

Tuesday, May 15, 2007

8:45 a.m. — 12 noon [Break 10:15 a.m. — 10:30 a.m.]

## CONSUMER AND SMALL CLAIMS LAW AND UPDATES

### A. INTRODUCTIONS

### B. OVERVIEW OF SMALL CLAIMS PROCESS (Bad Check Case) [8:45 a.m–10:15 a.m.]

- **Outline bad check law**
  - Sample demand letter ([www.courtinfo.ca.gov/selfhelp/smallclaims/badcheck.htm](http://www.courtinfo.ca.gov/selfhelp/smallclaims/badcheck.htm))
  - On-line program to create demand letter  
([www.courtinfo.ca.gov/selfhelp/smallclaims/demandbadcheck.htm](http://www.courtinfo.ca.gov/selfhelp/smallclaims/demandbadcheck.htm))
  - Penalty damages
  - District Attorney Fraud Unit (bad check)
  
- **Preparing a claim**
  - Judicial Council form SC-100 *Plaintiff's Claim and ORDER to go to Small Claims Court*
  - Limits \$5,000 -- \$7,500
  - Collectible?
  
- **Naming a defendant**
  - County Recorder
  - Secretary of State
  - City Hall business license division
  - Judicial Council form SC-104C *How to Serve a Business or Public Entity*
  
- **Filing the claim** – getting a hearing date
  
- **Serving the claim**
  - Certified Mail (CT Corporation)
  - Personal service
  - Substituted service
  - Judicial Council form SC-104B *What is 'Proof of Service'?*
  
- **Court hearing**
  - How much am I entitled to?
  - Why am I entitled to that amount?
  
- **Appeal**
  
- **Collection**
  - Collectible?
  - Abstract of Judgment
  - Debtor exam
  - Writ of Execution
    - bank levy
    - till tap/keeper
    - debtor's spouse
      - bank levy
      - wages

[BREAK]

## C. SMALL CLAIMS CONSUMER LAW AND DELIVERY MODELS [10:30 a.m.–12 noon]

- **Small Claims Resources**
  - Department of Consumer Affairs
  - Forms packet
  - On-line resources ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp))
- **Consumer Issues/Statutes**
  - Car buyer: No cooling off period--buy the right to rescind  
([www.dca.ca.gov/pubs/car\\_buyer\\_rights.htm](http://www.dca.ca.gov/pubs/car_buyer_rights.htm))
  - Landlord/Tenant security deposits
    - DCA Landlord/Tenant Book
    - Civil Code 1950.5 walk-throughs
- **Car accidents**
  - Defendants
  - Insurance
- **Little-known consumer statutes**
  - handout
- **Delivery models**
  - San Diego
  - Orange
  - Mono
  - San Joaquin
  - Other models
- **Questions**

### PRESENTERS

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## **DOCUMENTS**

Judicial Council Small Claims forms: [www.courtinfo.ca.gov/forms](http://www.courtinfo.ca.gov/forms)

SC-100	Plaintiff's Claim
SC-104	Proof of Service
SC-104C	How to Serve a Business
SC-134	Application and Order to Produce Statement of Assets and Appear for Examination
EJ-001	Abstract of Judgment
EJ-130	Writ of Execution

## **LINKS**

<a href="http://www.courtinfo.ca.gov/selfhelp">www.courtinfo.ca.gov/selfhelp</a>	Self Help Information
<a href="http://www.ezlegalfile.com">www.ezlegalfile.com</a>	Forms Preparation Software
<a href="http://www.icandocs.org/ca">www.icandocs.org/ca</a>	Forms Preparation Software
<a href="http://www.dca.ca.gov">www.dca.ca.gov</a>	Department of Consumer Affairs
<a href="http://www.ss.ca.gov">www.ss.ca.gov</a>	Secretary of State

## **E-FILE SMALL CLAIMS**

Los Angeles	<a href="http://www.lasuperiorcourt.org/efiling/login.aspx">www.lasuperiorcourt.org/efiling/login.aspx</a>
Orange County	<a href="http://www.icandocs.com/ca">www.icandocs.com/ca</a>
Sacramento	<a href="http://www.apps-saccourt.com/scc/">www.apps-saccourt.com/scc/</a>