

23. REPRESENTING YOURSELF IN SMALL CLAIMS COURT pdf

1: Representing Yourself In Court - Civil Law Self-Help Center

Judicial magistrates hear most small claims cases, though any judge may hear a small claims case. Small claims hearings are simple and informal. Be sure to review the tips for representing yourself before your hearing.

Seven important things to do or not do when presenting a case in Small Claims Court audio [Click here](#)

2. Tell a story Good stories have a beginning, a middle and an end. And your dispute is best presented as a story. The Adjudicator needs to know the background so that he or she can place the dispute in context. Start at the beginning and bring out the rest of the story in a methodical way, ending up at the point that you started your Claim. If you are the Defendant, the same principle applies, except that the Claimant gets to go first. Cases are presented with evidence Adjudicators will decide the case based on the evidence presented. Evidence comes in several different forms, principally the sworn testimony of people witnesses and documents. As a party Claimant or Defendant you must bring to court all of the witnesses including you and documents that you believe would be helpful to proving your case. It will not help you to speak about documents that you left at home, or to refer to witnesses that are busy elsewhere. The trial is when these things or people are needed. Sometimes, a trial may be adjourned to allow a necessary witness to attend on another day, but there had better be a good reason for why they are not in attendance for the first day. You will also have the chance to cross-examine the other party and his or her witnesses. Cross-examination means asking questions, not just arguing with the witness. A good cross-examination brings out facts that the witness omitted, or shows that they may not be telling the whole truth. If you choose to cross-examine, be careful what you ask, as you are stuck with the answers. Many self-represented parties choose not to cross-examine, knowing that cross-examination is a legal skill that not everyone possesses. The Adjudicator will not hold it against you if you decide not to cross-examine, but just wish to tell your own story. Documents must be proved With rare exceptions, documents must be authenticated by someone who is familiar with the document. If it is a photograph, someone may need to testify that they took the photograph. The same is true of photographs - bring copies for everyone. If you plan to show a video, bring copies on a DVD or thumb drive, so it can be shown on the equipment in the court and also taken away by the Adjudicator. Do not offer to show pictures or videos on your phone or laptop. Print them out and bring copies, or in the case of videos, bring it on a CD or thumb drive. Experts Sometimes, to make out your case you need to call an expert to testify. For example, you may have a mechanic who can testify that a repair done to your car by someone else was improper. Best practice is to have that expert put their opinion in writing, and also come to court prepared to testify. You may have to pay them for their time. That is only fair. If you do get an expert report, it is also best practice to send it to the other party before the hearing, so they are not taken by surprise. They may wish to get their own expert, so send it well in advance of the trial date. Otherwise, there is a risk that the trial will have to be adjourned so the other party can prepare a response. Beware the internet Adjudicators will rarely accept articles or opinions that you got off the internet. The internet may be a good starting point for educating yourself, but printouts from the internet will rarely be accepted as evidence by itself. For example, you may find a website where someone in the US gives an opinion that such and such a vehicle has defective brakes. The court will not accept that as evidence, where the state of the brakes is a major issue in the case. You will need a live expert who can defend his or her opinion. The more complicated your case, or the more money involved, the more advisable it is to get a bit of legal help in advance. Consider asking for help from a lawyer or paralegal, or an organization such as the Legal Information Society, or Small Claims court staff. Free advice is widely available, and can help you to feel confident that you are on the right track. The Adjudicator hearing your case will also be willing to help, to a degree, where you are uncertain about proper procedure.

23. REPRESENTING YOURSELF IN SMALL CLAIMS COURT pdf

2: Going to Small Claims Court | Representing yourself | I have a legal question

This page pulls together resources, from a range of sources, for representing yourself in Nova Scotia's Small Claims Court. Go to www.enganchecubano.com for more information. 7 important things to do when presenting a case in Small Claims Court.

