele White has tough protocols for our court to stay safe and you might want to see them. I am sure she

would share.



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James Brennan

<jamesbrennanlaw64@gmail.com>

unread,

Aug 5, 2020, 7:51:07 AM



to Jonathan Morse

Good morning Laura. We're similar. If they fail to appear, we reset and contact. If they fail a second time, we default but as you said it can be set aside. I, personally, set aside for slightest excuse so as not to deny anyone their day in court. Have a great day. Stay safe and healthy.



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Millmore, Laura

<Laura.Millmore@lansingmi.gov>

unread,

Aug 5, 2020, 10:25:21 AM



to madcm@googlegroups.com

I agree that leniency is the key. We do plan on conducting small claims in person eventually. Our court has been working on safety protocols also. Fortunately small claims matter usually do not have a high number of witnesses and the number of folks in the courtroom would be very small.

Thanks for your responses.

Sent from my iPad

On Aug 5, 2020, at 7:51 AM, james brennan <jamesbre...@gmail.com> wrote:



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testolij
<testolij@co.huron.mi.us>
unread,
Aug 5, 2020, 12:36:45 PM



to madcm@googlegroups.com

We are doing small claims via zoom. On the Zoom instructions that we send out, each party is advised that if they cannot use Zoom for any reason to contact the court via telephone or email. I have had 2 small claims hearings in person based on either parties inability to use zoom or lack of internet/cell service/device to use the zoom app. Anyone who doesn't contact the Court prior to the Zoom hearing and does not appear, is defaulted.

Jessica

From: ma...@googlegroups.com <ma...@googlegroups.com> **On Behalf Of** james brennan
Sent: Wednesday, August 5, 2020 7:51 AM
To: Jonathan Morse <ma...@googlegroups.com>
Subject: External: Re: Defaults on small claims?

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beckerj

<beckerj@vbco.org>

unread,

Aug 5, 2020, 1:19:10 PM



to madcm@googlegroups.com

Van Buren County's procedure is similar to what Laura and James described earlier. We use Zoom. If defendant fails to appear, we re-schedule one more time, due to all the uncertainties remote hearings can bring.

And our NTAs advise a party to contact court if Zoom is not an option. We will allow a party to appear in person if necessary. But it's a case-by-case determination.

James Becker
Attorney-Magistrate

Van Buren County District Court West

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From: ma...@googlegroups.com <ma...@googlegroups.com> **On Behalf Of** Jessica Testolin

Sent: Wednesday, August 5, 2020 12:37 PM

To: ma...@googlegroups.com

Subject: RE: External: Re: Defaults on small claims?

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