

The Day of the Hearing

A few weeks prior to the hearing, the court will mail you a notice as to the date and time of your small claims hearing. On the day of the hearing, it is a good idea to arrive at the court a little early so that you have a chance to look around and feel comfortable. Arriving early provides an opportunity for you to settle your claim against the defendant without the need of a hearing.

If for some very good reason you cannot get to the court on the date of the hearing, you must request a postponement in writing. In addition, you should call the court as soon as you know this. You must indicate the reason for the request (i.e., illness, witness cannot be there, etc.). The judge will allow a postponement only if you have a good reason.

When you get to the court, it is important that you check in with the clerk so that the court knows you are in the building.

As mentioned previously, if you find that the other party has retained a lawyer, don't be intimidated. It is the judge, not the lawyer, who will control the hearing. The judge will do most of the questioning of the witnesses and will decide the facts of the case based upon the evidence.

The Hearing

When your case is called, both parties will be directed to come forward. The court officer will administer the oath to tell the truth to all parties and witnesses. The judge conducts the hearing. The judge will ask you to tell your side of the story, at which time you should show any proof you feel is necessary. Then the judge will repeat the process with the defendant. The judge will also question any witnesses that you and/or the defendant may have. Finally, the judge may have to ask both of you if you have a final statement or questions to ask the other side. The hearing may take only a few minutes or it may take longer. The judge is primarily concerned with: (A) allowing you and the other party to have your say; and (B) getting the facts so that he or she understands the case.

The judge may announce the decision right away or may take more time to consider the case, in which event you will be notified of the decision by mail.