Go Introduction to Self-Representation If you are going to court, you may be represented by a lawyer, but it is not required. Around half of individuals who go to court in BC do not have a lawyer. We suggest that everyone meet with a lawyer at least once. Self-representing litigants would find it useful consult with a lawyer to gain expert guidance on how to proceed with their case. Starting a court process does not mean that you will end up going to trial. Most cases will settle before they reach trial. All complex negotiations involve some give and take by both parties. Keep an open mind and consider options for coming to an agreement. Plus, you will avoid a great deal of stress. Going to court will help to resolve the differences between you and the other side. **Time Consuming-** You will not be able to make an application one day and get an order the next day. Expect to come to court multiple times. The more complex and adversarial your case is the more time you will spend in court. Managing your emotions will be key to getting through the court process. Try to answer as best you can. Before you start filing court forms and going to court, you need to figure out what your case is about. You need to know how to conduct legal research and how to organize your evidence. You need to understand parts of the law and how the law applies to the facts of your case. This page provides legal information, not legal advice. If you need legal advice consult a lawyer.

23. REPRESENTING YOURSELF IN SMALL CLAIMS COURT pdf

3: Representing Yourself

The experience of going to small claims court can be an intimidating process if you are appearing on your own, without a lawyer. People who go to court without representation are "self-represented."

Plan From The Start Of Your Case Attending your hearing or trial is certainly one of the most important and stressful parts of your case. If trials were unimportant and boring, there would not be so many lawyer shows on TV! But equally important is all the work that is done getting a case ready to go to trial. In fact, most cases are won or lost based upon the preparation that is done well before the parties step into the courtroom. Start planning for your hearing or trial at the very beginning of your case. Here are a couple of big-picture things you should think about from the start: Make sure that you know and understand the law that applies to your case and exactly what you need to prove or disprove at the trial or hearing as well as what damages you or the other side may be entitled to recover. Make sure you know and understand your own position on the key legal and factual issues in your case and "just as important!" Make sure that you have obtained through the "discovery" process or otherwise all of the documents and information that you will need to prove or defend your case. Make sure that you have identified all of your witnesses and that you know their testimony to the extent possible. Make sure you have disclosed all of your documents and witnesses to the other side as required by the rules of practice applicable to your case. If you do not disclose your witnesses and documents to the other side, you may not be able to use them at trial. Make sure that you have complied with all orders issued by the judge, including scheduling orders that may require you to provide certain documents like document or witness disclosures or trial briefs, for example to the court or the other side. Before Your Trial Or Hearing As your court date gets a little closer, you may want to "Re-read all of the court papers in your case and make sure you understand what each paper says, what your position is, and how the other side has responded to your position. Observe a court hearing that is similar to yours, ideally in front of the same judge, so that you can see how the judge manages the courtroom and how attorneys and parties act in court. If you are still unclear about any issues in your case, research those issues so that you understand them. Re-read all the discovery if there has been any that you provided to the other side or the other side provided to you. If you are having a jury trial, make sure you understand the rules for selecting a jury and prepare your questions to prospective jurors. If you are having a jury trial or the judge is allowing opening statements in your bench trial, prepare your opening statement. If witnesses are testifying, prepare questions for your witnesses and the witnesses identified by the other side. You can find videos at the law library or on the Internet on how to examine and cross-examine witnesses. If an important witness will not attend your trial or hearing voluntarily, get the court to issue a "subpoena" a formal document that orders a named individual to appear before the court at a fixed time to give testimony. Subpoenas must be accompanied with a check for witness fees and mileage and, if possible, served at least fifteen days prior to the trial or hearing. Organize all of the documents you intend to use in your case so that you can find what you are looking for even if you are rushed or stressed. Double check that you have complied with any instructions from the court about how exhibits are to be organized and marked. Familiarize yourself with the rules of evidence and make sure you know what you need to do under those rules to get your evidence in front of the judge or jury for consideration. Arrange for an interpreter at least two business days before your hearing if one is needed for you or your witnesses to be able to testify. Arrange for childcare unless the court has required you to bring your children to court for some reason. Practice your argument in front of a mirror or friends without reading from a prepared statement. On The Big Day: Your Trial Or Hearing When the day of your trial or hearing arrives "Bring copies of all papers you and the other side have filed with the court or given to each other. Bring a notepad and pens for taking notes during the hearing. Bring your evidence and witnesses if the hearing is the type of hearing where evidence will be considered. If you have documents or pictures, bring the original item and two copies original for the court, one copy for you, and one copy for the other side unless the court has ordered something else. Make sure your documents are organized neatly and logically. It will be your job to walk the judge, jury, or witnesses through your documents, so you might want to arrange them in a tabbed binder for easy reference.

