HOW TO PREPARE FOR YOUR SMALL CLAIMS HEARING

1. Get your **evidence** (make only one copy of each document) ready to turn in. It will be collected at the beginning of your hearing. Each party will get to review the other's evidence before the case is heard.
2. It is strongly encouraged to **bring hard copies of your evidence** to submit to the Court for review. If you have video evidence on your phone or laptop, then you may plug your device to a projector in the courtroom to present it.
3. If you have a **witness**, let the judge know. Witnesses must wait outside in the hallway so that they cannot hear testimony.
4. If you need an **interpreter**, let the deputy, clerk or judge know as soon as possible. If you need a Spanish or Vietnamese interpreter, they are often available the same day. If another language is needed, your hearing date will most likely have to be rescheduled to arrange for an interpreter. The Court cannot make someone speak English if they say they need an interpreter, even if that same person spoke English with you in the past.
5. If you filed a case to get money for a **damaged car,** you will need to show proof (**title or registration**) that you own the car.
6. If your case involves a **car accident**, you can sue the driver and registered owner of the other car, but **not** the at-fault driver's insurance company.
7. If your case involves a **landlord/tenant** issue and the lease is in writing, you will need to show a copy of the lease so the Court can make sure all tenants have been named, and to make sure the landlord(s), not the property manager, has been named.
8. If Defendant is located outside of Santa Clara County, you should be prepared to show why **venue** (filing in this county) is correct.
9. A case is not ready for hearing unless Defendant(s) has been served (notified) properly. If a **Defendant was not properly served**, but appears at the hearing, they can waive service and go forward with the hearing. Some Defendants would rather do this than come back another day. Otherwise, you will be given a new court date so you can serve Defendant.
10. Service by **certified mail** through the clerk's office is good service **ONLY** if Defendant signs (legibly) and send the clerk the receipt admitting they received the lawsuit. Most Defendants do not cooperate, and so you may have to get a new court date and have someone (a "process server") hand-deliver your lawsuit to Defendant. Phoning, faxing, e-mailing, or leaving papers on a doorstep or windshield is not proper service.
11. Let the Court know what **pronouns** you use.
12. If you think your case has **settled**, let the judge know when she calls your case. There are various options: (1) dismiss the case; (2) set a future court date in case the settlement does not work out; or (3) turn the agreement into a court judgment.

9/21; 8/23;4/24 revise Commissioner Copeland