

**JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS**

455 Golden Gate Avenue
San Francisco, California 94102-3660

Report

TO: Members of the Judicial Council

FROM: Civil and Small Claims Advisory Committee
Hon. Elihu Berle, Chair
Patrick O'Donnell, Committee Counsel
Small Claims and Limited Cases Subcommittee
Hon. Mary Thornton House, Chair
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DATE: September 23, 2004

SUBJECT: Small Claims Plain-Language Claim Forms (revise form SC-100,
adopt form SC-100A, repeal form SC-160) (Action Required)

Issue Statement

Small claims forms should be drafted in plain English so that they can be easily understood, completed, and filed by laypersons who are representing themselves in small claims court. Access to court may be denied if the forms are too complicated to be understood.

Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective January 1, 2005:

1. Rename mandatory form SC-100 as *Plaintiff's Claim and ORDER to Go to Small Claims Court* and revise it in a plain-language format;
2. Adopt form SC-100A, *Other Plaintiffs or Defendants*, in a plain-language format, to list additional parties when more than one plaintiff is suing or more than one defendant is being sued in small claims court; and
3. Repeal form SC-160, which is replaced by the new plain-language form SC-100A.

Revised form SC-100, new form SC-100A, and repealed form SC-160 are attached at pages 6–12.

Rationale for Recommendations

The Judicial Council has already adopted plain-language forms for domestic violence proceedings under the Family Code. The plain-language forms are valuable where parties often represent themselves and need easy access to court.

Because parties are not allowed to be represented in small claims court, small claims forms are good candidates for conversion into the plain-language format. Plain-language small claims forms will promote the Judicial Council objective of greater access to the courts.

Form SC-100 is the first small claims form that has been circulated for public comment in the plain-language format. This form initiates the action and is usually the only form filed in small claims court. It is served on the defendant, who does not file a responsive pleading. The form instructs the defendant to show up on the date assigned for trial and to bring evidence to prove his or her case. Options available to the defendant, such as settlement, dismissal because the defendant was sued in the wrong court, filing a cross-claim, agreeing with the plaintiff’s claim and paying the money, or changing the trial date are provided on page 4, “Information for the Defendant (the person being sued.)”

Form SC-100A, proposed to replace current form SC-160, is an attachment to form SC-100. It is a simple, technical form for listing additional plaintiffs or defendants if more than one plaintiff is suing or more than one defendant is being sued on the claim. Although not circulated for comment, the Civil and Small Claims Advisory Committee recommends that form SC-100A also be adopted. The remaining small claims forms will likely be converted to the plain-language format and circulated for comment next year.

The purpose of the plain-language forms is to make the forms more accessible to the user. Features of the new forms include:

1. *Layout and style:* All information previously included in the caption is now located in the body of the form. When possible, direct-address pronouns (such as *you*) are used in place of legal terms to make the text easier for self-represented parties to understand. The person filling out the form is guided through the form with white space and prompts.
2. *Form number and title:* The form number and title are prominently displayed in the upper-left corner where a reader may expect to find them. In references to forms, numbers are preferred over titles, as in federal tax forms, because

people remember and refer to form numbers more easily than names. The form title has been modified from *Plaintiff's Claim and Order to Defendant to Plaintiff's Claim and ORDER to Go to Small Claims Court* to help give the plaintiff a confident start and help the defendant understand the nature of the document when served with it.

3. *Footer:* The address of the California Courts Web site is included in the footer to help users find information about small claims court and the forms.
4. *Readability:* The text has been revised to be accessible to users at a sixth-grade reading level and above. The typeface has been changed to a more readable font and is larger than in current forms. The language is simple and direct while preserving the legal meaning. Numbers with a strong graphic presence make it easier to navigate the text. The reader sees them at a glance and understands where things begin and end and how long the process may take.

A few courts expressed concern that it will take time and expense to reprogram court computers to replace the old form with the new form in their electronic case management systems. These are courts that elect to fill out the form for the plaintiff or have a small claims electronic filing Web site that asks the plaintiff a number of questions, the answers to which are then used to complete an electronic version of the form for filing. Information to be completed by the plaintiff on the proposed form is similar to the current form. There are a few changes where additional information is requested, however, such as “mailing address (*if different*)” from the home address; more text about why the defendant owes the plaintiff money and how it was calculated; allowing one additional sheet to be attached if more space is needed; and a revised venue table.

Staff checked with the provider for the Los Angeles small claims electronic filing Web site, who stated that it would take less than one day to incorporate changes that might be required by the new form. The Superior Court of San Diego County estimated that it may take 80 hours or less to reprogram the court's case management system.

The current form has been criticized for not providing enough information about the claim or how the amount claimed was calculated. The additional information requested on the form will help the defendant better understand the nature of the claim and come prepared to defend the claim at trial. This should save time and costs for the court and the parties involved. It may also eliminate the need for trial continuances to gather evidence to defend the claim. The addition of a mailing address if different from the home address will allow effective mailing of subsequent notices and the court judgment. The revised venue table more

accurately describes consumer venue locales for filing a small claims action. Courts would have two and one-half months to make necessary changes that might be required should the Judicial Council adopt the forms on October 15.

Current form SC-100 is provided for comparison with the new form and is attached at pages 13–15.

Alternative Actions Considered

Although plain-language small claims forms are not statutorily required, self-represented parties could be misled and confused by the current forms, resulting in frustration with the judicial system and wasted time for the parties and the courts.

Comments From Interested Parties

Of the 20 comments received in response to revised form SC-100, 5 opposed the plain-language form and the remaining 15 either supported the form outright or made suggestions for improving the form.

One commentator who opposed the form gave no reason. Two commentators liked the current form because it has a more “legal” look (the new form looks like an “application”) and its shorter version is one that a person with average reading skills can understand. The committee believes that increased readability with white space, prompts, and a larger font makes the form easier to navigate. The form has been field-tested several times for comprehension, and its legal implications seem to be understood. After some experience with the form, the committee will be in a better position to assess how well the new form is working.

Several commentators were concerned about a statement on the form allowing for attachments that may result in too many attachments, making it difficult to manage service and filing of the claim form. The committee agreed and amended the form to allow “any pages this form tells you to attach” and to allow only “one sheet of paper” to be attached if more space is needed to explain why the defendant owes money. A couple of commentators suggested that the plaintiff attach a copy of the accounting in collection cases to help the defendant know how the amount sued for was calculated. The committee agreed in principle, but, after spending considerable time exploring the suggestion, concluded that attaching an accounting may complicate the process and could result in filing problems.

The old form required the names and addresses of the parties to be placed in boxes. These were aligned on the form for easy mailing by the clerk in window envelopes. Proposed forms SC-100 and SC-100A do not use the box format but use the “name, address, city” format. The committee determined that users’ language needs should be given preference over efficiency of mailing in a window envelope. The form has been field-tested several times and substantial feedback

was obtained on format options for parties' responses. The committee also added a court address line in the trial date box for the court to complete should the trial be held at a different court location. Additional lines for trial resets were also added in response to several comments. The Spanish warning found on the current form has been added. Many other suggestions for improving the form have been incorporated.

