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## Small claims suits can mean big business headaches

by Jack T. Molodanof

If you operate a business, chances are that you will get sued at least once in small claims court.

Unfortunately, we live in a litigious society and it's bound to happen. Consider it a cost of doing business.

You should always attempt to settle with your opponent before going to court. If this proves unsuccessful, you need to get ready. The first question you may ask is, "What do I need to do to win?" Here are 10 tips to help you increase your chances of success.

**Prepare** - There simply is no substitute for preparation. You must do your homework. If you are planning to go to small claims court and "winging it," be prepared to lose.

**Organize** - Start by gathering all your relevant documents. This includes invoices, notes, sales slips, warranties, photographs, etc. Organize all this information and place it in a file.

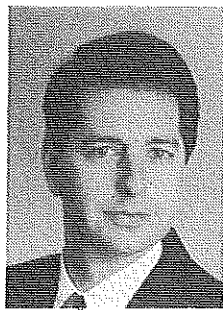
**Prepare a chronology** - Use your file to prepare a chronology of all events leading to the lawsuit. This will help you organize your thoughts and your case.

**Prepare a trial brief** - The brief is a short summary of the facts and explanation why the judge should rule in your favor. It should be simple and easy to understand. Give the brief to the judge when your case is called. Attach any important documents as exhibits. Depending on the issue, you may wish to ask a lawyer for advice. If available,

you may use the small claims court legal clinic. Note: Small claims court rules do not allow you to be represented by a lawyer at court.

**Make a court appearance beforehand** - If you have never been to small claims court or if it has been a long time since your last appearance, you should attend a session before your court date. Sitting and listening to a court session will help familiarize yourself with the courtroom and observe which presentations are effective. This will also help you in your preparation.

### POINT OF VIEW



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Don't insult the judge or you may end up on the short end of the ruling, the attorney warns.

**Practice your presentation** - You need to practice your presentation prior to the court hearing. Start with your most important points first. Don't read from the brief you have already given the judge, but explain in your own words what happened and why you should prevail. Go over the presentation and practice with friends or family. Remember that the plaintiff (individual who has sued you) has the burden of proof, so they will present their case first.

**Anticipate questions that may be asked** - Remember that both your opponent and the judge may ask questions about your case. Anticipate these questions and be prepared to respond.

**Prepare questions** - Write out questions you want to ask your witnesses, your opponent or any of the opponent's witnesses. Select questions to elicit answers that favor your case. Keep questions simple and to the point.

**Be brief, honest and to the point** - The judge will hear numerous cases and you won't have a lot of time. So prepare and keep your case as simple as possible. Get to the point. Remember, be honest and straightforward about the case.

**Don't interrupt, make insulting comments or threaten** - Address the judge as "your honor." Never threaten or insult the judge or your opponent. Don't interrupt or yell. Be courteous and polite at all times. Thank the judge for listening to your case.

Hopefully, the above tips will help you win the case. Don't be discouraged if you lose; you may be able to appeal your decision to the Superior Court and have another chance. Let's face it: Small claims court is a never fun experience, but your chances of success increase with preparation. Good luck.

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