



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, especially now, due to the coronavirus pandemic. 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 an 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 lose 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.

Want Help?

To see if you qualify for free legal assistance, call Legal Action of Wisconsin at 1-855-947-2529.

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STATE OF WISCONSIN

CIRCUIT COURT

_____ COUNTY

SMALL CLAIMS BRANCH

Plaintiff,

Case No.: _____

vs.

Defendant.

DEMAND FOR JURY

Pursuant to Wis. Stat. § 799.21(3), the Defendant, _____, hereby makes a demand for a trial by jury.

Date: _____

Signature: _____

Print Name: _____
Pro Se Defendant

Address: _____

Telephone: _____

This document was prepared with the assistance of a lawyer.

Amended

-vs-

Petition for Waiver of Fees and Costs - Affidavit of Indigency

Case No. _____

UNDER OATH, I STATE THAT because of poverty, I am unable to pay any filing and service fees, including the electronic filing fee, or _____, in this action, proceeding, or appeal, or to give security for those fees, and request waiver of those fees. I am attaching a copy of my pleading in this matter.

**Complete Section 1 if you receive aid from any of the programs listed.
If you do not receive aid, complete Section 2 only.**

Section 1.

- I currently receive
- Supplemental security income. Relief funded under §59.53(21), Wis. Stats. Medical assistance.
- Food stamps/FoodShare. Relief funded under public assistance.
- Benefits for veterans under §45.40 (1m) or 38 USC 501-562.
- Legal representation from a civil legal services program or a volunteer attorney program based on indigency.
- Name of program: _____
- Other means-tested public assistance: _____

My financial situation has has not changed since I became eligible for this program.

If you checked the "has" box, and such changes would make you ineligible for the program(s) if you applied today, you must complete Section 2.

Section 2.

1. I am am not married.
2. I am am not employed. Name of employer: _____
3. I earn [Gross pay] \$ _____ weekly. every 2 weeks. twice monthly. monthly.
My take-home pay [after taxes and deductions] is \$ _____ per pay period.
4. I receive gross monthly income totaling the amount of \$ _____ from
 Pension Social security Unemployment compensation
 Disability Student loans/grants Other: _____
5. I have the following cash assets:
 Savings accounts: \$ _____ Cash: \$ _____
 Checking accounts: \$ _____ Money owed me: \$ _____
6. I have the following other assets:
 Vehicle-Yr./Make: _____ \$ _____ Household furnishings: \$ _____
 Vehicle-Yr./Make: _____ \$ _____ Equity in real estate: \$ _____
 Other individual assets valued over \$200 each: _____ \$ _____
7. My household consists of myself and _____ others:
Full name: _____ Relationship to me: _____ Under age 18 Yes No
Full name: _____ Relationship to me: _____ Under age 18 Yes No
Full name: _____ Relationship to me: _____ Under age 18 Yes No
Full name: _____ Relationship to me: _____ Under age 18 Yes No
Full name: _____ Relationship to me: _____ Under age 18 Yes No

8. The other members of my household have gross monthly income totaling the amount of \$ _____ from
- | | | | |
|-------------------------------------|---|--|---|
| <input type="checkbox"/> Wages | <input type="checkbox"/> Social security | <input type="checkbox"/> Relief funded under public assistance | <input type="checkbox"/> Food stamps/FoodShare |
| <input type="checkbox"/> Pension | <input type="checkbox"/> Student loans/grants | <input type="checkbox"/> Unemployment compensation | <input type="checkbox"/> Supplemental security income |
| <input type="checkbox"/> Disability | <input type="checkbox"/> Relief funded under §59.53(21), Wisconsin Statutes | <input type="checkbox"/> Support/maintenance | |
- Other: _____

9. I have the following debts: Amount: Monthly Payment:
- | | | |
|------------------|----------|----------|
| a. Mortgage/Rent | \$ _____ | \$ _____ |
| b. Auto loan | \$ _____ | \$ _____ |
| c. Credit cards | \$ _____ | \$ _____ |
| d. Other: _____ | \$ _____ | \$ _____ |
| e. _____ | \$ _____ | \$ _____ |

10. I have the following unusual expenses, other than ordinary living expenses:
- _____
- _____

I understand that if my financial situation changes,
I must notify the court immediately.

State of _____
 County of _____
 Subscribed and sworn to before me on _____

 Notary Public/Court Official

 Name Printed or Typed
 My commission/term expires: _____

▶ _____
 Signature

 Print or Type Name

 Date of Birth

 Address

 Email Address

 Telephone Number Date