A chart with comments and committee responses is attached at pages 16–30.

Implementation Requirements and Costs

Although the information to be filled out on the current form and the proposed form are substantially the same, several courts have indicated that some retooling of the court's existing case management system may be required.

Attachments

Clerk stamps date here when form is filed.

**DRAFT 20
09-23-04**

Notice to the person being sued:

- You are the Defendant if your name is listed in ② on page 2 of this form. The person suing you is the Plaintiff.
- You and the Plaintiff must go to court on the trial date listed below. If you do not go to court, you may lose the case.
- If you lose, the court can order that your wages, money, or property be taken to pay this claim.
- Bring witnesses, receipts, and any evidence you need to prove your case.
- Read pages 2 and 3 of this form to understand the Plaintiff's claim against you and page 4 of this form to protect your rights.

Fill out court name and street address:

Superior Court of California, County of

Aviso al demandado:

- Usted es el Demandado si su nombre figura in ② de la página 2 de este formulario. La persona que lo demanda es el Demandante.
- Usted y el Demandante tienen que presentarse en la corte en la fecha del juicio indicada a continuación. Si no se presenta, puede perder el caso.
- Si pierde el caso la corte podría ordenar que le quiten de su sueldo, dinero u otros bienes para pagar este reclamo.
- Lleve testigos, recibos y cualquier otra prueba que necesite para probar su caso.
- Lea las páginas 2 y 3 de este formulario para entender la demanda en su contra y la página 5 de este formulario para proteger sus derechos.

Clerk fills in case number when form is filed.

Case Number:

Order to Go to Court

The people in ① and ② must go to court on: (Clerk fills out below)

Trial Date	Date	Time	Department	Name and address of court if different from above
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____

Date: _____ Clerk by, _____, Deputy

Instructions for the person suing:

- You are the Plaintiff. The person you are suing is the Defendant.
- Before you fill out this form, read Form SC-150, *Information for the Small Claims Plaintiff*, to know your rights. Get SC-150 at any courthouse, county law library, or go to: www.courtinfo.ca.gov/forms
- Fill out pages 2 and 3 of this form. Then take or mail it to the courthouse clerk's office and pay your fee. The clerk will write your trial date in the box above.
- You must have someone 18 or over—not you or anyone else involved with this case—give each Defendant a copy of all 5 pages of this form and any pages this form tells you to attach. Keep a copy for your records.
- **Go to court on your trial date listed above.** Bring witnesses, receipts, and any evidence you need to prove your case.



Your name: _____

Describe your claim:**1 The Plaintiff (the person who is suing) is:**

Name: _____ Phone: _____

Home address: _____

City: _____ State: _____ Zip: _____

Mailing address (if different): _____

City: _____ State: _____ Zip: _____

If more than one person is suing, attach Form SC-100A and check here: Is this Plaintiff doing business under a fictitious name? Yes No

If yes, attach Form SC-103 and write Fictitious Business Statement number here: _____

2 The Defendant (the person being sued) is:

Name: _____ Phone: _____

Home address: _____

City: _____ State: _____ Zip: _____

Mailing address (if different): _____

City: _____ State: _____ Zip: _____

If more than one person is being sued, attach Form SC-100A and check here:

If any Defendant is on active military duty, write his or her name here: _____

3 The Plaintiff claims the Defendant owes \$ _____ . (Explain below):

a. Why does the Defendant owe the Plaintiff money? _____

b. When did this happen? (Date): _____

If no specific date, give the time period: Date started: _____ Through: _____

c. How did you calculate the money owed to you? _____

 Check here if you need more space. Attach one sheet of paper or Form MC-030 and write "SC-100, Item 3" at the top.
4 You must ask the Defendant (in person, in writing, or by phone) to pay you before you sue.Have you done this? Yes No

If no, explain why not: _____



Your name: _____

5 Why are you filing your claim at this courthouse?**This courthouse covers the area** (check all that apply):

- a. (1) Where a contract (written or spoken) was made, signed, performed, or broken by the Defendant *or* where the Defendant lived when the Defendant made the contract.
- (2) Where the Defendant lives or does business.
- (3) Where the Plaintiff's property was damaged.
- (4) Where the Plaintiff was injured.
- b. Where the Plaintiff signed the contract or lives (or lived) if this claim is about an offer or contract for personal, family, or household goods, services, or loans. (*Code Civ. Proc.*, § 395(b))
- c. Where the Plaintiff signed the contract or lives (or lived) if this claim is about a retail installment contract (like a credit card). (*Civil Code*, § 1812.19)
- d. Where the Plaintiff signed the contract or lives (or lived) if this claim is about a vehicle finance sale. (*Civil Code*, § 2984.4)
- e. Other (*specify*): _____

6 List the zip code of the place checked in 5 above (if you know): _____**7 Is your claim about an attorney-client fee dispute?** Yes NoIf yes, and if you have had arbitration, fill out Form SC-101, attach it to this form and check here: **8 Are you suing a government agency?** Yes NoIf yes, you must file a written claim with the agency first. A claim was filed on (date): _____

If the government agency denies your claim or does not answer within the time allowed by law, you can file this form.

9 Have you filed more than 12 other small claims within the last 12 months in California? Yes No If yes, the filing fee for this case will be higher.**10 I understand that by filing a claim in small claims court:****• I have no right to appeal this claim, and****• I cannot file, and have not filed, more than one other small claim for more than \$2,500 in California during this calendar year.**

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

Date: _____

Type or print your name

Sign your name

Keep a copy of all your forms.**Requests for Accommodations**Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before the trial. Contact the clerk's office for *Request for Accommodations by Persons With Disabilities and Order* (Form MC-410). (*Civil Code*, § 54.8)

“**Small claims court**” is a special court where claims for \$5,000 or less are decided. The process is quick and cheap. The rules are simple and informal.

You are the Defendant—the person being sued. The person who sued you is the Plaintiff.

Do I need a lawyer?

You may talk to a lawyer before or after the case. But you *may not* have a lawyer represent you in court (unless this is an appeal).

How do I get ready for court?

Read “Get Ready for Court” at:
www.courtinfo.ca.gov/selfhelp/smallclaims/getready.htm

What if I need an accommodation?

If you have a disability or are hearing impaired, fill out Form MC-410, *Request for Accommodations*. Give the form to the court clerk or the ADA/Access Coordinator for your court.

What if I don’t speak English well?

Bring someone—like a relative or friend—who can interpret for you in court. The court cannot give you an interpreter. But the clerk can give you a list of interpreters. (Interpreters usually charge a fee.)

Where can I get the court forms I need?

Go to any courthouse or your county law library, or print forms at: www.courtinfo.ca.gov/forms

What happens at the trial?

The judge will listen to both sides. The judge may make a decision at your trial or mail the decision to you later.

What if I lose the case?

