

What You Should do for Your Hearing

Even though your hearing will be simple and informal, you must be prepared to prove the truthfulness of your claim, or if you are the defendant, that you are not responsible for the damage or debt the plaintiff is claiming. If you have the time, you may want to sit in on a session of small claims court prior to your own hearing. In this way you can become accustomed to the courtroom and the process. Call the clerk to find out when there will be a small claims session.

The most important thing you can do before your hearing is to round up all the documents and papers which have anything to do with your case and find any witnesses who might help your case by coming to the hearing with you.

Documents

In choosing the proper papers to bring to court, the best guide is common sense. **If you bring documents to be submitted to the court in support of your case, you should bring a duplicate set for the defendant.** The defendant has the right to see any document filed with the court. In general, you might consider bringing:

- Any written agreements between you and the defendant. (If it is a landlord/tenant case, be sure to bring the lease).
- Any letters that have passed between you and the defendant. Very often the judge will want to know if you made a reasonable effort to settle your dispute before coming to court.
- Any bills, paid or unpaid, and the cancelled checks having to do with your case.
- If your case involves money damages due to faulty repairs (automobile or otherwise), bring any repair bills or written estimates for repair.
- Photographs of damaged property (8" by 10" glossy are the best).

Witnesses

Witnesses may be an important part of proving your case in small claims court. For example, in cases involving poor workmanship (such as repairs on your car), an experienced and impartial person in the same trade makes an ideal witness to testify on your behalf.

Subpoenas

In most small claims cases, witnesses are friends and relatives who say what happened to you and are willing to come to court and tell it to the judge. Occasionally, a witness will not come to court voluntarily or cannot get permission to leave work. If you have a witness who is important to your case but won't come to the hearing voluntarily, ask the clerk to issue a "subpoena". There is no charge for the subpoena, but you will have to pay the statutory witness fee of \$10.00 for the witness' appearance in court.

The subpoena must be delivered to the witness in person by a county deputy sheriff or any other person who is not a party and who is not less than 18 years of age. **Neither the plaintiff nor the defendant can deliver the subpoena to a witness.**