



Should I Ask For A Jury Trial In My Eviction?

You Have the Right to a Jury Trial

An eviction trial is held in small-claims court, by one judge, unless a party specifically requests a trial by jury. A jury trial in small claims court is decided by six people. Whether you should ask for a jury trial in your case is a decision only you can make. Here are some things to consider:

Jury Trials Take Time

Trials in small-claims court are often held on the first day the parties come to court. But it can take much longer for a jury trial to be set up. In some counties, jury trials are suspended indefinitely. This means the case may be open longer, and it may take longer to get a decision.

Jury Trials Are More Formal

In small-claims court, most tenants do not have an attorney, so judges try to be as straightforward as possible. The process is quick and relatively informal. The judge will look at most evidence and hear most testimony. The judge will almost always issue a decision the same day of the trial. A jury trial can be more involved and formal. Leading up to a jury trial, there may be multiple court dates to prepare for the trial. The process of presenting your evidence will be stricter, and the judge will apply the Rules of Evidence, keeping out evidence which could have been admitted in small-claims court. This could really help, depending on what evidence there is in your case.

You Need a Defense

To request a trial, you must have “valid legal grounds for a contest.” In other words, you must have a defense or argument for why you should not be evicted. You should not ask for a jury trial if your only purpose is to harass the landlord or delay the process. That could result in the court fining you.

How to Ask for a Jury Trial

In writing! To get a jury trial, you must ask in writing. And you must give your written request at (or before) your first court date. You can use the attached form. After the first court date, you lost your right to request a jury trial.

Fee Waiver: There is an \$89.00 fee to request a jury trial. If you cannot afford to pay this fee, you may be able to get the fee waived by submitting a Petition for Waiver of Fees, which is attached.

CONTACT US WITH QUESTIONS
legalaction.org or 855-947-2529