

Defending Yourself in Small Claims Court

WHAT IS SMALL CLAIMS COURT: It is a special court that handles claims less than \$5,000

DO YOU NEED A LAWYER: Probably not. Small Claims Court uses simple procedures. .

HOW DO YOU KNOW YOU ARE BEING SUED: You will receive official papers from the Court. These papers will either be hand delivered to you by a "process server" or delivered to you by mail. There are two papers that you will receive.

- "Statement of Claim": This document will tell you the name of the person that is suing you and what the lawsuit is all about.. The person suing you is called the "Plaintiff" and you are the "Defendant"
- "Notice to Appear": This tells you the date time, and place of the "Pre-Trial Conference".

WHAT IS THE "PRE-TRIAL CONFERENCE": The Notice to Appear will give you information about the pre-trial conference. If you do not attend you will lose the lawsuit by default

- If you do not owe all of the money that is being claimed, and you think that you can prove it, it is important that you go to the pre-trial conference.
- The Pre-trial conference is NOT the trial (do not bring witnesses). The Court simply wants to find out if you agree or do not agree with the claim. If you do not agree with the claim and you can't reach a settlement with the Plaintiff through the mediator (see below) the Court will schedule a trial.
- At the pre-trial conference the Court will ask that you and the Plaintiff will meet with a "mediator". The mediator is not the judge. The purpose is to try and reach a settlement. If the parties can not agree to a settlement the Court will schedule a date for the trial.

WITNESSES - SUBPOENAS: As you prepare for the trial you may decide that you need witnesses to testify. Some people may be willing attend the trial (like your sister, or friend) but need a document from the Court to be excused from work. Others will not show up unless required (for example, a policeman). In either case you can verbally ask the Clerk's office to issue a "subpoena" for that witness. A subpoena is an order from the Court requiring a witness to attend the trial.

WHAT HAPPENS AT TRIAL: The judge will first listen to the Plaintiff's story. The Plaintiff may have witnesses. The Plaintiff may also bring documents as evidence. You will be allowed to ask the Plaintiff and the witnesses questions. When the Plaintiff is finished the judge will ask you to present your side of the story. You should explain to the judge why you don't owe all the money that is being claimed. You can bring witnesses.. You can also bring documents as evidence. If you have documents be sure to bring two extra copies (one for the Court and one for the Plaintiff).

WHAT IS A "JUDGMENT: At the end of the trial the judge will make a decision about whether or not any money is owed. The written decision is called a "judgment".