23. REPRESENTING YOURSELF IN SMALL CLAIMS COURT pdf

The judge might also have rules or preferences regarding how documents are used in the courtroom. Take time in advance of your hearing or trial to find this out. Allow extra time for traffic or other possible delays. Dress appropriately and conservatively. You are not required to wear any particular type of outfit like a suit or a dress but you should refrain from wearing shorts, tank tops, halter-tops, or shirts that show your midriff. All hats and sunglasses must be taken off prior to entering the courtroom. Ask your witnesses to arrive early and dress nicely. Bring an outline of what you want to say. You do not want to read a prepared statement, but an outline can be a useful tool to remind you of the main points that you want to cover. When you enter the courtroom, ask the bailiff or the courtroom clerk whether you are supposed to check in. Stand when the judge enters or leaves the courtroom. When your case is called, walk to the table or podium in front of the judge and stand facing the judge. Be prepared to state your name and your relationship to the case. This is sometimes called making your "appearance. Conduct yourself properly in the courtroom. Do not chew gum, eat, read a newspaper, sleep, listen to earphones, or have your cell phone turned on. Avoid the temptation to speak directly to the other side; do not argue with the other side or interrupt them, and keep your emotions in check. Never interrupt the other side or the judge! If you are asking for the court to make an order on one or more issues, make sure the judge addresses each of the issues and that the order on each issue is clear. Understand what just happened. Representing yourself in court can be an emotional experience, and you may find it hard to stay focused in court when you are nervous or upset. But you do not want to leave the courtroom without understanding the outcome of the hearing or trial and what, if anything, you need to do next.

23. REPRESENTING YOURSELF IN SMALL CLAIMS COURT pdf

4: Representing Yourself - getting_started_selfhelp

In New Jersey, a small claims complaint may be filed directly with the "Special Civil Part" section of the New Jersey Superior Court in the county where the defendant is located.

Keep track of all deadlines especially deadlines for filing papers and serving the other side. If you miss these deadlines, you may lose your case. Go to the courtroom where your hearing will be and watch some cases. Where the parties sit; How to explain your case to the judge; and How much time each side has to talk. Be prepared for your court hearing. If you have exhibits like photos or letters you want to show the court, you must mark each one with a label Exhibit 1, etc. Act professionally in court. Explain your side briefly and clearly. Do not talk about issues that do not support your case. Be realistic about what the judge can and cannot do. Make sure you understand what legal relief you can get in your case and focus on that. Show respect for the judge, the court clerks, and other people in the courtroom. Do not interrupt the judge or the other side. Do not make personal attacks against the other side. Click for more information about preparing for court.

Risks of representing yourself The biggest risk is that you lose your case because 1 you are unable to follow all the required procedures to bring your case to trial so your case is dismissed, or 2 once you get to trial, you cannot meet all the technical requirements to prove your case. Sometimes the costs of suing are more than the amount sued for. This means that instead of winning money or some form of relief, you now owe the other side money. A judgment is valid for 10 years and can be renewed for another 10 years as many times as is necessary until the judgment is paid. It can result in a garnishment of your wages, a levy of your bank accounts, property liens, and other collection methods. In order to assess whether or not to sue, you should consult with a lawyer.

Types of cases where lawyers are necessary

Malpractice cases: If you are suing for medical malpractice, or some other type of professional negligence, the law says you need to prove that 1 the doctor or other professional breached the duty of care owed to you and 2 you suffered damages as a direct and proximate cause of the breach. These legal requirements are very hard to prove, and you will need expert witnesses to do it. First, expert witness fees are very expensive. If you are representing yourself and do not have a lawyer to advance these costs, you may not be able to afford the experts you need to prove your case. But if you had several people working on your house like an architect, a structural engineer, and a general contractor who, in turn, hired subcontractors and purchased supplies from different suppliers, proving who is at fault when something goes wrong becomes very difficult, and you would probably need an expert witnesses to determine fault and explain it to the court. Also, while construction experts are usually not as expensive as medical experts, they can still cost a lot, especially if you need many experts in different specialties. Some lawyers will take construction defect cases on a contingency basis, but most charge by the hour. You may be able to hire a lawyer on a limited-scope basis to help you with certain parts of the case, while you handle other parts on your own.

