

Get Ready for Your Small Claims Trial – Defendant



Arrive early!

Look for the date and time of your trial on your *Notice*. Plan extra time to get through security and find your courtroom.

Check in with the Clerk.

In some counties, the court will order you and the Plaintiff to talk to a mediator. The mediator will try to help you settle the case without going to trial.

Bring your forms with you.

- Turn your phone off. Remove your hat. No food, no gum, no drinks in the courtroom.
- Stay calm. Be polite. Do not interrupt anyone.
- Do not speak until the judge asks you to.
- If you do not understand something, say, “I don’t understand.”

Tip: Do not bring children unless they can sit quietly for a few hours.

Wait for the court to call your case.

The judge will ask the Plaintiff to speak first. The Plaintiff may show evidence, bring witnesses or statements. Then the judge will ask you to explain why you disagree with the claim. Say the most important reasons that support your case.

Tip: It’s OK to make notes about what you want to say. If you get nervous, just read from your notes.

Bring evidence.

Give the judge copies of your **proof** that supports your case, such as:

- Contracts or other documents
- Receipts or cancelled checks
- Invoices or statements
- Photos

Tip: If you have an audio, video, or other recording, talk to the Clerk as soon as possible. Ask if you need to bring your own equipment.

You can bring witnesses or statements.



You may have a **witness** speak at your trial. If it’s hard for the witness to go to court, ask the witness to write a detailed statement.

If only an expert would know if your claim is correct, you may bring an **expert witness** (or their statement).

After your trial, get your judgment.

If the judge decides the case at the end of the trial you will get a copy of his/her decision (the *judgment*) that day, otherwise you will get the judgment in the mail.

If you disagree with the court’s decision, you can appeal (fight the court’s decision). You have **30 days** after the date of the judgment to file a *Notice of Appeal* with the Clerk. You will have to pay an **\$81** filing fee.

Warning! The 30-day deadline is very strict.

If the Plaintiff disagrees with the court’s decision, s/he can also appeal. If this happens, the Clerk will send you a *Notice of Appeal*.

Note: Appeals are more formal than small claims process. The parties can have lawyers.

If the Plaintiff wins, pay your judgment.

If Plaintiff wins the case, the court will make a *judgment* and order you to promptly pay or return property to the Plaintiff. If the judgment was by default, the Plaintiff can collect immediately. Otherwise, s/he will need to wait 30 days to collect. To collect, the Plaintiff can ask the court to have the sheriff:

- Garnish your wages,
- Take money from your bank account,
- Take and sell personal property, and/or
- File a lien on real estate and foreclose.

You can also be ordered to come to court for a debtor’s examination for the Plaintiff to find out what you have that can be used to pay the judgment. **Warning!** If you do not come to court for the examination, you can be held in contempt, and a warrant can be issued for your arrest.

Note: Some types of money and property cannot be taken if **exempt**, see the pamphlet *Collecting on your Small Claims Judgment* for more information.

After you pay, the Plaintiff must file a form.

The Plaintiff **must** tell the court when you have paid the total judgment by filing a *Satisfaction of Judgment* form. If the Plaintiff will not file the form, you can file a *Motion for Satisfaction* to ask the court to enter an official record that the judgment was paid.

Questions? Visit the Court Assistance Office at your local county courthouse. Talk to a lawyer; Judges and court staff cannot give legal advice.