If you lose, you can appeal. You’ll have to pay a fee. (The Plaintiff cannot appeal.)

- If you were at the trial, file Form SC-140, *Notice of Appeal*. You must file within 30 days after the judge’s decision.
- If you were *not* at the trial, fill out and file Form SC-135, *Notice of Motion to Vacate Judgment and Declaration*, to ask the judge to cancel the judgment (decision). If the judge does not give you a new trial, you have 10 days to appeal the decision. File Form SC-140.

For more information on appeals, see:
www.courtinfo.ca.gov/selfhelp/smallclaims/appeal.htm

Do I have options?

Yes. If you are being sued, you can:

- **Settle your case before the trial.** If you and the Plaintiff agree on how to settle the case, you must both notify the court. Ask the Small Claims Advisor for help.
- **Prove this is the wrong court.** Send a letter to the court *before* your trial, explaining why you think this is the wrong court. Ask the court to dismiss the claim. You must serve (give) a copy of your letter (by mail or in person) to all parties. (Your letter to the court must say you have done this.)
- **Go to the trial and try to win your case.** Bring witnesses, receipts, and any evidence you need to prove your case. To make sure the witnesses go to the trial, fill out Form SC-107 and the clerk will subpoena (order) them to go.
- **Sue the person who sued you.** File Form SC-120, *Defendant’s Claim*. There are strict filing deadlines you must follow.
- **Agree with the Plaintiff’s claim and pay the money.** Or, if you can’t pay the money now, go to your trial and say you want to make payments.
- **Let the case “default.”** If you don’t settle and do not go to the trial (default), the judge may give the Plaintiff what he or she is asking for and court costs. If this happens, the Plaintiff can legally take your money, wages, and property to pay the judgment.

What if I need more time?

You can change the trial date if:

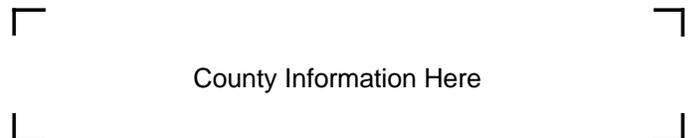
- You cannot go to court on the scheduled date (you will have to pay a fee to continue the trial), *or*
- You did not get served (receive this order to go to court) at least 15 days before the trial (or 20 days if you live outside the county), *or*
- You need more time to get an interpreter. One postponement is allowed, and you will not have to pay a fee to delay the trial.

Write to the court before the trial and explain why you want a postponement. Enclose a check if you have to pay a fee, unless a waiver was granted.



Need help?

Your county’s Small Claims Advisor can help for free. Go to “County-Specific Court Information” at: www.courtinfo.ca.gov/selfhelp/smallclaims



La “**Corte de reclamos menores**” es una corte especial donde se deciden casos por \$5,000 ó menos. El proceso es rápido y barato. Las reglas son sencillas e informales.

Usted es el Demandado — la persona que se está demandando. La persona que lo está demandando es el Demandante.

¿Necesito un abogado?

Puede hablar con un abogado antes o después del caso. Pero no puede tener a un abogado que lo represente ante la corte (a menos que se trate de una apelación).

¿Cómo me preparo para ir a la corte?

Lea “Prepárese para la corte” en: www.courtinfo.ca.gov/selfhelp/espanol/reclamosmenores/prepararse.htm

¿Qué hago si necesito una adaptación?

Si tiene una discapacidad o tiene impedimentos de audición, llene el formulario MC-410, *Request for Accomodations*. Entregue el formulario al secretario de la corte o al Coordinador de Acceso/ADA de su corte.

¿Qué pasa si no hablo bien inglés?

Lleve consigo a alguien, ya sea un pariente o amigo, que pueda servirle de intérprete en la corte. La corte no le puede dar un intérprete. Pero el secretario le puede entregar una lista de intérpretes. (Los intérpretes en general cobran un honorario.)

¿Dónde puedo obtener los formularios de la corte que necesito?

Vaya a cualquier edificio de la corte, la biblioteca legal de su condado o imprima los formularios en: www.courtinfo.ca.gov/forms

¿Qué pasa en el juicio?

El juez escuchará a ambas partes. El juez puede tomar su decisión durante la audiencia o enviársela por correo después.

¿Qué pasa si pierdo el caso?

Si pierde, puede apelar. Tendrá que pagar una cuota. (El Demandante no puede apelar.)

- Si estuvo presente en el juicio, llene el formulario SC-140, *Aviso de apelación*. Tiene que presentarlo dentro de 30 días después de la decisión del juez.
- Si *no* estuvo en el juicio, llene y presente el formulario SC-135, *Aviso de petición para anular el fallo y Declaración* para pedirle al juez que anule el fallo (decisión). Si la corte no le otorga un nuevo juicio, tiene 10 días para apelar la decisión. Presente el formulario SC-140.

Para obtener más información sobre las apelaciones, vea: www.courtinfo.ca.gov/selfhelp/espanol/reclamosmenores/apelar.htm

¿Tengo otras opciones?

Sí. Si lo están demandando, puede:

- **Resolver su caso antes del juicio.** Si usted y el Demandante se ponen de acuerdo en resolver el caso, ambos tienen que notificar a la corte. Pídale al Asesor de Reclamos Menores que lo ayude.
- **Probar que es la corte equivocada.** Envíe una carta a la corte *antes* del juicio explicando por qué cree que es la corte equivocada. Pídale a la corte que despida el reclamo. Tiene que entregar (dar) una copia de su carta (por correo o en persona) a todas las partes. (Su carta a la corte tiene que decir que hizo la entrega.)
- **Ir al juicio y tratar de ganar el caso.** Lleve testigos, recibos y cualquier prueba que necesite para probar su caso. Para asegurarse que los testigos vayan al juicio, llene el formulario SC-107 y el secretario emitirá una orden de comparecencia ordenándoles que se hagan presentes.
- **Demandar a la persona que lo demandó.** Presente el formulario SC-120, *Reclamo del demandado*. Hay fechas límite estrictas que debe seguir.
- **Aceptar el reclamo del Demandante y pagar el dinero.** O, si no puede pagar en ese momento, vaya al juicio y diga que quiere hacer los pagos.
- **No ir al juicio y aceptar el fallo por falta de comparecencia.** Si no llega a un acuerdo con el Demandante y no va al juicio (fallo por falta de comparecencia), el juez le puede otorgar al Demandante lo que está reclamando más los costos de la corte. En ese caso, el Demandante legalmente puede tomar su dinero, su sueldo o sus bienes para cobrar el fallo.

¿Qué hago si necesito más tiempo?

Puede cambiar la fecha del juicio si:

- No puede ir a la corte en la fecha programada (Tendrá que pagar una cuota para aplazar el juicio), o
- No le entregaron los documentos legalmente (no recibió la orden para ir a la corte) por lo menos 15 días antes del juicio (ó 20 días si vive fuera del condado), o
- Necesita más tiempo para conseguir intérprete. (Se permite un solo aplazamiento sin tener que pagar cuota para aplazar el juicio).