Cases involving competing title to real estate: Real estate cases that allege someone committed fraud, like cases in which there is competing title to real property, are usually too complicated for a person without a lot of legal training and experience. Also, even if you win, if you make a mistake in writing up the final order in civil cases, the court generally does not prepare orders, it is up to the parties to do it, the title insurance company may not insure title, in effect preventing you, as the property owner, from selling or refinancing.

Cases involving wrongful termination or employment discrimination claims: If you are suing your employer for employment discrimination or wrongful termination, you most likely will need a lawyer. To win this type of case, you must have a lawyer skilled in direct and cross-examination of witnesses and the rules of evidence.

Administrative writs and appeals: Cases appealing a final decision by an administrative agency or hearing officer are extremely complicated and limited in the type of review the court can make. A lawyer can tell you if you have a sufficient basis in the record for an appeal and discuss other options with you.

Other types of cases: There are other types of cases that are difficult or impossible for non-lawyers to win because the law or procedure is extremely complex or because the cost of bringing the case to trial is high. It is always best to consult with a lawyer before filing a lawsuit to make sure that the case is one you can bring with some chance of success. Most local bar associations have lawyer

23. REPRESENTING YOURSELF IN SMALL CLAIMS COURT pdf

referral and information services that can provide you with a limited consultation with a lawyer for a small fee.

23. REPRESENTING YOURSELF IN SMALL CLAIMS COURT pdf

5: New York City Small Claims Court

In small claims cases, you are not allowed to have a lawyer, so everyone in small claims court is representing himself or herself. Whatever the reason, you have the right to represent yourself, to be your own lawyer in all cases in California.

Check new design of our homepage! How to Represent Yourself in a Small Claims Court Are you in the process of suing someone or being sued for damages in a small claims court? A little preparation can go a long way in obtaining a favorable settlement. This article aims to offer some suggestions in this regard. OpinionFront Staff Under most state rules in the United States, lawyers are not allowed in a small claims court. However, if you are suing or are being sued by an attorney, then you could request to be represented by a lawyer as well. Nevertheless, in most cases, a small claims settlement is done directly in front of a magistrate without lawyers present. This is not such a big deal and you can make the most of self-representation by being prepared and honestly putting forth your own case. The aim of such a court is to provide an inexpensive and quick platform to resolve small claims without the litigants having to go through any complex legal procedures and without engaging the services of lawyers. Remember that the money limit condition remains the sole criteria for a claim and counterclaim as well to qualify for settlement in a small claims court. The nature of the complaint or its urgency do not matter! Claim to refund of money made as down payment, back rent or security deposit Claim on dud checks Claim for payment of wages, contract dispute for labor Claim on damages or refund on faulty workmanship or defective merchandise Claim on damages to property due to an accident You cannot file a complaint with a small claims court for claims arising from alimony support, professional malpractice, domestic or marital disputes, libel or slander, damage to your reputation defamation charges or claims valued above the money limit of a small claims section. In case you decide to go ahead with a small claims settlement on the partial amount, you cannot claim the remaining money in a separate lawsuit! If not, the parent or guardian may file the actual complaint. Be aware of the statute of limitation that defines how long you have to start a case depends on the type of case. You may even file the case for claims online available in most states. This is usually possible for a fixed amount of money. The defendant receives the printed court order on the same day of filing! Check if this works for your case. Sign the form and pay the correct fees for filing. The cost of filing a complaint may differ from state to state. If you cannot afford the cost, you may apply to the court to grant you a waiver by qualifying you as an indigent. Trace out all the records that would support your claim or counterclaim such as canceled checks, bills, contracts, photographs, etc. If you need the support of witnesses, ensure they are ready and available to testify. Be ready with all the paperwork and evidence. If you need legal advice or knowledge about state statutes, ensure to consult an attorney at the earliest about arguments that could prove your claim. Small Claims Court Proceedings You will be notified through a notice of allocation about the time and place of the hearing. In fact, you might be asked to deal with the claim without a hearing. A lack of reply will be treated as the need for a preliminary hearing where the magistrate might explain or give personal directions to the concerned parties. Subsequently, a final hearing may take place. The following information will be useful for you to represent yourself in a small claims court. Dress appropriately, in a professional manner and follow basic courtroom etiquette. The staff at the Office of the Special Civil Part will be more than ready to answer any questions that you may have before the hearing. However, that does not substitute legal advice; take them as recommendations or suggestions only. You may even find an information booklet when you go to pick up your claim form. When providing a list of documents to support your case, present it neatly, in a chronological order. You will find the proceedings in a small claims court rather informal and not as strict regarding rules of evidence. Mostly, just follow the directions of the magistrate and you should be fine. The magistrate may appoint a mediator to help settle your case. If you win the case, the Judgment Collection Brochure will have information about how to collect your judgment including court costs. However, the court does not force the defendant to settle the claim immediately! If the claim is not settled voluntarily according to the judgment, you will have to take additional steps to recover the claim. Consult the clerk of court for the exact procedure for judgment debtor exam, garnishment of wages, etc. If the final ruling is not in your favor, as the plaintiff or defendant you may

