



Small Claims Court won't let stores get rid of you so easily.

*If you've been
stung, sue the
offender in Small
Claims Court.
You don't need
a lawyer.*

without the help of a lawyer. The judges and arbitrators follow the same principles of law and rules of evidence as in any other civil court.

Filing is simple: Pay \$5.58 and fill out a form with your name, the name of the individual or business you're suing, and (very briefly) the basis for your claim. Staffers are on hand to answer questions (but not by phone). Be certain you have the correct legal name and address of the person or business you're suing. After you file, you'll get a hearing date four to five weeks away.

□ **Making your case.** To win, you must be able to prove—with physical evidence like canceled checks, repair bills or estimates, photographs, agreements, etc.—that you suffered monetary damages. And, of course, you must make an effective presentation.

Practice making your statement before you go to court. Take duplicate copies of your evidence, and make sure any witnesses are available to testify. Dress neatly. State your case clearly. Treat the judge or arbitrator and your opponent with deference. Use respectful terms like "Your Honor" or "madam" or "sir." Never become argumentative—you're likely to lose.

□ **Getting swift justice.** According to chief clerk Jack Baer, the court hears some 100 cases

a night. That leads to long waits and frequent postponements. Delay is to your disadvantage: The defendant or witnesses may not show up at a postponed hearing, and memories grow dim with the passing of time. The secret to accelerating the process is to elect to go before an arbitrator—who is generally a lawyer volunteering his or her services—rather than a judge. The only difference between the ruling of a judge (these are Civil Court judges) and that of an arbitrator is that the arbitrator's decision is final. You and the defendant must both agree to arbitration, waiving your right to appeal.

"You get as good justice—if not better justice—from an arbitrator as you'd get from a judge," says Erwin Shustak, a lawyer and sometime arbitrator. "Your case will probably be heard immediately, and arbitrators use the same standards and apply the same law as the judge."

No matter who hears your case, you won't be told the decision the night of the hearing; it will be mailed to you a week or so later. If the decision is favorable, you still have work to do: Collecting a judgment is generally tougher than winning a claim. (Make another quick trip to the court to ask the clerk if the defendant has failed to pay three or more judgments. That would entitle you to triple damages.)

□ **Collecting the judgment.** "Informal surveys over the years indicate that for cases where there was a default judgment [a no-show by the defendant that led to the plaintiff's presenting his or her case without opposition], less than 50 percent of the judgments are collected," says the Civil Court administrative judge, Jacqueline Silbermann. But there are things you can do to improve the odds.

First, write a letter to the defendant indicating that you have obtained a judgment and demand that payment be made to you in "good or certified funds." The defendant has 30 days to pay. If you are suing a large or reputable company, that letter may be sufficient. If it gets no results, you'll need to bring in some help.

The only offices legally empowered to collect on judgments are the sheriff's and the city marshal's. Their ability to collect successfully, however, depends on the extent and validity of the information you give them about where to collect the money. If you already have this information, you can go right to the city marshal or sheriff, who will take differing actions (and charge differing fees) depending on the type of assets the defendant has. The fees are typically moderate. Without the information, you'll need to do some digging.

□ **Locating assets.** "The techniques for finding assets vary, depending on whether it's a business or an individual," says Amos Weinberg, a commercial collection attorney.

Perhaps the best devices are two little-known legal tools: the *information subpoena* and the *restraining notice*. The information subpoena, which is served by the court, compels responses to questions put to the defendant or anyone else (like