

**Superior Court of California,
County of Sacramento**

**Carol Miller Justice Center
Small Claims Court**
301 Bicentennial Circle, Room 300
Sacramento, CA 95826

Small Claims Public Line: (916) 875-7701
Small Claims Advisory Clinic: (916) 875-7846

For more information, visit the following web sites:

Sacramento Superior Court: www.saccourt.com

Department of Consumer Affairs: www.dca.ca.gov

Judicial Council's Self-Help Center: www.courtinfo.gov

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SMALL CLAIMS COURT: HOW IT WORKS

Rev. 03/05/03

Small Claims Court resolves minor legal disputes quickly and inexpensively without lawyers. The rules are simple and the hearings informal.

THERE ARE FOUR MAIN STEPS:

1. Make a demand for payment.
2. If you do not get paid, file a Small Claims case.
3. Follow the instructions for proper notification of the person that owes you money.
4. Appear in court for your hearing.



- You will be required to exchange documents with the opposing party.
- The judge will listen first to the person who filed the claim and then to the other person.
- Hearings usually take between five and fifteen minutes.
- The judge will either announce the decision in court or mail the decision at a later time.

12. If I win a money judgment, will the court collect my money for me?

No. The court does not collect money. If you are not paid within 30 days, the person who owes you money must provide you with a list of assets. You may use collection procedures to get your money from the debtor's wages, or property. You may hire an attorney or report the debt to a credit-reporting agency.

13. If I lose, is there any way to get the decision changed?

Usually, the person who files a Small Claims case gives up the right to file an appeal. However, if you were ordered to pay money to the other party, you may file an appeal within 30 days of the date of judgment. If the decision was mailed to you, you have 30 days from the day it was mailed.

9. How do I present my case?

The following guidelines are suggested:

- Be on time.
- Dress neatly in business clothing.
- Be courteous to the judge, staff, opposing party, and witnesses.
- Do not interrupt.
- Be brief, get to the point, and do not repeat yourself.
- Be knowledgeable about your case and be well prepared.
- It is up to you to prove your case.

10. What should I do if I don't speak English?

The Court is not required to provide an interpreter. You may bring a friend or relative to translate for you or you may hire an interpreter at your own expense. You can obtain a list of interpreters at the public counter in Small Claims.

11. What will happen at the hearing?

- The clerk will take roll and administer the oath.

THE SMALL CLAIMS COURT CAN HEAR CASES THAT INVOLVE A REQUEST FOR \$5,000 OR LESS.

1. What should I do first?

Be familiar with the law that applies to your case before you come to court. If you need help, consult with a lawyer or visit the Small Claims Advisor.

2. How should I try to settle my case?

The Small Claims procedures require that you make a demand for payment before filing a claim. You may also wish to use a person who is trained to settle cases (a mediator) to help you resolve your case without having to go to court.

3. What happens next?

If you can't settle, start by getting the correct name and the exact spelling of the person or company that owes you money. If you name the wrong person or business, you may lose your case or be unable to collect.

4. Do I need a lawyer?

Lawyers may not appear in Small Claims Court; however, you may consult with a lawyer to assist you in preparing

your case. You may also hire an attorney, after the trial, to assist you with collecting the judgment or to represent you on an appeal.

5. How do I file a Small Claims case?

You may file a Small Claims case by:

- Appearing in person at the Carol Miller Justice Center, 301 Bicentennial Circle, Sacramento, CA 95826.
- Filing online at www.saccourt.com.

6. How does the person or business that owes me money find out about the Small Claims case?

After you file your case, you must notify the person who owes you money that you have filed a claim. When you file your claim, the Small Claims clerk will inform you of your options.

- You may pay the sheriff or a process server to deliver the papers.
- You may have a person who is over eighteen and who is not involved in the case deliver the papers.
- You may pay the clerk to send the papers by certified mail.

7. What if someone files a Small Claims case against me?

You must do one of the following:

- Settle your case by reaching an agreement with the person who filed against you.
- Pay the full amount requested.
- Appear on the court date to present your side.

If you believe the other person owes you money, you may file a "Claim of Defendant." If you do not appear on the trial date, a judgment may be issued against you.

8. How should I prepare for my hearing?

- Organize the papers that prove your case and make copies for the judge and other parties.
- Make a list of the points you want to tell the judge.
- Make a list of the amounts you are asking for.
- Notify your witnesses of the court date, time and location. Have witnesses subpoenaed to appear at trial if they will not appear on their own.