Escriba a la corte antes del juicio y explique por qué quiere aplazar el juicio. Si tiene que pagar una cuota, adjunte un cheque, a menos que le hayan dado una exención.



¿Necesita ayuda? El Asesor de Reclamos Menores de su condado le puede ayudar sin cargo. Vea “Información por condado” en:

www.courtinfo.ca.gov/selfhelp/espanol/reclamosmenores

County Information Here

Case Number: _____

This form is attached to Form SC-100, Item 1 or 2.

1 If more than one person is suing, give names of other Plaintiffs (people who are suing) below:

Other Plaintiff's name: _____ Phone: _____

Home address: _____

City: _____ State: _____ Zip: _____

Mailing address (if different): _____

City: _____ State: _____ Zip: _____

Is this Plaintiff doing business under a fictitious name? Yes No

If yes, attach SC-103 and write Fictitious Business Statement number here: _____

Other Plaintiff's name: _____ Phone: _____

Home address: _____

City: _____ State: _____ Zip: _____

Mailing address (if different): _____

City: _____ State: _____ Zip: _____

Is this Plaintiff doing business under a fictitious name? Yes No

If yes, attach SC-103 and write Fictitious Business Statement number here: _____

Other Plaintiff's name: _____ Phone: _____

Home address: _____

City: _____ State: _____ Zip: _____

Mailing address (if different): _____

City: _____ State: _____ Zip: _____

Is this Plaintiff doing business under a fictitious name? Yes No

If yes, attach SC-103 and write Fictitious Business Statement number here: _____

2 If more than one person is being sued, give the names of other Defendants (people who are being sued) below:

Other Defendant's name: _____ Phone: _____

Home address: _____

City: _____ State: _____ Zip: _____

Mailing address (if different): _____

City: _____ State: _____ Zip: _____

Other Defendant's name: _____ Phone: _____

Home address: _____

City: _____ State: _____ Zip: _____

Mailing address (if different): _____

City: _____ State: _____ Zip: _____

Other Defendant's name: _____ Phone: _____

Home address: _____

City: _____ State: _____ Zip: _____

Mailing address (if different): _____

City: _____ State: _____ Zip: _____

Name and Address of Court:

SMALL CLAIMS CASE NO.

Names and addresses of additional plaintiffs and defendants:	<i>Nombres y direcciones de los demandantes y demandados adicionales:</i>
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PLAINTIFF/DEMANDANTE DEFENDANT/DEMANDADO
(Name and address)

PLAINTIFF/DEMANDANTE DEFENDANT/DEMANDADO
(Name and address)

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PLAINTIFF/DEMANDANTE DEFENDANT/DEMANDADO
(Name and address)

PLAINTIFF/DEMANDANTE DEFENDANT/DEMANDADO
(Name and address)

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PLAINTIFF/DEMANDANTE DEFENDANT/DEMANDADO
(Name and address)

PLAINTIFF/DEMANDANTE DEFENDANT/DEMANDADO
(Name and address)

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PLAINTIFF/DEMANDANTE DEFENDANT/DEMANDADO
(Name and address)

PLAINTIFF/DEMANDANTE DEFENDANT/DEMANDADO
(Name and address)

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Repeal

When space is not available on a small claims form, this form may be used to list additional plaintiffs and defendants. If this form is used, be sure to attach it to the accompanying small claims form and serve both together on the plaintiffs and defendants as provided by law.

SMALL CLAIMS CASE NO.:

<p>— NOTICE TO DEFENDANT — YOU ARE BEING SUED BY PLAINTIFF</p> <p>To protect your rights, you must appear in this court on the trial date shown in the table below. You may lose the case if you do not appear. The court may award the plaintiff the amount of the claim and the costs. Your wages, money, and property may be taken without further warning from the court.</p>	<p>— AVISO AL DEMANDADO — A USTED LO ESTAN DEMANDANDO</p> <p>Para proteger sus derechos, usted debe presentarse ante esta corte en la fecha del juicio indicada en el cuadro que aparece a continuación. Si no se presenta, puede perder el caso. La corte puede decidir en favor del demandante por la cantidad del reclamo y los costos. A usted le pueden quitar su salario, su dinero, y otras cosas de su propiedad, sin aviso adicional por parte de esta corte.</p>
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PLAINTIFF/DEMANDANTE (Name, street address, mailing address, and telephone number of each):	DEFENDANT/DEMANDADO (Name, street address, mailing address, and telephone number of each):
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Telephone No.:	Telephone No.:
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Telephone No.:	Telephone No.:
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Fict. Bus. Name Stmt. No.	Expires	<input type="checkbox"/> See attached sheet for additional plaintiffs and defendants.
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Repeal

PLAINTIFF'S CLAIM

1. a. Defendant owes me the sum of: \$ _____, not including court costs, because *(describe claim and date)*:
 b. I have had an **arbitration of an attorney-client fee dispute**. *(Attach Attorney-Client Fee Dispute form (see form SC-101).)*
 2. This claim is against a government agency, and I filed a claim with the agency. My claim was denied by the agency, or the agency did not act on my claim before the legal deadline. *(See form SC- 150.)*
 3. a. I have asked defendant to pay this money, but it has not been paid.
 b. I have NOT asked defendant to pay this money because *(explain)*:
 4. This court is the proper court for the trial because *(In the box at the left, insert one of the letters from the list called "Venue Table" on page 3. If you select D, E, or F, specify additional facts in this space):*

 If known, please give the zip code for the location of the letter you put in the box *(zip code)*:
 5. I have have not filed more than one other small claims action anywhere in California during this calendar year in which the amount demanded is more than \$2,500.
 6. I have have not filed more than 12 small claims, including this claim, during the previous 12 months.
 7. I understand that
 - a. I may talk to an attorney about this claim, but I cannot be represented by an attorney at the trial in the small claims court.
 - b. I must appear at the time and place of trial and bring all witnesses, books, receipts, and other papers or things to prove my case.
 - c. **I have no right of appeal on my claim**, but I may appeal a claim filed by the defendant in this case.
 - d. If I cannot afford to pay the fees for filing or service by a sheriff or marshal I may ask that the fees be waived.
 8. I have received and read the information sheet (form SC-1 50) explaining some important rights of plaintiffs in the small claims court.
 9. No defendant is in the military service except *(name)*:
- I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

(TYPE OR PRINT NAME)
(SIGNATURE OF PLAINTIFF)

ORDER TO DEFENDANT

You must appear in this court on the trial date and at the time LAST SHOWN IN THE BOX BELOW if you do not agree with the plaintiff's claim. Bring all witnesses, books, receipts, and other papers or things with you to support your case.

