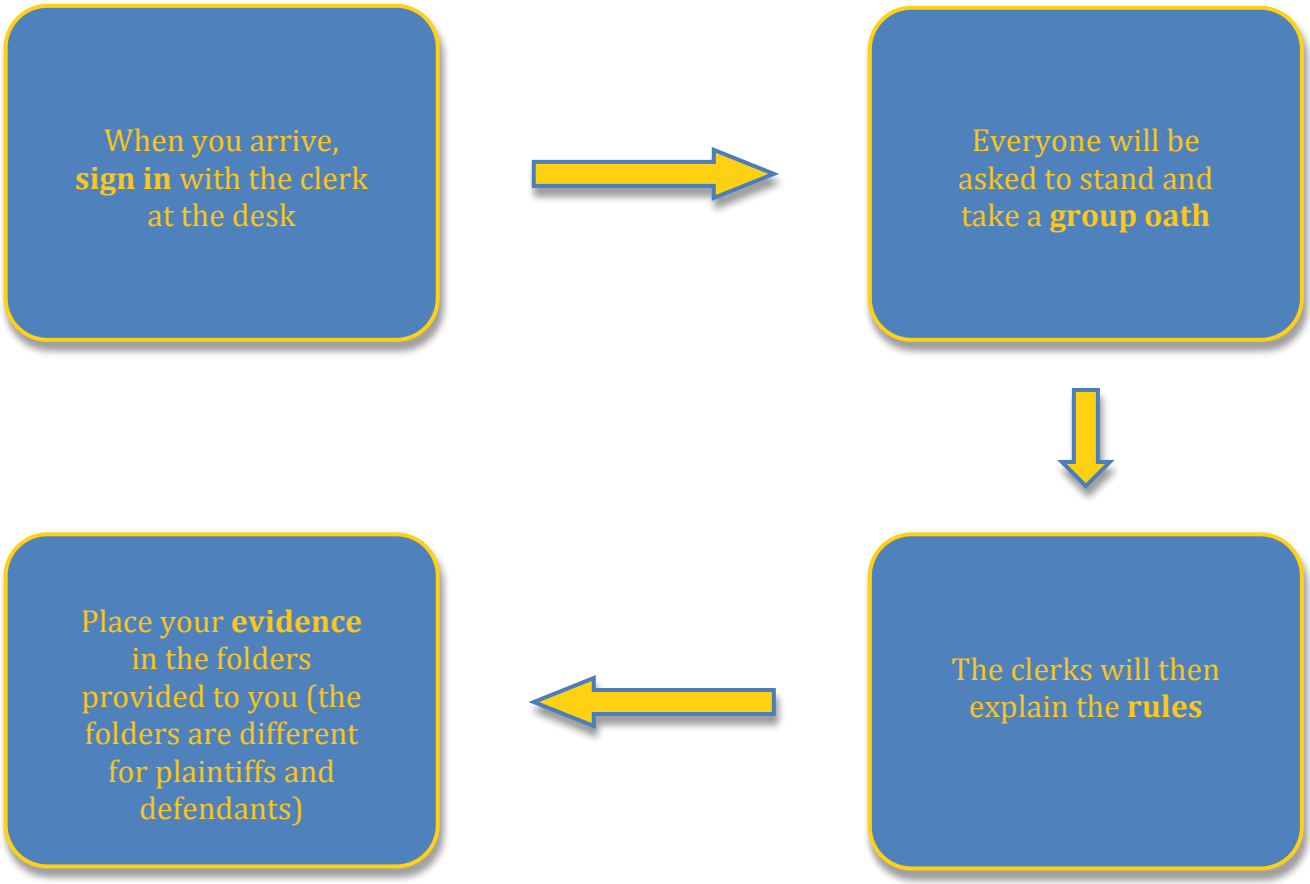
So Now You're Going to Court…

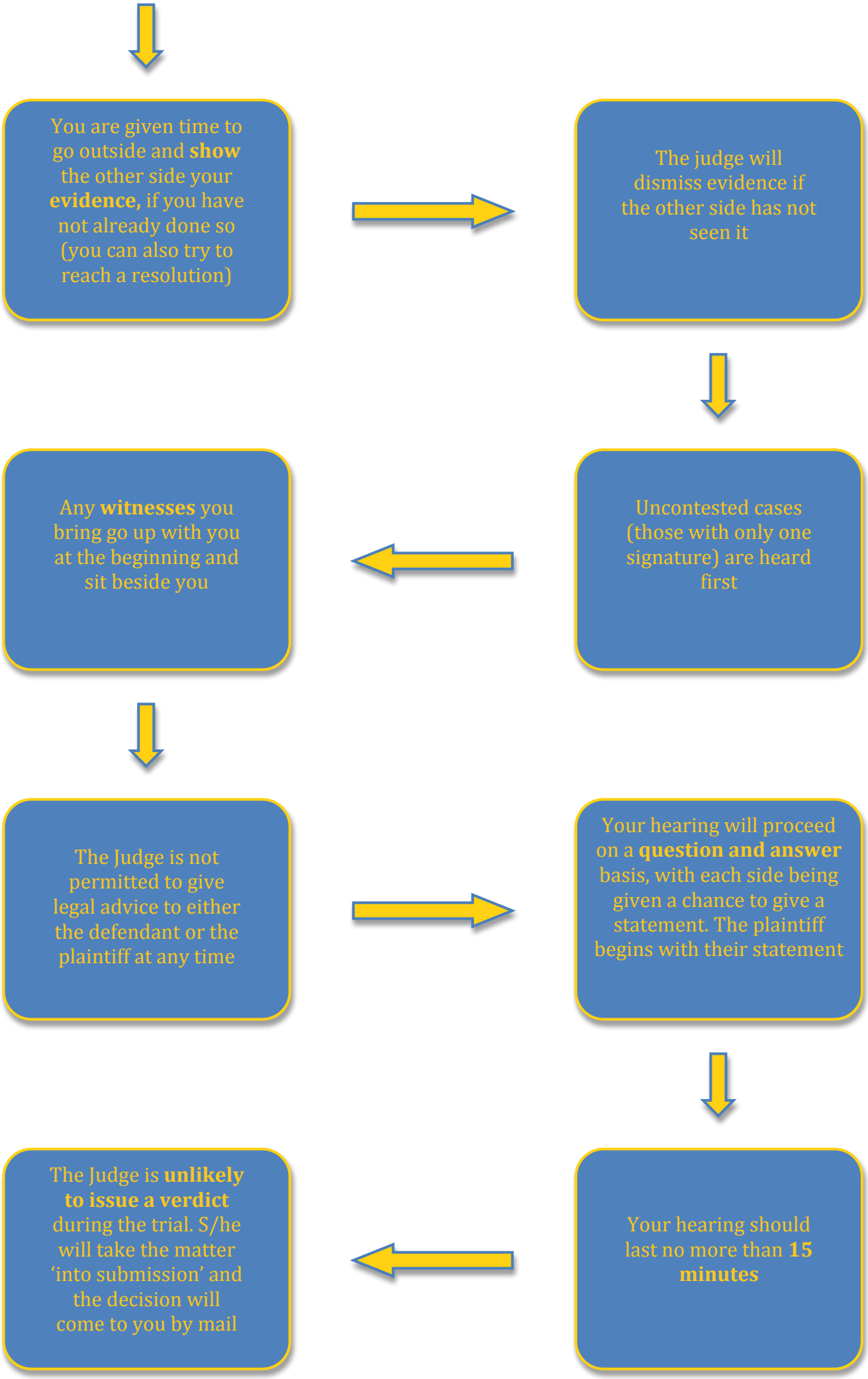
You've filed your claim and served the defendant – or you have been served (learn more about these steps here and here). Going to Small Claims is, at best, a chance to be vindicated by the courts, and at worst, a valuable life experience. Whether you have chosen to go to court, or have been brought there kicking and screaming, this pamphlet will help you prepare for your 15 minutes of fame. In here you will find:

- Information about **procedure**
- An insider's **hints and tips** for the day
- Additional **information** and guidelines about the process

Procedure

On the day, your attention should be entirely focused on the task at hand. This might be hard to do if you are not familiar with the process that takes place. Here is some information on the procedure so that you won't be caught off guard!




You are given time to go outside and **show** the other side your **evidence,** if you have not already done so (you can also try to reach a resolution)
The judge will dismiss evidence if the other side has not seen it
Uncontested cases (those with only one signature) are heard first
Any **witnesses** you bring go up with you at the beginning and sit beside you
The Judge is not permitted to give legal advice to either the defendant or the plaintiff at any time
Your hearing will proceed on a **question and answer** basis, with each side being given a chance to give a statement. The plaintiff begins with their statement
Your hearing should last no more than **15 minutes**
The Judge is **unlikely to issue a verdict** during the trial. S/he will take the matter 'into submission' and the decision will come to you by mail

Insider Hints and Tips (From Court Observation)

When arguing your case, there are a few things that you can do to really give yourself a leg up. These are the hints and tips that cannot be overemphasized for somebody going to Small Claims…

The three most important things to remember in court are **evidence, evidence, evidence.** The more evidence you can bring, the more likely it will be that you can convince the judge of your arguments

Think before you speak! Clarity is essential to your claim. The judge hears many cases everyday and the easier it is to understand you, the better. Sit down prior to the hearing and plan what you are going to say on the day. Get your **facts and the chronology** straight!

