

PREPARING FOR COURT

You may find it helpful to observe another Small Claims case before your Court date. If you are interested in doing this, ask the staff at the Clerk's Office or the Self-Help Center for more information.

Think about your main arguments and how you will support those arguments with evidence – witness testimony or documents, photos, receipts, etc.

If your witnesses have volunteered to come to Court to speak about your case, contact them ahead of time to make sure they know:

- where the Court is located;
- when they should be in Court; and
- what they plan to talk about.

If you need a witness to appear in Court, and he or she is unwilling to do so, you can ask the Court Clerk to issue a subpoena. The subpoena must be **personally served on the witness at least 48 hours before the trial date**. The witness will then be required to appear in Court.

Any exhibits/evidence used in a Court trial will be kept with the Court pursuant to statute. As such, any evidence on phones (photos, text messages, emails) **need to be printed out**. If you have video or audio recordings, these will need to be in a format that can be kept by the Court, i.e. a flash drive, CD, etc. You must provide a laptop or other device that can be connected to the Court's HDMI cable and screen to display these exhibits.

Bring 3 paper copies of your exhibits to your court date. (One for you, the other side, and the Judge). Plaintiffs are to mark their

exhibits with numbers (1,2,3, etc.) and Defendants are to mark their exhibits with letters (A,B,C, etc.)

On the day of your trial, please dress as you would for a job interview and arrive on time.

OPTIONS FOR DEFENDANTS

If you were served with a Notice, Claim and Summons, you are the Defendant. You may respond by filing a Response with or without a Counterclaim.

A filing fee will be required unless you qualify to have the filing fee waived.

You will complete the **Defendant's Response** portion of the Notice, Claim, And Summons to Appear for Trial, **pay the appropriate filing fee**, and file it with the Court.

If you wish to make a Counterclaim, you would also complete the **Defendant's Counterclaim** portion of the Notice.

A Counterclaim is a claim that the Defendant makes against the Plaintiff. If you intend to argue that the Plaintiff owes you money, you would be making a counterclaim. Your counterclaim would be limited to \$7,500 if you wish to remain in Small Claims Court.

Although attorneys are generally not involved in Small Claims cases, you may hire an attorney to represent you.

If you choose to hire an attorney, your attorney must file an entry of appearance with the Court **at least seven days before** the date set for the first scheduled trial date. The Plaintiff will then also be provided an opportunity to hire an attorney.

Small Claims Cases



1st Judicial District

Jefferson County Courts and
Administration Building
100 Jefferson County Parkway
Golden, CO 80401

Find all forms at:

http://www.courts.state.co.us/Self_Help/Index.cfm

WHAT IS A SMALL CLAIMS CASE?

Small Claims cases are civil cases in which the amount of money in dispute is **\$7,500 or less** (not including interest or costs).

In addition to involving smaller amounts of money, Small Claims cases are different than regular civil cases in that there is no jury, they typically do not involve attorneys, and the rules of evidence are less strict.

It is possible to file a Small Claims case for an amount above \$7,500, but the **maximum amount** that could be recovered would be limited to **\$7,500**.

Disputes involving larger amounts of money **cannot be divided** into two Small Claims cases.

For example, if you are seeking to sue someone for \$15,000, you cannot split that dispute into two \$7,500 Small Claims cases.

Only two small claims actions can be filed by the same plaintiff in a particular month, and only 18 can be filed by the same plaintiff per year.

Examples of Small Claims disputes include:

- recovery of money;
- restrictive covenants on residential property;
- contracts; and
- security deposits and other landlord/tenant issues.

If you are considering filing a Small Claims case, be sure to **gather all documents** that support your claim and **contact potential witnesses** as soon as possible.

HOW DO I FILE A SMALL CLAIMS CASE?

Step 1. Choose The Right Court. You can file your Small Claims forms at the **Clerk of Court's Office** located in:

- the county **where the person you are suing lives; regularly works; has an office or business or attends school,**
- the county **where the real property is located** (this applies only in actions to enforce restrictive covenants or arising from a security deposit dispute).

Step 2. Choose The Right Forms. The following form is required **to begin** your Small Claims action:

- **Notice, Claim, And Summons To Appear For Trial** (JDF 250).

If there are issues in your claim on which you and the person you are suing agree, you can file a **Stipulation** (JDF 75).

If you need a witness to appear in Court, and they are unwilling to do so, you can fill out the **Subpoena** (JDF 254) and have it personally served on the witness.

Step 3. Complete And File The Forms.

As the person who is asking the Court to resolve your dispute, you are the Plaintiff and the person or business you are suing is the Defendant. You will have to decide who you are suing – the court or court staff will not be able to provide advice on choosing proper Defendants or registered agents.

If the Defendant is a **corporation**, you must enter the name and address of the **registered agent for service** in the area

below the caption on the **Notice, Claim, And Summons To Appear For Trial** form

The **registered agent's information** can be found online through the Colorado Secretary of State's Office at www.sos.state.co.us.

Take your **completed forms** to the **Office of the Clerk of Court**. Your trial will be set at least 30 days from the date you file.

A filing fee will be required unless you qualify to have the filing fee waived.

Step 4. Arrange for Service of Process.

Service **must be completed at least 15 days** before the trial date, and proof of service **must be** filed with the Court.

The two options for service of process are:

Personal Service: This form of service **must be** completed by the Sheriff's Department, a private process server, or someone at least 18 years old who is **not involved in the case**.

A copy of the papers must be handed by the process server directly to:

- the person;
- the person's supervisor, secretary, administrative assistant, bookkeeper, human resources representative or managing agent at the person's usual workplace; or
- a member of the person's family who is at least 18 years old and is at the person's home at the time of service.

Certified Mail: If you are interested in this form of service, ask Court staff at the Clerk of Court's Office for more information.