TRIAL DATE	DATE	DAY	TIME	PLACE	COURT USE
FECHA DEL JUICIO					

Filed on *(date)*: _____ Clerk, by _____, Deputy

— The county provides small claims advisor services free of charge. Read the information on the reverse. —

— ¿CÓMO PODRÁ OBTENER AYUDA EN SU CASO? —

CONSEJEROS PARA RECLAMOS DE MENOR CUANTÍA — La ley exige que cada condado ofrezca ayuda gratis en casos de reclamos de menor cuantía. Pida al actuario (Court Clerk) que le dé el número de teléfono en su condado. (*Ver 5.e.*)

INTÉRPRETES — Si usted no habla inglés, puede ir a la corte en compañía de un miembro de su familia o una amistad. La corte debe mantener una lista de intérpretes que ofrecen servicios de interpretación. Algunos intérpretes cobran un precio razonable, otros no cobran. Si usted no puede encontrar un(a) intérprete para la audiencia programada, la corte deberá posponer la audiencia una sola vez para darle tiempo de obtener servicios de interpretación.

FACILIDADES — Si usted tiene algún impedimento y necesita ayuda, tenga la bondad de pedir de inmediato que la corte le ayude a satisfacer su necesidad. Si tiene dificultades para oír, informe a la corte de inmediato.

INFORMATION FOR DEFENDANT

1. **What is the small claims court?** The small claims court is a special court in which disagreements are resolved quickly and cheaply. A small claim must be for \$5,000 (**see below*) or less. With some exceptions no party may file more than two small claims actions in which the amount demanded is more than \$2,500 anywhere in the state in a calendar year. The party who sues is called a **plaintiff**. The party who is sued is called a **defendant**. Neither party can be represented by a lawyer at the trial, but either party may talk to a lawyer about the case.
2. **What can you do if you are sued in the small claims court?**
 - a. **Settle.** You may settle your case before the trial. If you do, be sure that the plaintiff files a dismissal form with the court. If you would like help in settling your case, ask the small claims advisor (see No. 5, below) to refer you to an alternative dispute resolution provider.
 - b. **Default.** If you do not go to the trial, it is called a **default**. The plaintiff may win the amount of the claim and interest. The plaintiff may then be able to use legal procedures to get your money or property to pay the judgment.
 - c. **Appear and Contest.** You may go to the trial and disagree with the plaintiff's claim. If you do, bring all witnesses, books, receipts, and other papers or things to prove your case. You may ask the witnesses in your case to go to the trial or, before the trial, you may ask the clerk of the court to issue a **subpoena**. A subpoena is a court order that requires the witness to go to the trial.
 - d. **Appear and Request Payments.** You may agree with the plaintiff's claim, but you may be unable to pay the money all at once. You may then choose to go to the trial and ask the court to order payments you can afford.
 - e. **Postpone.** If you live in the county where the claim was filed, you must be served with a copy of the claim at least 15 days before the trial. If you live outside the county, you must be served at least 20 days before the trial. If you did not receive the claim within these time limits, you may ask the court for a postponement. (No fee charged.)

If you cannot attend the hearing on the date scheduled, write to the court before the hearing date and tell why, and ask the court to postpone the hearing. (Fee charged.) You must file your request at least 10 days before the hearing or give good cause why it is filed late. You must mail or personally deliver a copy of your request to all parties and declare that you have done so in your request.
 - f. **Challenge Venue.** If you believe the plaintiff's claim was filed in the wrong court (see Venue Table on page 3), write to the court before the hearing date, explain why you think so, and ask the court to dismiss the claim. You must mail or personally deliver a copy of your request to all parties and declare that you have done so in your request.
3. **What can you do if you also have a claim against the person who sued you?** A claim against the person who sued you is called a *Defendant's Claim* (form SC-120). Ask the clerk for this form to file your claim. The claim must not be for more than \$5,000.* If you received your copy of the plaintiff's claim less than 10 days before the trial date, you must have the plaintiff served with your claim at least 1 day before the trial date. If you received your claim more than 10 days before the trial date, you must have the plaintiff served with your claim at least 5 days before the trial date. The court will hear both claims at the same time.
4. **What happens after trial?** The court will deliver or mail to you a copy of a form called the *Notice of Entry of Judgment* (form SC-130). This form tells you how the case was decided. If you disagree with the court's decision, you may appeal the judgment on the plaintiff's claim. You may not appeal your own claim. If you appeared at the trial, you must begin your appeal by filing a *Notice of Appeal* (form SC-140) and pay the required fees within 30 days after the date the *Notice of Entry of Judgment* was mailed or handed to you. If you did not appear at the trial, you must first ask the court to vacate or cancel the judgment. To make this request, you must file a *Motion to Vacate the Judgment* (form SC-135) and pay the required fees within 30 days after the date the *Notice of Entry of Judgment* was mailed or handed to you. If your request is denied, you then have 10 days from the date the notice of denial was mailed or handed to you to file an appeal.
5. **How can you get help with your case?**
 - a. **Minors.** If you are under 18 years old, you should tell the clerk. You are too young to act for yourself in the case. You must ask the court to appoint someone to act for you. That person is called a **guardian ad litem**.
 - b. **Interpreters.** If you do not speak English, you may take a family member or friend to court with you. The court should keep a list of interpreters who will interpret for you. Some interpreters charge a reasonable or no fee. If an interpreter is not available, the court must postpone the hearing one time only so that you have time to get one.
 - c. **Accommodations.** If you have a disability and need assistance, please ask the court immediately to help accommodate your needs. If you are hearing impaired and need assistance, please notify the court immediately.
 - d. **Forms.** You can get small claims forms and more information at the California Courts Self-Help Center Web site (www.courtinfo.ca.gov), your county law library, or at the courthouse nearest you.
 - e. **Small Claims Advisors.** The law requires each county to provide assistance in small claims cases free of charge. (*Small claims advisor information*):

* The \$5,000 limit does not apply, and a \$4,000 limit applies, if a "defendant guarantor . . . is required to respond based upon the default, actions, or omissions of another" (\$2,500 if the defendant guarantor does not charge a fee for the service).

VENUE TABLE

The plaintiff must file the claim in the proper court and location. This rule is called **venue**. Below are possible reasons for filing the claim in this court. Check the court's local rules if there is more than one court location in the county handling small claims cases. *If you are the plaintiff, insert the proper letter from the list below in item 4 on page 1 and specify additional facts for D, E, or F. This court is the proper court for the trial of this case because:*

- A. a defendant lives in the area of this court location or a defendant corporation or unincorporated association has its principal place of business in the area of this court location.
- B. a person was injured or personal property was damaged in the area of this court location.
- C. a defendant signed or entered into a contract in the area of this court location, a defendant lived in the area of this court location when the contract was entered into, a contract or obligation was to be performed in the area of this court location, or, if the defendant was a corporation, the contract was breached in the area of this court location.
- D. the claim is on a retail installment account or contract subject to Civil Code section 1812.10. *(Specify facts on page 1.)*
- E. the claim is on a vehicle finance sale subject to Civil Code section 2984.4. *(Specify facts on page 1.)*
- F. other. *(Specify facts on page 1.)*

