

7. TELL THE COURT IF YOUR MATTER CAN BE RESOLVED, IS RESOLVED, OR IF SUED, WHETHER YOU CONTEST THE CLAIM OF THE OTHER PARTY –

If you do not dispute the claim but appear to propose a payment plan, or believe that there is no dispute or defense to the other side's claim, **TELL THE COURT AT THE START!** The Judge will assume that the matter is contested by your appearance in court on trial day. Sometimes, a matter can be resolved through simple discussions with the other side. The Court can also assign a trained mediator to help the parties reach an agreement. **LET THE COURT KNOW.** There is nothing more time consuming or needless than finding out after the Plaintiff's presentation of evidence that the Defendant agrees with everything said. Just let the Court know from the outset that there is "no contest."

Finally, please know that even in Small Claims Court, contempt of court for disruptive behavior and perjury for knowingly false testimony still applies. A discourteous party forfeits the right to proceed with their case or defense.

Thank you,
Judge David L. Chidester

THE COURT'S
GUIDE TO THE
ORDERLY
PRESENTATION
OF EVIDENCE

The Honorable DAVID L. CHIDESTER

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The rules and procedures of Small Claims Court are established for the simple presentation of testimony, exhibits and evidence. The formal Rules of Evidence used in upper level courts do not apply in Small Claims Court. You will have an opportunity to simply tell your side of the story.

Nevertheless, although proceedings in Small Claims are informal, you must follow rules of common courtesy and respect. These include:

1. ONLY 1 PERSON MAY SPEAK AT A TIME –

Speak when it is your turn or when a question is addressed to you. Never speak over another witness, the Judge, or the opposing party. We record everything that is said and have difficulty differing between 2 people speaking at once.

2. DO NOT ARGUE WITH THE JUDGE OR OTHER PARTY – That should be evident. Those who violate this rule may forfeit the right to further testify.

3. TRY TO PRE-MARK YOUR EXHIBITS – If you have a tangible exhibit, such as pictures, contracts, invoices, billings, etc. and want the Judge to review it, you must mark it as an Exhibit. The Court Reporter has stickers at her desk for Exhibit Labels. Use letters (Ex. A, B, etc.) or numbers (Ex. 1, 2, etc.). Marking exhibits ahead of trial saves time and keeps a case flowing. You are certainly free to write "Ex. A" etc. at the top and need not use the Court's stickers. Just make it clear at the top. Often the Court will receive engine parts, appliances, etc. We do not have room for such exhibits and you are certainly free to take a photo of these and replace the tangible evidence with the picture for preserving the record.

4. ANSWER QUESTIONS POSED TO YOU AND

DO NOT ARGUE OR ASK QUESTIONS IN RETURN –

Most questions can be answered by a simple "Yes" or "No." Many cases are based upon credibility. Rambling answers, argument, and lack of courtesy detract from one's credibility.

5. HOW TO PRESENT OTHER WITNESSES –

When other witnesses come to court for your case, after you are done testifying, tell the Court:

"Here is (name), and he would like to testify regarding (name the point of his/her testimony)." The Judge will swear in the witness and they may testify as to what they know on the subject in question. Many times, people bring in written statements from a witness who cannot appear. Although they are admissible, and there are no rules against admitting hearsay, you should know that live witnesses often make a better impression. They can be questioned in court, which is preferable to their affidavit or letter.

6. A CASE IS COMPLETED AFTER THE CONCLUSION OF TESTIMONY –

Trials are done all at once and never left open for additional evidence to be presented. Your trial is your only opportunity to present your case. If you are missing an exhibit or witness, you are not allowed to present them at a later date. Remember that a judge can base a decision only on the facts presented by the parties at the trial and on the law as it applies to those facts. You should therefore know as much as you can about your case and lay a solid foundation for your claim or defense, as to dates, the parties involved, actions taken and damages occurring. Bear in mind that the Judge is totally without knowledge of the events surrounding your claim and can only rely on the information presented at trial. The Judge will not do