



OFFICIAL SMALL CLAIMS COURT GUIDE

Written by lawyers, edited to be simple to understand

Unless you're trying to get ahead of the game, we have thus far:

- 1) Triple-checked your filing
- 2) Successfully filed your case
- 3) Served the defendant properly

With that behind us, you have a court date to prepare for!

While we can't act as your lawyer, we've had our lawyers put together this simple guide to make sure you're ready to explain your case to the judge. Remember: to win a judgment in small claims court, you only have to be 51% convincing – let's make sure you're prepared to do just that. Here are 4 tips to properly prepare for court.

Tip 1: Plan what you are going to say and how you'll say it

You will have to explain to the judge why you filed your claim and what you want him or her to order. Here's a few pointers:

- *Be Comprehensive:* Decide what your main points are, such as what did the other party do wrong, why you think they were wrong, and all the ways that you've been harmed. If it would make you feel more comfortable, prepare a one-page summary of these points and read it to make sure you don't miss anything.
- *Be Clear:* There's no need to overcomplicate your language or use complex legal terminology. A judge will often respect what you have to say more if you explain things simply and don't try to show you "know" the law. (Of course, if you've done your homework on the state law that is relevant to your case, feel free to explain why you feel the law supports your position.)
- *Be Ready:* Think about what your opponent might say and how you will answer. If the other side is being untruthful, calmly point this out to the judge and demonstrate why they should see your side as more truthful.
- *Be Respectful:* The judge will let you know when it's your turn to speak. Wait for him or her to do so and use words like "please" and "thank you". You may call the judge "Your Honor" or "Mr./Mrs. (Judge's last name)".



Tip 2: Prepare your proof to take to court

Take any papers that support your story. Make copies of all evidence so that you have 3 total copies of everything. You may have to give one to the judge and one to the defendant, keeping one for yourself. This is called "evidence." Evidence can be:

- Contracts
- Texts
- Emails
- Video or audio recordings (some judges allow)
- Letters
- Estimates
- Bills
- Photographs
- Diagrams that show how an accident happened
- Police reports

If you need papers that someone else has, look on your county court website for a *Small Claims Subpoena for Personal Appearance and Production of Documents at Trial or Hearing and Declaration*, fill them out, and request these documents.

Tip 3: Take copies of all your court papers and your Proof of Service

Check your emails from us. We've provided you with this documentation so that you can print them off and take them with you. For your convenience, we resend these items to you in one file 7 days and again 3 days before your court date.

Tip 4: Take people to support your story (experts & witnesses)

Take witnesses who saw what happened or who are experts on that subject. For example, a neighbor who saw the accident or a mechanic who looked at your car.

Don't bring people unless you know they will support you. Witnesses who are not friends or relatives may be more effective in proving your case. But sometimes the only witnesses are your friends and relatives. They should testify and present themselves in a professional manner and be objective and not emotional.

If you need a witness to go to your hearing that cannot or will not go voluntarily, fill out a *Small Claims Subpoena* to order them to go.



ALWAYS REMEMBER: IF YOUR OPPONENT DOESN'T SHOW UP, YOU CAN ASK THE COURT TO AUTOMATICALLY ENTER A JUDGMENT IN YOUR FAVOR.

***Tips for those who require an accommodation**

If you do not speak English well, take an interpreter to help you

Ask your court clerk at least 1 week before your hearing to see if the court can provide an interpreter for you. In some courts, they can provide interpreters for free if you qualify for a fee waiver. If not, you'll have to take your own interpreter. Don't ask a child or a witness to interpret for you. You have the right to get your hearing delayed so you can get an interpreter.

If you are deaf, hard-of-hearing, or have another disability request an accommodation

Ask your court's Americans with Disabilities Act (ADA) coordinator or court clerk at least 1 week before your hearing.

Additional questions?

Email us at helpme@squabbleapp.com. We can't offer legal advice, but we can help you understand how the system works and how to prepare for court.