Be clear about **what you are asking for and why.** You must provide receipts for all reimbursements and a clear line of reasoning for any amount you are demanding

Control your emotions! You will be far more effective and respected as a calm, thoughtful and rational individual. Never raise your voice or react to inflammatory words. Remember that you will always be given a chance to tell your side of the story!

More Tips (From the State Courts Website)

Start at the end of your story. State your loss and how much you're asking for first, then explain the chronology

Answer questions directly. Even if the judge interrupts you to ask them. Often, a simple 'yes' or 'no' will suffice

Ask for **continuance,** if necessary. If something very unexpected happens (e.g. a key witness doesn't show up), it is entirely normal to ask the judge to reschedule the case to another day. However, this does not guarantee that the Judge will allow the request

Practice makes perfect. Be sure to practice what you will say and think about possible holes in your argument. Have a response ready if they come up

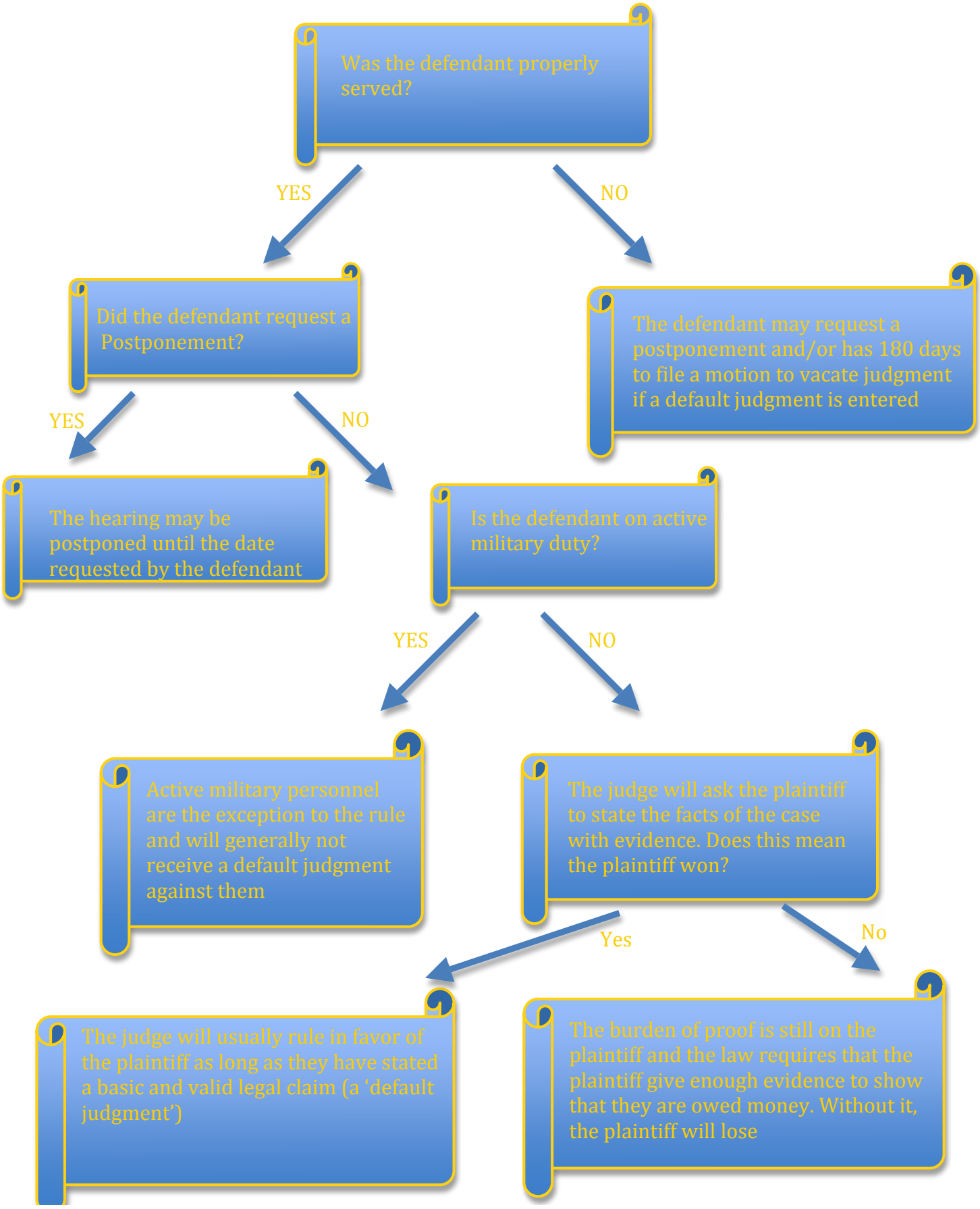
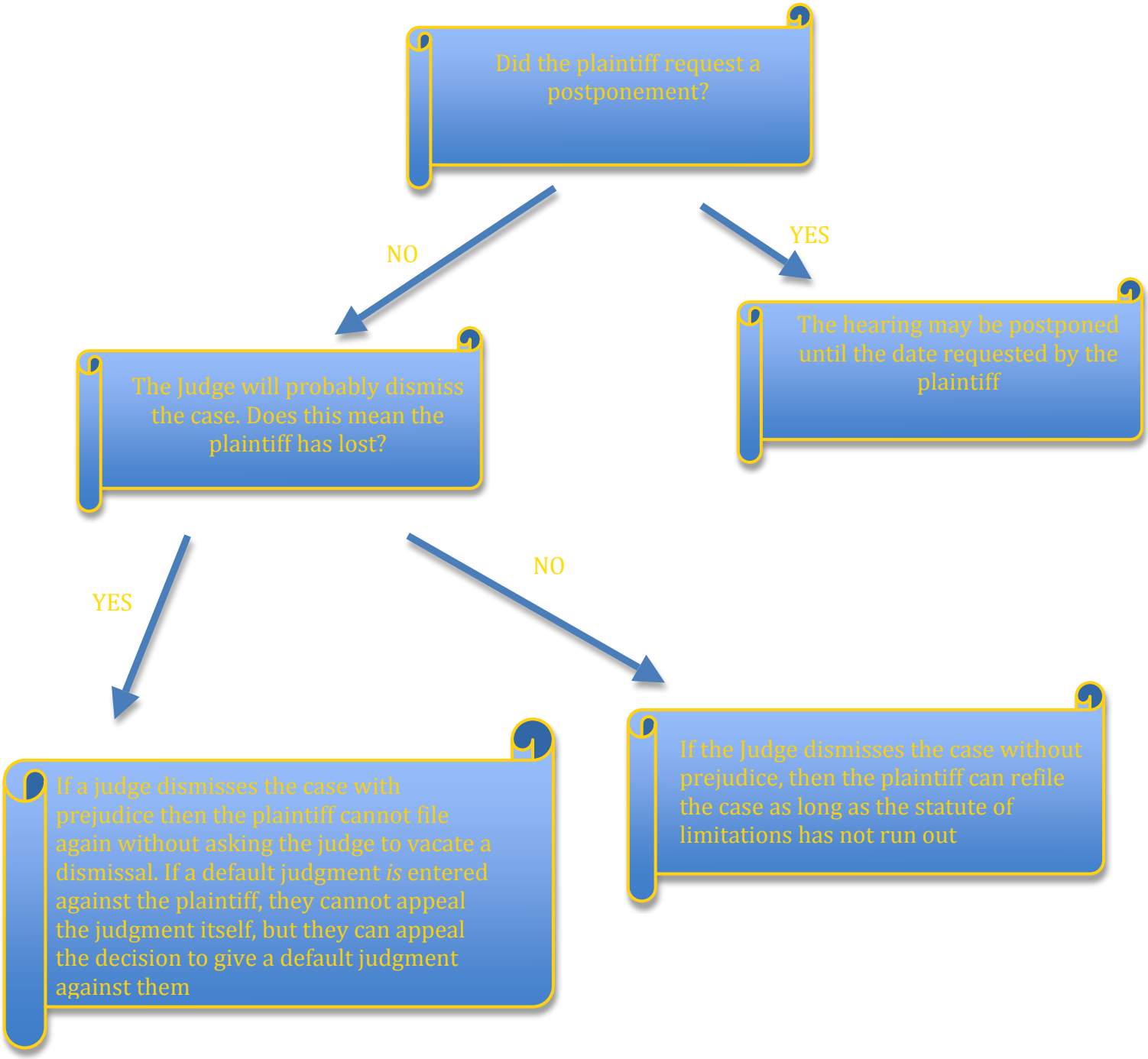
Some costs *aren't* recoverable (e.g. the hours it took to prepare for the case). Make sure that you don't ask for anything that you are not entitled to

Consider the **possibility of a settlement.** Through mediation or personal communication, settlements can be reached any time before the trial.

Go to court and observe! The best way to be prepared for your hearing is to watch a separate hearing at the same courthouse beforehand. All hearings have free public access

Other Information

WHAT TO DO IF THE DEFENDANT DOESN'T SHOW UP…



WHAT TO DO IF THE PLAINTIFF DOESN'T SHOW UP…