

Rule 286. Appearance and Trial

(a) Unless the “Notice to Defendant” (see Rule 101(b)) provides otherwise, the defendant in a small claim must appear at the time and place specified in the summons and the case shall be tried on the day set for appearance unless otherwise ordered. If the defendant appears, he need not file an answer unless ordered to do so by the court; and when no answer is ordered the allegations of the complaint will be considered denied and any defense may be proved as if it were specifically pleaded.

(b) **Informal Hearings in Small Claims Cases.** In any small claims case, the court may, on its own motion or on motion of any party, adjudicate the dispute at an informal hearing. At the informal hearing all relevant evidence shall be admissible and the court may relax the rules of procedure and the rules of evidence. The court may call any person present at the hearing to testify and may conduct or participate in direct and cross-examination of any witness or party. At the conclusion of the hearing the court shall render judgment and explain the reasons therefor to all parties.

Amended June 12, 1987, effective August 1, 1987; amended April 1, 1992, effective August 1, 1992.

Committee Comments

This is paragraph F of former Rule 9-1, effective January 1, 1964, with a caveat that the trial court may by “Notice to Defendant” on the summons mentioned in Rule 101(b) adopt the procedure best suited to local conditions in the handling of small claims. By the notice of the summons, the defendant should be given explicit directions where to appear, whether he must appear ready for trial on the day for appearance, or whether by filing a written appearance or giving appropriate notice to the plaintiff he will be excused from going to trial at that time. If by entry of a written appearance or by personal appearance of the defendant the case is automatically set over for trial on a specified later date, the notice to defendant should so state. These suggestions are only illustrative. See also the Committee Comments to Rule 101(b).

Paragraph (b) was added effective August 1, 1987. The rule authorizes the court on its own motion or on motion of any party to conduct an informal hearing to decide small claims cases where the amount claimed by any party does not exceed \$1,000. Amended in 1992 to delete the condition setting an upper limit on the value of cases in which an informal hearing may be had.