**SCRIPT – SMALL CLAIMS ACTION**

NOTE: BE SURE YOU HAVE MADE ARRANGEMENTS TO RECORD THE SMALL CLAIMS HEARING BEFORE YOU BEGIN.

“The Small Claims Court for the County of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is now in session. My name is Judge \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. The matter to be heard today is the action of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Plaintiff vs \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Defendant, for the recovery of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  
\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

The purpose of the Small Claims Division is to provide a speedy remedy for legal actions in an informal setting. This hearing will be conducted according to general trial guidelines for a court of law. Small claims actions must be recorded and you will notice the tape recording device here today. You must speak loudly and clearly to be properly recorded. This will be the record of the trial.

If either party to this action is dissatisfied with the judgment of the Court, an appeal may be filed with the District Court of the county. This appeal would not be a new trial. It will be limited to questions of law based on what happens here today, as recorded. This hearing will be conducted as follows:

The Court will state the basis of the Plaintiff(s) claim as filed on the complaint. The Plaintiff will testify (him/her) self and use other witnesses to prove his case.

The Defendant will testify (him/her) self and call other witnesses to establish his defense.

Exhibits may be used. The Court may ask questions of all witnesses to clarify the testimony. Before the conclusion of the trial, the Court will ask, “Is there any other information that has not been brought before the Court?”

At the conclusion of the trial, the Court will give you a Judgment. Does either party have any questions about this procedure? Are you both ready to begin trial?

Anyone who expects to testify, please stand, state your name and raise your right hand. “Do you, and each of you, solemnly swear or affirm to tell the truth, the whole truth, and nothing but the truth, SO HELP YOU GOD?” (under penalty of perjury).

After all the testimony is taken and both parties have rested, you are required to make findings and enter judgment. You should probably recess and review all the evidence and organize your thoughts. The judgment will be read into the record.

“After consideration of the evidence, testimony and law applicable to this case, the Court makes the following finding and judgment, (Findings) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Based on the findings, Judgment is granted on behalf of the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in the amount of $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and/or the return of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. (personal property).

This is a good time to explain the execution process to the parties. It is important that all parties receive the information necessary to complete the case.

**Note for Judges: At the beginning of each witness’ testimony, be sure that each witness or party identifies themselves on the record. If there is not a proper identification on the record, it is very difficult for the District Court Judge to determine who might be speaking, if the matter goes up on appeal.**