



# GET READY FOR SMALL CLAIMS COURT

## GET TO THE COURTROOM EARLY

- Before you enter, look for your case on the court calendar posted outside of the courtroom, Department 506. (If you do not see your case on the calendar, tell the clerk.)
- Check-in with the clerk and sit down.
- Do not leave the courtroom or you may lose your case if you are not present when your case is called.

## CAN I POSTPONE THE HEARING?

- If you would like to postpone your hearing, you must have a good reason to postpone, such as:
  - medical emergency
  - death in your family
  - jury duty
  - more time to find an interpreter
- Fill out and file forms SC-150 and SC-152, plus two copies, to ask the Court to postpone (change) your hearing. You must file your request to postpone at least 10 calendar days before your scheduled hearing. There is a postponement fee of \$10.00. Inquire with the ACCESS Center to see if you qualify for a fee waiver.
- If the judge agrees to postpone your hearing, the clerk will mail you a form with the new date and time.
- *Important!* Be ready on the original date in case the court does not postpone your hearing.
- Inquire with the ACCESS Center for assistance in filling out the SC-150 and SC-152.

## DO I HAVE TO EXPLAIN THE AMOUNT OF MY CLAIM?

- Yes. If you are the plaintiff, write down how you calculated the amount. Bring an extra copy for the judge. Please bring your receipts or other documentation to prove the items in the calculation to the hearing. Be prepared to explain why the defendant owes you.
- If you are the defendant and you think you do not owe the amount requested by the plaintiff, be ready to explain why to the judge.

## WHAT IF I DO NOT GO TO THE HEARING?

- If you are the plaintiff (the person suing) and you do not go to the hearing, the judge may:
  - reschedule the hearing
  - dismiss the case
  - or decide in favor of either party
- If you are the defendant (the person being sued) and you received proper notice, but did not attend the hearing, the judge may hear the case anyway.
- Contact the ACCESS Center if you missed the hearing and a court order was issued without you present. You may be eligible to file for a motion to vacate using the SC-135 form.

## WHAT HAPPENS AFTER THE HEARING?

- You will not know the judge's decision on the day of the hearing. The judge takes the matter under submission (reviews notes, files and evidence). The decision is made after the hearing and will be mailed to you in 2-4 weeks. By law, the judge must issue the judgment within 90 days. If you do not receive the judge's decision in 4 weeks, contact the small claims division at 415-551-5957 or 415-551-3959.

## WHAT IF I DO NOT SPEAK ENGLISH?

- If you are non-English or limited English speaking you may request an interpreter for your hearing. Inquire with the ACCESS Center for more information.

## When will my small claims hearing be heard?

The date, time, and location of your hearing are listed on form SC-100 page 1.

## Can I hire a lawyer to speak for me?

No. You cannot have a lawyer represent you in Small Claims Court.

## What happens at my hearing?

The clerk will roll-call all of the case names to see who is present. Then you will all take an oath promising to tell the truth. Go to the table in front of the judge when your case is called. The plaintiff will speak first. Do not interrupt the plaintiff, the judge will allow time for the defendant to speak.

## How do I tell the judge about my case?

Write down a summary of the facts and evidence that support your case. Practice saying it. If you get nervous at the hearing, just read your summary. You can also bring documents, photos or witnesses that support your case. Always speak to the judge. Do not interrupt. Stay calm. If you do not understand a question, ask the judge for an explanation. Be polite and tell the truth. Inquire with the ACCESS Center for a summary template.

## Can I ask the other party to pay my court costs?

If you win, after the hearing you can ask the judge to order the other party to pay your court costs, like filing fees, fees for service or witnesses. Bring your receipts to the hearing and show them to the judge.

## Where can I get help?

Contact the ACCESS Center at <https://www.sfsuperiorcourt.org/self-help>



English



Multi-lingual