

Get Ready for Your Small Claims Trial



Arrive early!

Look for the date and time of your trial on your *Notice*. You may need extra time to get through security and find your courtroom.

Check in with the Clerk.

In some counties, the court will order you and the other side to talk to a mediator. The mediator will try to help you settle the case without going to trial.

Bring your forms with you.

- Turn your phone off. Remove your hat. No food, no gum, no drinks in the courtroom.
- Stay calm. Be polite. Do not interrupt anyone.
- Do not speak until the judge asks you to.
- If you do not understand something, say, “I don’t understand.”

Tip: Do not bring children unless they can sit quietly for a few hours.

Wait for the court to call your case.

The judge will ask you to speak first. This is your chance to show why you should win. Say the most important reasons that support your case.

Tip: It’s OK to make notes about what you want to say. If you get nervous, just read from your notes.

Bring evidence.

Give the judge copies of your **proof** that supports your case, such as:

- Contracts or other documents
- Receipts or cancelled checks
- Invoices or statements
- Photos

Tip: If you have an audio, video, or other recording, talk to the Clerk as soon as possible. Ask if you need to bring your own equipment.

You can bring witnesses or statements.



You may have a **witness** speak at your trial. If it’s hard for the witness to go to court, ask the witness to write a statement.

If only an expert would know if your claim is correct, you may bring an **expert witness** (or their statement).

Listen while the Defendant explains his or her side of the case.

If the Defendant is at the trial, the Defendant may show evidence, bring witnesses or statements, and explain why you should not win your case.

After your trial, get your judgment.

The judge decides many cases at the end of the trial and gives you and the Defendant a copy of his/her decision (the *judgment*). If the judge decides later, you will get the judgment in the mail.

If you do not agree with the court’s decision, you can appeal (fight the court’s decision) if:

- You lose your case, or
- You win your case, but the court gives you less money than you asked for.

If you want to appeal, you have **30 days** after the date of the judgment to file a *Notice of Appeal* with the Clerk. You will have to pay an **\$81** filing fee.

Warning! The 30-day deadline is very strict.

If the Defendant does not agree with the court’s decision, s/he can also appeal. If this happens, the Clerk will send you a *Notice of Appeal*.

Note: Appeals are more formal than small claims process. The parties can have lawyers.

If you win, collect your judgment.

If you win your case, the court will make a *judgment* and order the Defendant to pay you or return property to you.

If the Defendant does not pay, the court will **not** collect it for you. But there are things you can do to get your money/property. See the brochure from the Clerk or online: [Collecting on Your Small Claims Judgment](https://courtselfhelp.idaho.gov/publications) (Under Small Claims here: courtselfhelp.idaho.gov/publications)

After the Defendant pays, file a form.

You **must** tell the court when the Defendant has paid the total judgment by filing a *Satisfaction of Judgment* form. Get this form from the Clerk or online at: courtselfhelp.idaho.gov/small-claims
Warning! If you do not file this form, the court can order you to do it.

Questions?

- Visit the Court Assistance Office at your local county courthouse.
- Talk to a lawyer. The court **cannot** give legal advice.