

Your Day In Small Claims Court

Has your landlord refused to refund your security deposit?

If you've tried every reasonable avenue and feel as if you're spinning your wheels, you may want to try another route. Welcome to Small Claims Court, where people can have their day in court without a lawyer at their side.

Devised to give the average person a chance to present his or her case, it is inexpensive and relatively easy to use.

Before pursuing the matter in court, be sure to write a "demand letter" to the other party, setting forth the payment you expect, and note that you will go to court if the other side does not come through.

Keep in mind that even if you prevail and win a settlement, the court doesn't collect the money for you. Realistically consider the odds of collecting the judgment based on the debtor's ability and willingness to pay. Defendants who are chronically unemployed, businesses that are unlicensed or opponents who have no assets of value may present problems when it comes time to collect the debt. Known as "judgment-proof," these adversaries may be out of your reach, verdict and all.

Small Claims Court is not for everyone or every situation. The maximum award varies widely by state and jurisdiction. In California, it is \$7,500. There is also a statute of limitations or time limit during which claims can be filed.

An excellent website, with links, in California providing well-organized information can be seen at www.courtinfo.ca.gov/selfhelp/smallclaims. . It includes answers to such questions as: where can I find someone in my count to help me? how to find court locations, small claims advisory, clerk's offices, law libraries, times and locations for hearing in a county.

Another valuable website is Ask Now's law librarian service, and provides you an opportunity to ask questions and get answers in real time through the California Internet site. The service is free and law librarians are available to answer questions week-days from 8 a.m. to closing time.

In Los Angeles County, the Web page at www.lasuperiorcourt.org/smallclaims guides claimants applying for cases in that jurisdiction, including an e-file option that speeds the process.

If the type of case and dollar amounts is in line with your situation and the case seems viable, the next step is to organize and evaluate the strength of your filing.

The important questions is: how much should you sue for? . Do some research on the subject, since excessive claims may anger the judge.

When getting ready for trial, organizing your evidence is particularly important. Photographs, receipts, bills and contracts or leases are important building blocks in establishing your viewpoint. Keep in mind you won't have lots of time to present your case; most folks are only given 10 to 15 minutes to state the situation, including presenting evidence. Be prepared to give specific dates for any details involved.

Don't underestimate the importance of dressing appropriately. Although there is no formal dress code per se, the court is not a day at the beach or cocktail party.

Don't expect witnesses to always be called. Once both sides have presented their case, verdicts are either rendered on the spot or mailed within few weeks.

What if you are unhappy with the judgment or feel the verdict was unfair? Once again, read up on the subject. California law allows the court to correct certain errors by vacating or canceling an incorrect or erroneous legal decision. For details, consult your local legal resource.