Repeal

Small Claims Plain Language Claim Form
(revise form SC-100)
SPR04-15

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
1.	Mr. Greg Blevins Small Claims Advisor Blevins Law Firm Tulare, California	A	N	None.	No response needed.
2.	Ms. Naida Castro Division Chief Superior Court of Los Angeles County Los Angeles, California	AM	Y	<ol style="list-style-type: none"> 1. We would prefer to keep the old title: Plaintiff’s Claim and Order to Defendant. 2. The box for the Court’s address should be above the instructions “The court fills out these boxes” because the court address is completed by the plaintiff, not the clerk. 3. Third bullet point on the left side – We recommend replacing “Court Clerk” to “courthouse”. 4. Item #10 on page 2 of the form – We recommend replacing “a” with “this”. 5. First bullet point under item 10 – We recommend replacing “my” with “this”. 6. Fourth paragraph on page 3, left column – move “fill out form MC-410 immediately after the comma. It should read: “If you have a disability or are hearing impaired, fill out form MC-410 and tell the court clerk...” It would be best if the person completes the form first. 7. Eight paragraph on page 3, left 	<p>Agree in part. See revised form.</p> <p>Instructions have been added to “Fill out court name and address:”</p> <p>Agree. See revised form.</p>

Small Claims Plain Language Claim Form
(revise form SC-100)
SPR04-15

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>column – “I” is missing; should be “What if I lose the case?”</p> <p>8. Fifth bullet point on the right column – The word “Or” is not necessary.</p> <p>9. Six bullet point, right column – replace dashes (-) with numbers, delete (you will have to pay a fee), and add a second sentence to the last paragraph under this bullet “You will have to pay a fee to postpone your hearing, unless you were untimely served. The fee is \$10.00.”</p>	<p>Agree. See revised form.</p> <p>Agree that fee information should be included on form. See revised form. Dollar number of fee could change and therefore the fee amount is not stated.</p>
3.	Mr. Gerry De Meo Small Claims Supervisor Southern and Central Branch Superior Court of California, County of San Mateo	N	N	<p>(2) Response to revised SC 100: I see a problem with the form that may apply to San Mateo County. In San Mateo County there are three small claims divisions. Night Court is only held in the Central Branch. Litigants who file in the Southern or Northern Branch may request that their hearing be held in the Central Branch on the evening calendar. The new form only reflects a room number; we need a space to put in the address of the hearing in case a litigant requests night court.</p> <p>(3) In the first paragraph of the new form under ‘IF YOU ARE SUING’ line four: Serve the defendant(s) all 3 pages of this form and any pages you attach. I am afraid that litigants will think they can attach statements, etc. to the</p>	<p>Agree. See revised form. See also comment 6 from same court.</p> <p>Agree. Plaintiff is told to serve “any pages this form tells you to attach.” Item 3c tells the plaintiff to attach “one sheet of paper” if more space is needed. See revised form. See also comments 6 and 18.</p>

Small Claims Plain Language Claim Form
(revise form SC-100)
SPR04-15

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				service papers. If they request certified mail and submit attachments this will definitely be a problem for the courts having to mail out all of these attachments.	
4.	Ms. Linda Durand Senior Court Program Manager Superior Court of California, County of Ventura Ventura	AM	N	On information sheet under “What if I lose the case”, the second bullet, add the name of the form after SC-135 “Motion to Vacate”. This will keep continuity with the first bullet point as it lists SC140-Notice of Appeal.	Agree. See revised form.
5.	Mr. Harold Garcia-Shelton Attorney Bay Area Legal Aid San Jose, California	A	N	The use of Plain English is good.	No response needed.
6.	Mr. Timothy Gee Management Analyst III Superior Court of California, County of San Mateo	AM	Y	<p>Form SC-100 should be changed to include space under the “date, time an location of trial” to insert a court address instead of the “Room number”. In our county there are three small claims divisions. Night Court is only held in the Central Branch. Litigants who file I the Southern or Northern Branch may request that their hearing be held in the Central Branch on the evening calendar. Space is needed on the form so that in addition to the room number, the address of the court facility, other than where the case is being filed, can be inserted.</p> <p>Also in the first paragraph of the new form under “IF YOU ARE SUING” line four: Serve the defendant(s) all 3 pages of this form and any pages you attach. Does this wording invite litigants to believe that they can attach statements etc. to the service papers. If</p>	<p>Agree. See revised form. See also comment 3 from same court.</p> <p>Agree. See also comments 3, 10, and 18.</p>

Small Claims Plain Language Claim Form
(revise form SC-100)
SPR04-15

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				they request certified mail and submit attachments this will definitely be a problem for the courts having to mail out all of these attachments.	
7.	Mr. Thomas M. Gordon Director, Small Claims Reform Project <i>HALT, an Organization of Americans for Legal Reform</i> Washington, DC	A	Y	<p>In behalf of HALT, an Organization of Americans for Legal Reform, a national advocacy organization dedicated to increasing accessibility and accountability in the civil justice system with 50,000 members nationwide and over 11,000 members in California, urge you to ask that the Judicial Council report favorably the Small Claims Plain Language Claim form.</p> <p>SPR04-15 will help to ensure that all Californians can access small claims courts by making the forms easier to understand and especially important for the users of small claims court who represent themselves. Lawyers often underestimate how confusing and difficult it is for non-lawyers to navigate the lawyer-deigned court system. These forms will make the courts more user-friendly for non-lawyers and help to achieve the Judicial Council's goal of increasing consumer's access to the courts.</p> <p>The redesigned and renamed small claims form proposed by SPR04-15 is a marked improvement over the Court's current small claims court form as well as similar plain language forms implemented in other western states, such as Arizona and Idaho. By using direct address pronouns (such as <i>you</i>) instead of legal jargon, the proposed small claims court form will be easier for non-lawyers to understand. Also, by explaining legal terms, such as plaintiff and defendant, on the form itself, non-lawyer consumers</p>	No response needed. Commentator supports form.

Small Claims Plain Language Claim Form
(revise form SC-100)
SPR04-15

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				<p>will be less confused by the court process. Moreover, adding the California Courts Web address to the form itself will help consumers find information about small claims court and the process of filing a claim.</p> <p>HALT also encourages the Judicial Council to voice its support for legislation that would increase California’s small claims jurisdictional limit to \$10,000 – a proposal that is currently before the California Law Revision Commission and the Judicial Council. Together, plain language forms and an increase in the small claims court jurisdictional limit will ensure that California courts remain the archetype to which all other states aspire.</p> <p>HALT believes that SPR04-15 would help to ensure that everyone has access to small claims court, which is the only forum where most Californians can seek a resolution of their everyday disputes. The proposed plain language small claims form is a marked improvement of the current form and explains the small claims process while gathering information in a way that a non-lawyer can understand. We urge you to report favorably on SPR04-15.</p>	
8.	Ms. Kim Hubbard, President Orange County Bar Association Irvine, California	N	N	The existing form is already simple, and can be easily understood by a layperson. The proposed “plain English” form requires an additional page, but provides no additional information that could not be easily understood by anyone reading the old form who has reasonable intelligence.	The committee believes that increased readability with white space and prompts, and a larger font, makes the form easier to navigate. The form has been field tested several times for comprehension. After some experience with the form, we will be in better position to determine how well

