



Legislation Text

File #: 12-1255, **Version:** 1

Resolution Authorizing City Employees and Officers to Appear in Small Claims Court

Small Claims Courts were established in Michigan as an easier and less expensive way to resolve disputes between parties. The jurisdiction of the Small Claims division is confined to cases for the recovery of money in the amount of \$5,000.00 or less.

The Revised Judicature Act (P.A. 236 of 1961) prohibits the representation of the City by an attorney in the matter of filing, prosecution or defense of litigation in the Small Claims. A city may be represented by an officer or employee of the City who has direct and personal knowledge of the facts in dispute if authorized to file a claim and/or appear in the case by City Council.

The attached Resolution establishes the procedure for the appointment of City employees and/or officers to file claims and/or represent the City, whether as plaintiff or defendant, in Small Claims actions.

Prepared by: Kristen Larcom, Senior Assistant City Attorney

Reviewed by: Stephen K. Postema, City Attorney

Approved by: Steven D. Powers, City Administrator

Whereas, The City is often served with lawsuits filed in Small Claims court;

Whereas, These suits are for amounts of \$5,000.00 or less;

Whereas State law permits City employees or officers with direct and personal knowledge of the dispute to appear, file pleadings, and represent the City in these procedurally simplified small claims proceedings without the benefit of an attorney being present if authorized to do so by City Council; and

Whereas, Allowing the most knowledgeable City employees to directly represent the City is frequently and expeditious and practical way to hand such matters;

RESOLVED, That the City Council hereby approve the use of City employees or officers with direct and personal knowledge of the dispute to appear on the City's behalf, file pleadings and otherwise represent the City in Small Claims Court provided both the City Administrator or his/her designee and the City Attorney or his/her designee approves in writing, in each individual case, the appearance of a City employee or officer in Small Claims Court and that the City Attorney designate, in writing, the person or persons who are to appear in the case.