

Q What are small claims courts and how do they work?

A They are courts for dealing with disputes between parties with claims that have a value of up to £5,000. It's really designed for people to come along without lawyers and just explain what the dispute is about. The other party can then say why they don't think they have to pay and finally the judge makes a decision.

Q What kind of cases do they deal with?

A I suppose most of the cases involve non-payment of money and non-payment of invoices for services rendered or goods supplied. On the other hand, there are many road traffic cases where there's a crash and they can't decide who's at fault. In these cases, we get our model cars out [to recreate the crash]. We all have our little Dinky toys and people say: 'I can't believe we're playing with toy cars in court' – but that's the way to sort it out. The claimant will give his or her story, the defendant will give his or her story and then it's up to the judge to find who's at fault.

Q Are most small claims heard in court or chambers?

A They're all heard in small rooms. If I can characterise the big court as what you'd see on television and the small room as chambers, then they're all heard in chambers. I think it's a good thing because it's less intimidating. It does appear to be a normal room but I'm always at pains to tell the parties that it is a court, it is a trial and I am the judge. But I also tell them that it is an informal process and being in chambers rather than a big court, sitting up on high, adds to the informality, which is good.

The rules of the claim

The small claims court is becoming a more popular way to resolve differences, but how exactly does it work? We ask District Judge Lawrence Cohen



Lawrence Cohen: 'It's a more user-friendly system than it used to be'

Q Has the nature of small-claims cases changed?

A The value has changed and I think it's a more user-friendly system than it used to be. The language and procedural rules have changed and the judges have changed, so people are perhaps a little more encouraged to sue. But as to the nature of the cases, I don't think there's much that's new.

Q What's the most absurd case you've heard?

A There was one about a dog. A couple who used to go out together bought a dog and then split up. The girlfriend kept the dog and the boyfriend wanted it back, so a dispute arose. I could decide the outcome only on who owned the dog, not on what was best for the animal. I had to explain that I wasn't

really concerned on a legal level with whether the dog was happier with one side or the other. It was all based on the paperwork. In the end, I decided the boyfriend should have the dog. The postscript to it is that, about a couple of weeks later, the girlfriend writes to the court and says the boyfriend never came to collect the dog after all that. I had to laugh because the whole thing wasn't about the dog; it was all about their break-up.

Q How badly can a claim be presented before a judge will ask someone to resubmit it?

A I think we, as judges, are encouraged to be more understanding towards litigants who simply don't know how to prepare a case. We don't want to send them away and tell them to get their case in order and come back another day. They've been waiting months for the hearing and I don't want to send them away just because they haven't got a perfect case to produce before me.

Q How would you advise someone making a claim?

A I would advise them to simply 'tell the story' and keep to the basic facts. Take some time before the hearing to prepare your case carefully. The parties can rest assured that the judge is there to listen carefully to both sides and will be impartial. Finally, everyone who attends a small-claims hearing can be sure that, even though it may be a 'small claim', the judge will know how important the decision is to both sides.

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For further information on how to pursue your small claim through the courts, visit www.which.co.uk/smallclaims