

CENTER TOWNSHIP OF MARION COUNTY SMALL CLAIMS COURT

200 E. Washington Street, Suite G-5
Indianapolis, Indiana 46204
(317) 327-5060 PHONE
(317) 327-7844 FAX

HOW TO PREPARE FOR YOUR CASE FOR TRIAL

TRIAL CHECKLIST

YOUR NEXT COURT DATE IS:

- ✓ ARIVE ON TIME
- ✓ BE PREPARED
- ✓ BRING COPIES
- ✓ ACT APPROPRIATELY

BEFORE TRIAL

Your case will be heard in the township Court where the property or business is located or the transaction occurred or where the defendant lives or works. It is the parties responsibility to make sure the case is filed and heard in the correct township Court. Your case may be set for mediation before the trial date if both parties agree. If the case is settled in mediation, please inform the Court. If you need an interpreter for your case, please inform the Court. An interpreter will be scheduled by the Court for the trial. You can check the status of service of process of find other information about your case online as www.mycase.in.gov. Service of process by E-Certified mail can be tracked by locating the tracking number in the court file or online at www.mycase.in.gov and then tracking it at the United States Postal Service website at www.usps.com. All parties must keep the Court informed of their current address and phone number to receive notices from the Court.

TIME LIMITATIONS

Trials in Small Claims Court shall be brief. If a party believes that more time is necessary for trial (i.e. 30 minutes or more), he/she must request that the Court set a special trial setting to allot additional time. Due to the volume of cases the Court's docket cannot accommodate trials exceeding 30 minutes during a regular docket.

GENERAL INSTRUCTIONS

Arrive on time on the day of your trial. Prior to entering the Courtroom, check in with the Clerk or Constable. **DO NOT TALK IN THE COURTROOM** unless you are testifying in front of the Judge. The trial will be conducted by the Judge in an informal but orderly manner.

If you need assistance (i.e. language interpreter, accommodation due to disability, etc.) please inform the Court staff to trial.

Each party shall be given reasonable time to present their testimony and evidence. Litigants should give a clear explanation of what their case is about, including important details that relate to the claim, and present any documents that support their case. Litigants are encouraged to review a copy of the Small Claims Rules, Small Court Litigant's Manual, Marion County Small Claims Court video and other resources to prepare for trial. Each party must also keep the court informed of their current address and phone number to receive notice of continuances or future court hearings.

It is your responsibility to bring **COPIES** of all documents or photos that support your case. The Judge will keep a copy of the documents you present at trial and they will be included in the Court's file. You may use the subpoena power of the Court to request discovery (obtain documents and information) from another party or compel to witness to appear at trial.

The Defendant may file a **COUNTERCLAIM** against the Plaintiff if he or she has a claim against the Plaintiff. The counterclaim must be filed before trial in order to allow sufficient time for the Plaintiff to be served with notice of the counterclaim (at least 7 days before trial).

TRIAL FORMAT

The Judge conducts the trial proceedings. The Plaintiff presents evidence first. After the Plaintiff and his/her witness testify, the Judge may ask questions about the testimony given. The Judge may allow questioning or cross-examination of your testimony by the Defendant. Cross-examination is not a time for argument or attack, but is meant for questions posed to the Plaintiff about his or her testimony. Parties should **never argue or talk over each other** during the trial.

The Defendant presents his case after the Plaintiff's evidence is presented in the trial. The Plaintiff may question or cross-examine the Defendant after he or she has testified. The Judge may allow each party an opportunity to rebut or present additional evidence in response to the other party's evidence once. However, the parties are not allowed to just repeat the testimony given previously, the evidence must be in response to the other person's evidence and new evidence. The Judge will determine what evidence is allowed.

GENERAL CONDUCT DURING THE TRIAL

Although the trial is informal, all parties and witnesses must conduct themselves appropriately. Do not interrupt the testimony of another witness or the Judge. If you want to respond to the evidence, you will have an opportunity. You must wait your turn to testify. You should bring pen and paper with you to make notes so that you will remember everything you want to say.

All witnesses, including the Plaintiff and Defendants, must take the oath to testify truthfully, subject to penalties of perjury i.e. lying under oath. During the trial, the Judge may

stop at any time to ask questions of the witnesses or parties and may have other specific rules or time limitations.

Remember the Judge will make the decision only on what is heard in the Courtroom. All evidence and testimony must be presented at trial. Therefore, you should come with a written outline of what you want to present to the Judge so that you will not forget any evidence which you believe is important to your case.

At the conclusion of the trial, the Judge will likely take the matter under advisement to review the case and issue a decision by mail. Bring a self-addressed stamped envelope to trial so that the Court can mail its judgment to you. It is your responsibility to inform the Court of any change of address for all future correspondence with the Court. You can check the status of your case at www.mycase.in.gov.

IF YOU WIN YOUR CASE

Once you receive the decision or judgment, the party who won the case may begin Proceedings Supplemental, the legal term for beginning the collection process. The collection process can begin ten (10) days after the judgment is issued. If the Plaintiff received a default judgment, he/she must send a copy of the judgment to the Defendant before beginning Proceedings Supplement. If a judgment has been entered, the parties may setup a repayment plan on their own or the Defendant may take a payment directly to the Court. All Defendants must keep the Court informed of their current address and employment, if ordered.

DISAGREE WITH THE DECISION?

If you disagree with the decision of the Court, you may APPEAL the decision to the Marion Superior Court. You have **SIXTY (60) DAYS** from the date of the judgment to appeal; the fee is \$141, plus \$5 transfer fee. You must inform the Court in writing that you want to appeal the judgment and pay the appeal fee in order to have the case transferred to the Marion Superior Court. You will be notified by the Marion Superior Court about the new trial date and Court assignment.

OTHER IMPORTANT INFORMATION

- ✓ Cases involving a debt must have an Affidavit of Debt.
- ✓ All business must be represented by an attorney if the case is for more than \$1,500.00.
- ✓ All litigants must keep the Court informed of their current address and phone number.
- ✓ All judgment-defendants must keep the Court informed of their current employment
- ✓ Attorneys must have an Appearance filed on each case and submit a fee affidavit.

For case status: www.mycase.in.gov
For E-certified mail tracking: www.usps.com