

Sample Opening Instructions in a Small Claims Action

In small claims court we try to keep the hearings simple. We don't use attorneys, but there are certain guidelines that must be followed to make sure that your case is decided fairly. In most cases the plaintiff has the burden of proof, which means that the plaintiff must convince the court that money is owing.

Generally, this is what will happen:

When I call your name, please come forward. If you're the plaintiff, that is, the person who first filed the claim, take the seat on your [left/right]. If you're the defendant, take the seat on your [right/left].

If you have any papers, pictures, or other things that you think support your claim, please label them "plaintiff" or "defendant," if you have not already done so, and give them to me when it's your turn. Anything you show me you must also show to the other side. Please do not talk while the other party is looking at your things. I will return all your things to you after I have made my decision.

To begin the hearing on your case, I will first hear from the plaintiff, the person who is making the claim. Then I will hear from the defendant, the person against whom the claim is made. When you are explaining your side, try to be brief, but be sure to tell me all the facts that you think are important to the case. If you're nervous, you can write down what you want to say and hand it to me.

It's important that you do not interrupt anybody else while they are speaking. If you disagree with something being said, wait until that person has finished speaking. Then raise your hand so that I can call on you.

After I have heard both sides and all the evidence in your case, I will make a decision. If I think I need more time to consider it or if the matter requires further investigation, I will take your case under submission, which means that I'll prepare my decision and send it to you in the mail.