Small Claims Plain Language Claim Form
(revise form SC-100)
SPR04-15

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				The words “Order to Go To Court” appearing at the top of the form may be misinterpreted to mean that the form is in the nature of a Subpoena. Instead, it would be helpful to add a statement that the defendant is not obligated to appear at all if the defendant does not wish to contest the claim.	the form is working. Agree in part. See revised second bullet under “order to appear at trial.”
9.	Judicial Assistant Small Claims Clerk of the Superior Court Superior Court of California, County of Santa Barbara	N	N	None.	No response needed.
10.	Mr. Stephen V. Love Executive Officer Superior Court of California, County of San Diego	N	Y	The following comments were received from our court managers: This form is more confusing than the worksheet currently used. It will result in major re-work of existing case management systems that currently print out the Claim of Plaintiff form for service. The old form is conducive to mailing with the participant information boxes aligned for window envelopes. This new form negates that capability. In addition, the fifth bullet on page one should say: “Attach any required forms.” The current verbiage	The committee acknowledges that some retooling may be required and expenses incurred to implementing the plain language forms. See also comment 12. Users’ language needs should be given preference over efficiency of mailing in a window envelope. The form has been field tested several times and substantial feedback obtained on format options that parties respond to. See also comment 19. Agree. See revised form. See also

Small Claims Plain Language Claim Form
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				<p>“any pages you attach” may be interpreted to mean exhibits or other evidence. Page two item (c) may lead to lengthy explanations requiring more staff time to enter into system. Delaying implementation is recommended. However, this form needs to be made litigant, court clerk and case management friendly.</p>	comments 3, 6, and 18.
11.	Ms. Kathy Maderos Supervising Legal Clerk III Superior Court of California, County of Stanislaus	N	N	<p>Format looks more like an application or info. sheet. Though litigants are self-represented, I believe a more legal look is called for. No place to re-set – this will be extra expense and more work. (New copies needed and need to re-type instead on addition of new appear data.)</p>	<p>The form has been field tested several times and its legal implications seem to be understood by pro pers. Agree. See revised form.</p>
12.	Ms. Patti Morua-Widdows Court Program Manager Superior Court of California, County of Ventura	AM	N	<p>The mandatory implementation date should be December 2006.</p> <p>SC-100 form, under # 10, second bullet should read “I have not filed more than one other small claim for \$2,500 in California during this calendar year.” Remove words “cannot file.”</p>	<p>The committee acknowledges that some retooling may be required and expenses incurred to implementing the plain language forms. Therefore the committee recommends that courts be allowed to use the old form for two years. See also comment 10.</p> <p>The committee prefers “cannot” because it is necessary to be clear and to direct the claimant to small claims limitations.</p>
13.	Sharon Ngim Staff Liaison to the Standing Committee on the Delivery of Legal Services	AM	Y	<p>We note that there is no warning to the defendant in Spanish, as on the current form. Our reviewer found this warning to be important.</p> <p>She recommends adding, at the top of the new SC-100 form: “If you are suing you are the plaintiff,”</p>	<p>Agree. The Spanish warning will be added after formatting issues have been finalized.</p> <p>Agree. See revised form.</p>

Small Claims Plain Language Claim Form
(revise form SC-100)
SPR04-15

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>followed by the instructions; then “If you are served with this form, you are being sued and are the defendant,” followed by the instructions to the defendant in English and Spanish.</p> <p>She also recommends that instructions relating to the court date and the party’s need to appear be printed in boldface.</p> <p>Under item 3, if the lawsuit is based on an account stated or an open book account, our review recommends that a copy of the accounting be required to be attached to the complaint form. This would help a great deal in collections cases in which the defendant does not know how the amount being sued for is calculated. If the defendant could see how the amount was determined, the number of contested cases might be reduced.</p> <p>With respect to item 5, our reviewer suggests that the venue items should be in a separate section from the applicable law items (i.e. installment sales or vehicle finance). She recommends adding a new item #6, “Special Applicable Laws.”</p> <p>Regarding the information sheet for the defendant, we believe it would be helpful for this form to be bilingual.</p>	<p>Agree. See revised form. The plain language domestic violence form court hearing date box has been substituted for the format that circulated for comment..</p> <p>After spending considerable time exploring the suggestion, the committee concluded that attaching an accounting may complicate the process and could result in filing problems.</p> <p>Agree. See revised form.</p> <p>The committee will put on its work plan for future consideration the commentator’s suggestion that the Judicial Council develop a bilingual form. Currently there is a Spanish version of the small claims material on the Judicial Council’s self help Web site that instructs parties on small</p>

Small Claims Plain Language Claim Form
(revise form SC-100)
SPR04-15

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				<p>There is a typographical error in the next heading “What if [I] lose the case?”</p> <p>Below the heading, our reviewer recommends the following change: “If you lose, you can appeal, but you may have to pay the other side’s costs if you lose the appeal. The court charges a fee to file an appeal, unless you qualify for a fee waiver based on income. (The Plaintiff cannot appeal.)” In the second item under this heading, she recommends adding the phrase “You will have to pay a fee”, so that the instruction would read: <i>You will have to pay a fee to continue the hearing.</i></p>	<p>claims processes.</p> <p>Agree. See revised form.</p> <p>Agree in principle. The committee has reworded this section. See revised form.</p>
14.	Ms. Jody Patel Court Executive Officer Superior Court of California, County of Sacramento	AM	Y	<p>We support the use of a plain language form. However, in regards to item 3c:</p> <p>3. The Plaintiff claims the Defendant owes \$_____ (Explain below)</p> <p>a. Why does the Defendant owe the Plaintiff money? _____</p> <p>b. When did this happen? (date): ___/___/___ If no specific date, give the time period: Date started ___/___/___ Through ___/___/___</p> <p>c. How did you calculate the money owed to you? _____</p>	

Small Claims Plain Language Claim Form
(revise form SC-100)
SPR04-15

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p><i>If you need more space, attach a sheet of paper and write "SC-100, Item 3" on top of your declaration and check here: __</i></p> <p>...</p> <p>We request that 3c be reworded to ask for more specific information. Perhaps revised to read "What information was used to determine the amount owed." As currently stated, responses may be too succinct and may not provide the information intended (possible response: by using my calculator).</p> <p>Information for the Defendant</p> <ul style="list-style-type: none"> ▪ You can postpone the hearing if: - You did not "get served" (receive this order to go to court) at least 15 days before the hearing (or 20 days if you live outside the county), or - You cannot go to court on the scheduled date. (You will have to pay a fee), or - You need more time to get an interpreter. <p>Write the Court before the hearing and explain why you want a postponement.</p> <p>The final sentence should include language directing the defendant to include the fee with the letter to the Court. If a request is subject to a fee and it is not included, it will be denied. Fees rarely accompany requests for continuance and this language perpetuates the problem.</p>	<p>After spending considerable time attempting to reword this item, the committee decided that the current wording might be the most effective way to get the information requested. After some experience with the form, the committee can revisit this issue.</p> <p>Agree. See revised form.</p>

