

Preparing for a Small Claims Trial

Remember: It is up to you to present your case in a clear and brief manner.

Be prepared. Follow these tips.



You will need to prove your case and damages by a preponderance of the evidence. The Plaintiff must show, through testimony and exhibits, enough evidence to support the requirements of your claim. “A preponderance of evidence” means you need to prove enough to make it more likely than not that the facts you are proving are true. You need to “tip the scale” in your favor, on each of the requirements of your legal claim.

What is “evidence” in Small Claims Court?

- ✓ Testimony
- ✓ Contracts
- ✓ Receipts
- ✓ Estimates
- ✓ Letters, Emails, Texts
- ✓ Photographs
- ✓ Witnesses or Witness Statements
 - A statement by a witness, who isn't coming to the court hearing, must be written and signed under penalty of perjury. (See sample on the reverse side of this paper.)
 - Witnesses in Person are best!
- ✓ Written Notes
- ✓ Calendar Entries
- ✓ Journals
- ✓ Maps
- ✓ Info showing other professional opinions
- ✓ Police Reports

Bring your evidence with you!

Bring 3 copies of everything (including photographs)

1. one for you
2. one for the Judicial Officer, and
3. one for the opposing party.

- **Plan what you want to explain to the Judicial Officer** and practice in front of someone. Have that person ask you questions.
- **The judge will probably ask you questions.** Have responses ready with evidence to back the answers up.
- **Expect the Judicial Officer to interrupt you.** He or She is trying to understand the nature of the claim, and is looking for the requirements of a legal claim. Answer their questions in a clear and concise manner.
- **Arrive early!**
- When your case is called, stand up, and go to the front tables. The Plaintiff goes first, then the Defendant goes second.
- If you need an interpreter, bring one! Ask at the Self Help Center or the Law Library for a list of qualified Spanish interpreters if you need to hire one.
- Watch those that go before you. Even better, come watch Small Claims Court so you know what needs to be done to be successful.
- **Don't interrupt the other side** while they are speaking.
- **Speak only to the Judicial Officer**, not the other party.
- If the Defendant does not show up for the hearing, this does not mean the Plaintiff automatically wins. The Plaintiff still has to prove his or her case.

Don't forget:

Mediation is available to all parties before your trial.

Sample Witness Statement

Use this as a guide for your witness who is not able to appear in court. **Do not** use this piece of paper. Have your witness create their own letter to the court.

I, (witness's name), am a witness to the situation relevant to case # _____(Small Claims Case Number)_____.

(The witness then needs to explain what they would testify too if they could appear in court.)

I declare that the foregoing is true and correct under penalty of perjury under the laws of the State of California.

Date:

Print Name

Signature

Bring the statement along with your other evidence (and 2 copies) to your Small Claims Court Trial.