

Small-Claims Court Worksheet

- 🔊 If / when you need to, you can sue someone all by yourself for up to \$5,000.00 without requiring an attorney. (You can always have an attorney help you behind the scenes.)
- 🔊 As with any lawsuit, you had better have a darn good reason... (a damn good one is OK too!)
- 🔊 For example, someone owes you money and is unwilling to pay.
- 🔊 Sometimes a good old-fashioned lawsuit is the only thing that will get their attention – they must respond now. If they don't, you can win by default. Also, if/when you win, you can then file documents to go after their bank account to collect what is owed (if the \$\$\$ is in there).
- 🔊 The more/better prepared you are the better – sometimes, just your preparation and ability to demonstrate to your opponent how much you have on him/her will compel them to settle with you.
- 🔊 The worksheet asks a variety of questions designed to elicit the information needed to prepare for and file a small claims action.
- 🔊 The worksheet also provides tips on preparing for a hearing and how to present the case in court.
- 🔊 The small claims worksheet is a necessary tool for anyone thinking of filing a small claims lawsuit. It is designed to ask the same questions that a judge or magistrate is likely to ask.
- 🔊 Use of this checklist will ensure proper preparation before filing the action and before appearing before the judge.

From JIAN

NOTICE:

We wish we could provide an agreement that was tailored *exactly* to your business. While this is not always possible, we feel that we've come very close and that this document provides you with the head-start that you need to get your deal moving. Nevertheless, we must make this disclaimer:

- 🚫 **Do Not Use This Agreement 'As-Is.'**
- 🚫 **This Agreement Is Not Legal Advice.**
- 🚫 **Read it Thoroughly and Make All Appropriate Changes to Fit Your Requirements.**
- 🚫 **You Should Have this Agreement Reviewed and Approved by a Qualified Attorney at Law Before Using It.**
- 🚫 **JIAN Accepts No Liability for the Effectiveness of This Document For Your Purposes.**

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- Please visit our website under [Updates](#).
- Remember to bookmark our website: www.JIAN.com

Editing Your Sample Contract

Since this entire agreement is formatted in Word, you can edit it like any other Word document. You can jump from variable to variable by clicking the above  green arrows (JIAN Menu) which will take you forward / backward and highlight the entire sample text identified within the “[]” brackets – simply edit / type-over with your information.

To make sure you have filled in all the variables, use Word's 'FIND' function to locate any “[]” which may contain an unedited variable.

- Click the  icon in the JIAN menu above to turn the expert comments on/off.
- Upon completion, delete any unnecessary blank lines that remain.
- You may format this document any way you like.
- Delete this page.

Small-Claims Court Worksheet

Prepared on [Date]
Prepared by [Name of Preparer]
Plaintiff's Name: [Plaintiff's Name]
Plaintiff's Address: [Plaintiff's Address]
Plaintiff's County of Location [County of Residence]

Defendant's Name: [Defendant's Name]
Defendant's Address: [Defendant's Address]
Defendant's County of Location [Defendant's County]



Is case ready for suit to be filed?

🔊 You need to demonstrate/prove that you have made every attempt to collect or settle your dispute by normal means.

1. A “Demand Letter” was sent to defendant on [Date of Demand]

🔊 See also, the “Notice of Past Due Invoice” (all 3 of them)

2. The proper person to be served with the lawsuit is [Enter Name of Person to be Served]

🔊 You know, when the guy knocks on their door and hands them the ‘papers.’

3. “Appeal” the probability that the defendant will appeal, if an adverse judgment is entered against it is: [Enter probability of Appeal]

🔊 Basically they must demonstrate that the judge made a mistake in his/her interpretation of the law and/or facts. Judges don't like having their judgments overturned...

Amount Claimed

1. The total amount of money that you claim you are owed is \$[0,000.00]

2. Itemized damages. The specific itemization of the amount due is as follows:

- [Itemized amount due]
- Xxx
- xxx

🔊 Usually it's up to \$5,000, but to be sure, call your county clerk / courthouse and ask.

3. Small Claims Court limit: The limit for claims in the Small Claims Court is [usually \$5,000.00]

Procedure

1. Contact Clerk of the Small Claims court and determine the following:

- Amount of filing fee: [Amount of filing fee]
- Amount of fee to subpoena witness: [Witness subpoena fees]
- Obtain forms for filing Petition [Verify amount due and obtain sworn statement of amount due from appropriate witness]

- Bring all pertinent documents with you to the Clerk's office to discuss what needs to be attached to the Petition.
- Discuss service of process with the clerk and the best method for serving the defendant. The best method for serving this defendant is [Method of Service].

Filing the Petition


Forward the Petition to the Clerk of the Small Claims Court. Be sure to include the appropriate fee.

Final Preparation

The day before court, call the Clerk to ensure that the defendant has received a copy of the Petition, and that the hearing has not been rescheduled for some reason.

Ask the Clerk the best place to park and what documents you need to bring with you.

- Court papers
- Identification
- Remember also that courthouses will likely have you go through a metal detector for security reasons, so keep that in mind.

The defendant may want to discuss settlement with you at that hearing. If so, have the defendant to put the settlement, in writing, and  include a "date certain" as to when the first payment will be made.

Proceeding to Trial

It is possible that your opponent will not settle your case before going to court and you will have to proceed to trial. If that is the case, you will want to make sure that the following things are in order:

- **Service of Process:** Has the defendant been served? [Date + receipt from process server]
- Do you want the trial recorded? [Transcribed is likely most useful if you need a written record later.]

10 Rules for Courtroom Success

- 1) Dress neatly and conservatively, with clothes appropriate to your position or background.
- 2) Listen carefully to every question. Answer only that question. Do not ramble or volunteer extra information.
- 3) Look at the judge or magistrate when answering questions. Speak clearly and loudly so that he or she can easily hear you.
- 4) If you do not understand a question, request clarification. The person asking the question will rephrase it so you can understand. If you cannot remember a fact, say so.
- 5) Answer the questions with words you normally use and understand. Do not use overly complicated or fancy language – especially if you're not sure of their meanings. Don't use someone else's vocabulary or other stilted speech.
- 6) Be serious and polite at all times. Do not attempt to be cute or clever. You cannot take that risk here. More often than not the humor is lost on the judge or magistrate. In every such instance, the judge or magistrate loses confidence in what you are saying.
- 7) The other party, upon cross-examination, may attempt to confuse you or attempt to get you angry. The idea is to get you to say something stupid or something they can and will use against you. ALWAYS MAINTAIN YOUR TEMPER. Never argue with the other party or the judge.
- 8) You will be allowed to testify only to those matters that you personally saw, heard, and did. Generally, you will not be allowed to talk about what others saw, heard or did. You will not be allowed to speculate or make conclusions or opinions.

- 9) If an objection is made by either side, stop talking. You will accomplish nothing but irritate the judge or magistrate by continuing to talk. If the judge overrules the objection, answer the question. If the judge sustains the objection, do not answer that question; just wait for the next question.
- 10) Above all, always tell the complete truth when answering. Never fabricate or stretch the truth as that helps no one. Somehow, eventually you'll get busted for it and then everything else you've said or will say becomes discredited. The truth is enough.