23. REPRESENTING YOURSELF IN SMALL CLAIMS COURT pdf

appeal against the ruling; you will not get back the court fees. The procedure varies from state to state. Appeals are generally accepted only if there have been serious irregularities in the proceedings. Self-representation in a small claims court is not a big deal from the legal proceedings perspective. As a claimant, you might find it to be a quick and hassle-free process if the defendant is willing to co-operate on some level such as agreeing to mediation or final judgment, etc. For small claims, it does not make sense for a claimant or defendants to appoint a lawyer and start a full-fledged legal proceeding. However, a small claims suit should not be the first resort. Ensure that as a claimant you have asked for the claim out of court. It is best to resolve disputes without litigating. In case you do choose the small claims court as your next step, the above tips will hopefully help you win your claim. This article is only an informative passage and does not intend to substitute legal advice. You are recommended to consult a qualified legal professional before your decision on the final course of action.

6: New York City Civil Court

The "Small Claims Court" is a part of a state's court system that typically hears civil cases between private litigants, where the claimant tries to resolve a monetary dispute where the amount of money does not exceed \$ (this limit may slightly vary from state to state).

7: Going To Court - Civil Law Self-Help Center

Representing yourself is not difficult, as long as you take the time to prepare yourself, and organize the evidence for your case. Your success in small claims court depends on luck, the strength of your case, your attitude, your evidence, what the debtor presents, and your preparation.

8: How to Represent Yourself in Court (U.S.) (with Pictures)

How to Represent Yourself in Court (U.S.) In this Article: Deciding to Sue Initiating the Lawsuit Building Your Case Going to Court Community Q&A In most cases, you are free to represent yourself in court if you choose; and in some states, you are required to do so in small claims court.

9: Introduction to Self-Representation | Justice Education Society

How to Defend Yourself in Court In this Article: Navigating the Legal Process as a Pro Se Defendant Defending Yourself in Civil Court Representing Yourself in Criminal Court Community Q&A Unless you are involved in a small claims dispute or going against another person who is unrepresented, defending yourself in court is a very difficult and.

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The Lighthouse Companion Concerning the Divine Image or the Vision of Adonai Engineering geology and hydrogeology of karst terranes Residential building structural design Voice of an angel Filetype pocket guide to public speaking Capital asset management Verbal aspect in Greek : two approaches Daryl D. Schmidt Integrated chameleon architecture Handbook ocular disease management Sermon preached in Kings chapel, November 22, 1835 Deviant life-styles Aboard the Farragut Class destroyers in World War II New headway elementary Mihu the detective and the mystery of the blue budgie 2014 ford edge service manual filetype Histerkan, or, The assassin of the mountain Death to the captive Captain Careys blunder Agrarian structure and tenancy movements Perspective Richard L. Kobus Understanding engineering mechanics statics andrew pytel Introduction to relativity kogut Chapter 18 america claims an empire The seven mountains of Thomas Merton Art Show Mystery Teacher Resource Guide (Walker High Mysteries) The guardians of childhood book School for scandal Richard Brinsley Sheridan Digestion in monogastric animals V. 3. English-German-French. Learn the british accent fast A Colby Christmas Blind gap moor J.S. Fletcher Heart of the hydra Gay Marshall God provides victory through Gideon A bit of terminology Epidemiology of non-ST-segment elevation acute coronary syndromes: Euro heart survey A. Battler, David Ha Motor vehicle transportation A dipper full of wonder 100 deadliest karate moves