Small Claims Plain Language Claim Form
(revise form SC-100)
SPR04-15

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15.	Ms. Tina Rasnow SHLA Center Coordinator Superior Court of California, County of Ventura	AM	Y	<p>Please refer to form SC-100, Page 1 and Page 3 with notations.</p> <p>This one is a mixed bag. My assistant prefers the existing small claims form and thinks it is easy for people to complete. I like certain aspects of the new form, including the language used to direct the plaintiff and the defendant, but there is no warning to the defendant in Spanish, as on the current form, and I think this warning is important.</p> <p>I think at the top of the new SC-100 form I would put “If you are suing you are the plaintiff” and follow with the instructions. Next I would put “If you are served with this form you are being sued and are the defendant” and would continue with the instructions to the defendant in English and Spanish.</p> <p>I would also make sure the instructions about the court date and the need to appear are in bold. There would be no need to define the plaintiff and defendant in items 1 and 2 if they are defined at the top of the form, although it probably does not hurt to include the definition a second time.</p> <p>As to item 3, if the lawsuit is based on an account stated or an open book account, I would like to see a copy of the accounting attached to the complaint form. This would help a great deal in collections cases in which the defendant does not know how the amount being sued for is calculated. If the defendant can see how the amount is determined, it may greatly</p>	<p>Agree. The Spanish warning will be added after formatting issues have been finalized.</p> <p>Agree. See revised form.</p> <p>Agree. See revised form. The plain language domestic violence form court hearing date box has been substituted for the format that circulated for comment.</p> <p>After spending considerable time exploring the suggestion, the committee concluded that attaching an accounting may complicate the process and could result in filing problems. After some experience with the new form, we can revisit this issue.</p>

Small Claims Plain Language Claim Form
(revise form SC-100)
SPR04-15

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				<p>reduce the numbers of contested cases.</p> <p>With respect to item 5, I think the venue items should be in a separate section from the applicable law items (i.e. installment sales or vehicle finance). I would keep the venue under item 5 and make item 6 a heading called "Special Applicable Laws."</p> <p>On the information sheet for the defendant, I suggest the form be made bilingual.</p> <p>Under "What happens at the hearing?" I suggest adding a sentence: "This is called 'taking the matter under submission.'"</p> <p>There is a typo in the next heading "What if [I] lose the case?" It is missing the "I."</p> <p>Underneath the heading, I would change it to read: "If you lose, you can appeal, but you may have to pay the other side's costs if you lose the appeal. The court charges a fee to file an appeal, unless you qualify for a fee waiver based on income. (The Plaintiff cannot appeal.)"</p> <p>I would change the heading "Sue the person who sued you" to state: "If you think the plaintiff owes you money, sue the person who sued you."</p>	<p>Agree. See revised form.</p> <p>The committee will put on its work plan for future consideration the commentator's suggestion that the Judicial Council.</p> <p>The committee believes that this might be too complicated and not really necessary.</p> <p>Agree. See revised form.</p> <p>Agree. See revised form.</p> <p>Agree. See revised form.</p>

Small Claims Plain Language Claim Form
(revise form SC-100)
SPR04-15

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				In the second item under the heading “You can postpone the hearing if:” I would add to the statement (You will have to pay a fee) the words “to continue the hearing.” This will make it read: (You will have to pay a fee to continue the hearing).	Agree. See revised form. See also comment 13.
16.	Mr. Scott Reep Small Claims Advisor Contra Costa County Benicia, California	AM	N	<p>Area (2) should be rewritten to require the identity of the agent of service for corporations.</p> <p>SC-150 should include http://kepler.ss.ca.gov.list.html Somehow P’s should be made aware that many businesses use fictitious business names and they must identify the owner(s) as the defendant. Court clerk will want identify of agent for service listed so they can mail it.</p> <p>The Information for Defendant page should incorporate the following changes:</p> <p>First paragraph: change “cheap” to “inexpensive.”</p> <p>Second paragraph: change “represent” to “speak for.”</p> <p>Insert “What if I need to change the trial date?”</p>	<p>The committee believes that this would make the form too detailed. The small claims advisor and self help Web site can provide guidance on how to sue a corporation.</p> <p>The committee will put on its work plan for future consideration the commentator’s suggestion for improving form SC-150.</p> <p>The committee prefers the more direct language, which has been field tested.</p> <p>The committee prefers “represent” and believes that pro pers will understand this term.</p> <p>Agree. See revised form. This was placed</p>

Small Claims Plain Language Claim Form
(revise form SC-100)
SPR04-15

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>Second bullet under “What if I lose the case?” Change “If the court does not give you a new trial, you have 10 days to appeal.” to “If the court decides not to give you a new trial, you have 10 days to appeal that decision.”</p> <p>Second column under “Do I have options?” second bullet, “Prove this is the wrong court” change from “explaining why you think this is the wrong Court” to “explain why you think a Court in a different location is the right court.”</p>	<p>in second column above “You can postpone the hearing if.”</p> <p>The committee prefers the more direct language on the form that circulated for comment.</p> <p>The committee prefers the more direct language and the statute does not require this kind of explanation.</p>
17.	Mr. Leonard Sacks, Attorney Private Practice Granada Hills, California	A	N	None.	No response needed.
18.	Ms. Susan Sheehan Small Claims Advisor Sonoma County Legal Aid Santa Rosa, California	AM	N	#3 either eliminate “need more space...” or very specifically add no more than one sheet of paper. Plaintiffs will attach many sheets of paper as they go through details of their case.	Agee. See revised form. See also comments 3, 6, and 10.
19.	Mr. Robert Steiner Court Program Manager Superior Court of California, County of Ventura	AM	N	<p>The old form is superior. It places the names of the parties in easy to read boxes. These boxes are used by courts easy mailing window envelopes if the plaintiff requests service via certified mail. It allows for two plaintiffs and two defendants. The new form will require more work to fill out separate form which must be attached.</p> <p>The trial date boxes – old form allows for two additional reset dates. New form will require a new form produced each time case reset.</p>	<p>Users’ language needs should be given preference over efficiency of mailing in a window envelope. The form has been field tested several times and substantial feedback obtained on format options that parties respond to. See also comment 10.</p> <p>Agree. See revised form.</p>

Small Claims Plain Language Claim Form
(revise form SC-100)
SPR04-15

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				Old form has all info on front of one piece of paper. Longer documents more confusing for public.	The committee believes that increased readability with white space and prompts, and a larger font, makes the form easier to navigate. The form has been field tested several times and confusion was not indicated. After we have some experience with the form, we can revisit this issue.
20.	Mr. Kent Vander Schuit Director, Public Law Center Superior Court of California, County of Nevada	A	N	None.	No response needed.