

## Preparing For Your Small Claims Court Hearing

If the Defendant requests a hearing within their 20 day deadline, both the Plaintiff and the Defendant must attend the hearing and tell their side. (*Only the Defendant can request a hearing.*)

### You won't have a lot of time to tell your side.

Small Claims Court hearings are usually set for 30 minutes **total**. You might have **only 10-15 minutes** to present your side at the hearing.

- **Make your time count!** Be prepared **before** you go to Small Claims Court.



- Don't waste precious time at the hearing organizing and marking exhibits, organizing your notes, etc.

- If the entire case can't be heard within this timeframe, the judicial officer may dismiss the Small Claims case and tell you to handle it in District Court.

### At least 1 week BEFORE the hearing, make an outline of your side and your evidence.

- Make a typed or written outline of your side and your evidence to support your side.
- Tell your side in order of events – **don't** skip around.
- State your facts clearly and concisely.

Facts	Evidence
1. ___	Receipt
2. ___	Witness
3. ___	Text 1
4. ___	Text 2

- **Facts can be proven true or false**, such as who, what, when, where, and how. "I live in North Dakota."
- **Avoid opinions.** An opinion is a view or belief that can't be proven true or false. "North Dakota is the best state ever."

- Next to or directly following each fact, list your evidence that supports the fact.

#### Generally, evidence is:

- **Testimony from witnesses** with first-hand knowledge of an event.
- **Exhibits**, which could be any papers, legal documents, photographs, or other physical evidence supporting a claim.

### Witness testimony as evidence.



**Witnesses must have first-hand knowledge** of the events, or the exhibit, to which they will testify. Keep in mind that you, the Plaintiff or Defendant, may be a witness.

### Witnesses must come to the hearing.

**Out-of-court statements**, also called hearsay evidence, **aren't allowed!** Presenting a letter from a witness, rather than having the witness at the hearing, is hearsay evidence.

### You need to prepare to lay the foundation for your exhibits.

At the hearing, in order to get an exhibit admitted as evidence, a witness familiar with the exhibit must answer some questions. This is called laying the foundation.

### Questions to lay the foundation include:

- Does the witness have first-hand knowledge of the exhibit **or** know the facts surrounding the exhibit? "I took the photo and it shows what the scene looked like on the day in question."
- Can the witness show that the exhibit is what you say it is? "This is a screenshot of [www.notarealwebsite.com](http://www.notarealwebsite.com) that I took on January 1, 2020, at 2:20 p.m."

### Preparing your exhibits for the hearing.

**IMPORTANT!** If you have exhibits on your **cell phone or other electronic device**, you must print out your exhibits.

**You can't** hand the judicial officer your cell phone or other electronic device to look at evidence! The judicial officer **won't** accept your cell phone or other electronic device.

## Examples of exhibits are:

- Contracts or other documents;
- Receipts or cancelled checks;
- Invoices or statements;
- Photos;
- Texts or emails;
- Audio or videos (*check with the clerk ahead of time to see if you need to bring your own equipment*).

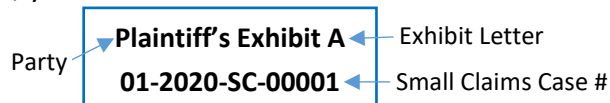
**1<sup>st</sup>** Organize your exhibits into categories. For example, all photographs, all receipts, all printed text messages.

**2<sup>nd</sup>** Type or write an exhibit identifier on the first page of each exhibit.

- If you have more than one exhibit in a category, you may type or write your exhibit identifier on the first page of the first exhibit in the category.

**An exhibit identifier includes:** 1) the party (*Plaintiff or Defendant*); 2) an exhibit letter; and 3) the small claims case number.

- To letter your exhibits, your first exhibit is A, your second is B and so on.



**3<sup>rd</sup>** Make copies of all pages of all of your exhibits.

- If your hearing is at the courthouse, you **must** bring **at least 3** printed copies of any exhibit you want to introduce as evidence.
  - 1 for you;
  - 1 for the judicial officer;
  - 1 for the opposing party;
  - **If** you have a **witness**, bring a copy for the witness, too.

**Using your outline and exhibits, practice telling your side and presenting your evidence.**

Remember, you won't have a lot of time to present your side at the hearing and you'll need to be quick, to the point, and calm.

**If you can, try to watch a small claims court hearing. They're generally open to the public.**

## Your Small Claims Court Hearing

### Get to the hearing at least 30 minutes early!

Make sure your witnesses are present and ready to testify.

Make sure you have your outline and all copies of your exhibits.

### Before the hearing officially begins:

Take a few moments to organize your outline and exhibits so you can easily and quickly locate what you need.

**Once the hearing begins, you don't have much time to tell your side.**



You might have only 10-15 minutes to present your witnesses and exhibits. Be quick, to the point, and stay calm.

### After the hearing, the judicial officer decides the case.

If the judicial officer decides the case at the end of the hearing, you may be given a copy of the judgment at that time. If the judicial officer decides later, or if a copy of the judgment isn't provided at the end of the hearing, you'll get the judgment in the mail.

**North Dakota Small Claims Court judgments are final. There is NO appeal.**

