

Who May Appear in a Small Claims Action

The plaintiff and the defendant must personally conduct or defend a small claims action without representation, with the following exceptions (CCP §§116.540(a)-(i), 116.541):

- Corporation:** May appear and participate only through a regular employee, or a duly appointed or elected officer or director, who is employed, appointed, or elected for purposes other than solely representing the corporation in small claims court (but see *Management association for a common interest development* below).

- Party not a corporation or a natural person:** May appear and participate only through a regular employee, or a duly appointed or elected officer or director, or, in the case of a partnership, a partner, who is engaged for purposes other than solely representing the party in small claims court.

- Individual doing business as sole proprietorship:** May appear and participate by a representative and without personally appearing if:
 - The claim can be proved or disputed by evidence of an account that constitutes a business record as defined in EC §1271, and there is no other issue of fact in the case; and
 - The representative is a regular employee of the party for purposes other than solely representing the party in small claims actions and is qualified to testify to the identity and mode of preparation of the business record.

- Management association for a common interest development:** May appear and participate in a small claims action through an agent, a management company representative, or a bookkeeper who appears on the association's behalf.

- Owner of rental real property:** May appear and participate in a small claims action through a property agent who is under contract with the owner to manage the rental of that property, if:
 - The owner has retained the property agent principally to manage the rental of that property and not principally to represent the owner in small claims court, and
 - The claim relates to the rental property.

- Defendant nonresident owner of real property:** May defend against a claim relating to that property without personally appearing, by:
 - Submitting written declarations to serve as evidence supporting his or her defense,
 - Allowing another individual to appear and participate on his or her behalf if that individual is serving without compensation and has appeared in small claims actions on behalf of others no more than four times during the calendar year, or
 - Taking both of these steps.

- Member of the military on active duty:** A plaintiff is not required to personally appear, and may submit declarations to serve as evidence supporting his or her claim or allow another individual to appear and participate on his or her behalf, if:
 - The plaintiff is serving on active duty in the U.S. Armed Forces outside California,
 - The plaintiff was assigned to his or her duty station after his or her claim arose,
 - The assignment is for more than six months,
 - The representative is serving without compensation, and
 - The representative has appeared in small claims actions on behalf of others no more than four times during the calendar year.

- Party incarcerated in a county jail, Department of Corrections and Rehabilitation facility, or Division of Juvenile Justice facility:** May submit declarations to serve as evidence supporting his or her claim, or may authorize another individual to appear and participate on his or her behalf if that individual is serving without compensation and has appeared in small claims actions on behalf of others no more than four times during the calendar year.

- Department of Corrections and Rehabilitation or Division of Juvenile Justice:** May appear through a regular employee who is employed or appointed for purposes other than solely representing the department in small claims court.

For all of the above exceptions, the representative must file a supporting declaration. See CCP §§116.540(j) and 116.541(c).